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OFFICIAL REPORT
(HANSARD)

Tuesday, April 11, 2017

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Tuesday, April 11, 2017

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

Prayers.

SENATORS' STATEMENTS

BATTLE OF VIMY RIDGE

ONE HUNDREDTH ANNIVERSARY

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, 100 years ago today the Canadian Corps was embroiled in fierce fighting near a small French village named Vimy. The battle lasted from April 9 to April 12, claiming over 3,500 Canadian lives and leaving over 7,000 others wounded. For scores of Canadians, the name "Vimy" holds quasi-mystical significance. One hundred years, honourable senators, is a very long time.

While there will always be those impassioned by the study of Vimy and other battles, poring over maps, photographs and letters, for many Canadians the details of the battle, the war as a whole, are fading into the haze of history. Yet Vimy remains a power that transcends description.

This is perhaps contributed to by Walter Seymour Allward's masterfully designed memorial, which has stood centuries over those hallowed grounds, defying even the Nazis to deny its significance.

In Timothy Findley's 1977 classic *The Wars*, one character remarks:

> All I'll hope is — they'll remember we were human beings.

Canadian scholar Gwynne Dyer wrote that:

> The soldier . . . has changed remarkably little over the five thousand years or so that . . . armies have existed.

Why is this, if not that soldiers have always been human beings? Time may relegate the tactics of the battle to obsolescence, the politics of the time to irrelevance and the faces in grainy photographs to anonymity, but the humanity of those who fight and die, the youth and the aspirations forfeited, the faith that all which is sacrificed is not in vain, these truths endure. So it is for this reason that I would encourage all Canadians to take a moment to reflect on the thousands we lost at Vimy and the tens of thousands we lost in the First World War.

I would encourage Canadians to remember all our veterans, men and women, from every corner of this country serving in every corner of the world, at Kapyong and Kandahar, Juno and at Vimy. Whether they know all these names or none of them, whether the battle was a day long or a century ago, Canadians should know that those who fought were human beings like you and I, fighting not to be remembered but so that those who do remember should do so as Canadians. Lest we forget.

THE LATE ROBIN HOPPER, C.M.

Hon. Patricia Bovey: Colleagues, last week Canada lost a pioneer ceramic artist whose work was celebrated nationally and internationally. Robin Hopper, member of the Royal Canadian Academy of Arts and the Order of Canada, was, in 1977, the first recipient of the Saidye Bronfman Award for Excellence in Fine Crafts, now a Governor General's visual arts award.

British-born, Robin emigrated to Canada in 1968 as head of the ceramics department at Toronto's Central Technical School. In 1970, he established Georgian College's ceramics and glass department. Then, in 1977, he moved to Metchosin outside Victoria. Thirty years ago, he founded the Metchosin International Summer School of the Arts.

As artist, he created unique, one-of-a-kind pieces and functional wares, transforming ceramic expression with new glazes, forms and decoration. His work was stellar, gracing public, corporate and private collections, including the Canadian Museum of History, Winnipeg Art Gallery and Art Gallery of Greater Victoria. I had the pleasure of curating a travelling exhibition of his art in the 1970s and since have frequently published his work.

Two years ago, Hopper was celebrated in the University of Manitoba School of Art's major exhibition, MUD, Hands, fire.

It was a treat to watch this great teacher, so knowledgeable about global ceramic history, discuss past and contemporary ceramics with students. He shared his vast knowledge through his international workshops, technical videos and books on myriad ceramic aspects, including how to survive as an artist.

Hopper's advice? Understand art fundamentals, think big and experiment. He did, firing chicken bones on his plates achieving fascinating effects, layering different clays forming his unique agatewares and undertaking multiple colour glaze tests. Hopper never ceased experimenting.

A celebrated gardener and environmental conservationist, his own garden represents many differing ecosystems. Its plants, and the birds they attracted, became his artistic subjects. With his wife, artist Judi Dyelle, hospitality abounded in their garden, studio and gallery. Over many years my children frequently came there with me. This weekend they recalled, "So many memories of going out there, mom, and poking around and Robin being funny and acerbic and interesting. End of an era."

Robin said:

> Exceptional cooks alter recipes to suit their needs and tastes. Exceptional ceramists do likewise in pursuit of a special elusive quality. For ceramist, mastery means learning to live with the often unreliable responses of materials and fire, where the invisible has such a profound effect.

Robin was that exceptional master, visionary and big dreamer. I extend my condolences to his family, friends and colleagues. Goodbye, dear friend, and thank you for your exceptional contributions and boundless creativity, which have benefited all immeasurably.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Elders Council, which was formed to guide the Indigenous Justice Division of the Ontario Ministry of the Attorney General. They are the guests of the Honourable Senator Sinclair.

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

Hon. Senators: Hear, hear!

PARKINSON'S AWARENESS MONTH

Hon. Kelvin Kenneth Ogilvie: Honourable senators, April marks the beginning of Parkinson's Awareness Month, a month-long celebration to recognize members of the Parkinson's community across Canada.

• (1410)

Today also happens to be World Parkinson's Day. This day is observed every year on April 11. April 11 marks the birthday of Dr. James Parkinson, the English physician who first described the symptoms of the disease in 1817 in his work entitled *An Essay on the Shaking Palsy*.

Parkinson's is a disease of the brain that touches every aspect of daily living, including tremors, slowness of movement, difficulty with balance and walking, mood and depression, speech, eating and drinking, sleep and cognitive changes. It worsens over time, resulting in a loss of independence and ultimately premature death. The average age of onset is 60, but Parkinson's can affect people as young as 30 or 40. There is no known cause or cure for Parkinson's disease.

This year marks 200 years since Parkinson's disease was first identified. For this landmark anniversary, Parkinson's organizations from across the globe are uniting to raise awareness about the disease.

In Canada today, an estimated 100,000 people live with this condition. As the population ages, we continue to see significant increases in the prevalence of Parkinson's as well as the growing prevalence of dementia in people with Parkinson's.

Parkinson Canada offers education, advocacy, public awareness and funds for research. Across the country, Parkinson Canada is helping to ensure that no one faces Parkinson's alone. It takes all of us working together to support people affected by Parkinson's, as well as continued commitments into research to find a cure.

Please join me in supporting Parkinson's Awareness Month this April. Together, we can inspire hope in our communities. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Bill Palamar, Chair of the Canadian Institute of Plumbing & Heating; and Dave Flamand, President-elect of the Mechanical Contractors Association of Canada. They are the guests of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I also wish to draw your attention to the presence in the gallery of Gina Wilson, who is Canada's most senior indigenous federal public servant in the country. She is the guest of the Honourable Senator Pate.

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

Hon. Senators: Hear, hear!

GINA WILSON

CONGRATULATIONS ON FAMOUS 5 OTTAWA HONOURS

Hon. Kim Pate: Honourable senators, today I draw the attention of the Senate to the work of Gina Wilson, Canada's associate deputy minister for public safety, the highest ranking indigenous woman in the federal public service; the only federal public servant who can, with authority, welcome us to this traditional, unceded Algonquin territory of her people.

Last Wednesday Ms. Wilson was celebrated as a nation-builder by the Famous 5 Foundation. The Famous 5 Foundation draws its name and inspiration from the group of five women who in 1929 led the fight to have women declared qualified persons so that they could be appointed to this place, the Canadian Senate. The values and guiding principles of the foundation are integrity, honesty, respect, determination, courage and equality, and they strive to encourage and empower successive generations of women to contribute to public life and to be nation-builders.

I've had the privilege of knowing and working with Gina for many years and I cannot think of a better choice. A grandmother to Charlotte, a mother to Dillon, Kayla and RJ, Ms. Wilson

began her paid work as a social development worker in the First Nations community of Kitigan Zibi and as an activist with the Assembly of First Nations. She has noted that in this capacity she was actively protesting the very policies of the federal government at the time that the opportunity for her to begin working there arose.

In the public service she has worked tirelessly to bridge understandings between world views and the lived experiences of many. She was involved in coordinating the federal government's apology to residential school survivors, while also working to address the internal culture of the public service, first by drawing attention to the overrepresentation of indigenous people in the lowest salary ranges of the civil service and then working to remedy that under-representation in senior management positions.

Honourable senators, I ask you to join me in paying tribute to Ms. Wilson and commending her for her work to bridge the gaps, realities and understandings that exist between indigenous peoples and the federal government, as we all continue to work together toward reconciliation.

Thank you; and thank you, Ms. Wilson.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Lennard Taylor, a Winnipeg fashion designer. He is a guest of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

FORD WORLD MEN'S CURLING CHAMPIONSHIP 2017

CONGRATULATIONS TO TEAM GUSHUE

Hon. Norman E. Doyle: Honourable senators, a couple of weeks ago we congratulated Newfoundland and Labrador's Team Gushue on the occasion of their winning the 2017 Tim Hortons Brier. Winning the Brier of course also meant that Team Gushue would serve as Team Canada at the 2017 World Curling Championship in Edmonton.

Today, I again ask you to join me in extending our congratulations to Team Gushue/Team Canada on winning the 2017 Ford World Men's Curling Championship.

Hon. Senators: Hear, hear!

Senator Doyle: And, again, I am pleased to say that skip Brad Gushue, third Mark Nichols, second Brett Gallant and lead Geoff Walker are the toast of Newfoundland and Labrador and, indeed, our whole nation.

Colleagues, not only did Team Canada win the 2017 World Curling Championship, they won it with extraordinary grace and skill. The team won every match in the 12-team round robin and the vast majority of those wins saw opposing teams concede early, before the whole 10 ends were played.

And to top it all off, they also won their semifinal match in addition to the final gold medal match. That's 13 straight wins for Team Canada in a single tournament. The foregoing makes the Gushue rink the first rink to go undefeated in this event since 1995 and the first men's rink to do it in the 12-team era.

For Team Canada skip Brad Gushue, Sunday's win was the culmination of a lifetime's dedication to the sport of curling. He first won the Provincial Junior Curling Championships in 1995 and went on to win the contest five more years in a row. In 1999, his team won a bronze in the Canadian Junior Championships and silver in 2000. In 2001 he won both the Canadian Junior Curling Championships and the World Junior Curling Championships.

Back in 2006, Team Gushue made Canada proud when they represented our country at the Olympic Winter Games in Turin, Italy and went on to win gold, becoming the first Newfoundland and Labrador team to win an Olympic gold medal.

At this stage in his career, Brad Gushue has led curling teams to victory in countless matches but most notably he has won the world junior's, the Olympics, the Brier and now the world men's championships. Brad Gushue and Team Canada have been an inspiration to us all.

I'm sure my colleagues join me in congratulating Team Gushue/Team Canada on its winning the 2017 Ford World Men's Curling Championship.

ROUTINE PROCEEDINGS

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM—SIXTH REPORT OF COMMITTEE PRESENTED

Hon. Jim Munson, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, April 11, 2017

The Standing Senate Committee on Human Rights has the honour to present its

SIXTH REPORT

Your committee, which was authorized by the Senate on Thursday, December 15, 2016, to study the issues relating to the human rights of prisoners in the correctional system, 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;

(*b*) to adjourn from place to place within Canada; and

(*c*) to travel inside 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,

JIM MUNSON

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 1577*.)

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

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

• (1420)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE ROLE OF AUTOMATION IN THE HEALTHCARE SYSTEM—ELEVENTH REPORT OF COMMITTEE PRESENTED

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

Tuesday, April 11, 2017

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

ELEVENTH REPORT

Your committee, which was authorized by the Senate on Tuesday, October 25, 2016, to study the role of robotics, 3D printing and artificial intelligence in the healthcare system, 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 inside 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,

KELVIN KENNETH OGILVIE

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 1585*.)

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

Senator Ogilvie: 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 Ogilvie, report placed on the Orders of the Day for consideration later this day.)

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON CURRENT AND EMERGING ISSUES RELATING TO THE BANKING SECTOR AND MONETARY POLICY IN THE UNITED STATES—THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. David Tkachuk, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, April 11, 2017

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRTEENTH REPORT

Your committee, which was authorized by the Senate on Thursday, February 16, 2017, to study the current and emerging issues of the banking sector and monetary policy

of the United States, respectfully requests funds for the fiscal year ending March 31, 2018, and requests, for the purpose of such study, that it be empowered 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,

DAVID TKACHUK

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix C, p. 1591.*)

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

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

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES—NINTH REPORT OF COMMITTEE PRESENTED

Hon. Mobina S. B. Jaffer, Deputy Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 11, 2017

The Standing Senate Committee on National Security and Defence has the honour to present its

NINTH REPORT

Your committee, which was authorized by the Senate on Tuesday, January 26, 2016, to examine and report on Canada's national security and defence policies, practices, circumstances and capabilities, 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 inside 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,

MOBINA S. B. JAFFER

Deputy Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix D, p. 1599.*)

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

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

[*Translation*]

NATIONAL FINANCE

BUDGET—STUDY ON THE DESIGN AND DELIVERY OF THE FEDERAL GOVERNMENT'S MULTI-BILLION DOLLAR INFRASTRUCTURE FUNDING PROGRAM—FIFTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, April 11, 2017

The Standing Senate Committee on National Finance has the honour to present its

FIFTEENTH REPORT

Your committee, which was authorized by the Senate on Tuesday, February 23, 2016, to study the federal government's multi-billion dollar infrastructure funding program, 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,

PERCY MOCKLER

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix E, p. 1607.*)

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

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

THE SENATE

MOTION TO CANCEL TODAY'S COMMITTEE OF THE WHOLE RESPECTING THE APPOINTMENT OF MR. PATRICK BORBEY AS PRESIDENT OF THE PUBLIC SERVICE COMMISSION ADOPTED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, with leave of the Senate, I move:

> That, notwithstanding the order adopted on April 6, 2017, Committee of the Whole to receive Mr. Patrick Borbey respecting his appointment as President of the Public Service Commission be cancelled.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NOTICE OF MOTION TO EXTEND WEDNESDAY'S SITTING AND AUTHORIZE CERTAIN COMMITTEES TO MEET DURING SITTING OF THE SENATE

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, notwithstanding the order adopted by the Senate on February 4, 2016, the Senate continue sitting Wednesday, April 12, 2017, pursuant to the provisions of the Rules, until the conclusion of Government Business;
>
> That the provisions of rule 3-3(1) be suspended on that day;
>
> That, once government business is complete on that day, the Senate stand adjourned if it is after 4 p.m.;
>
> That the Standing Senate Committee on Legal and Constitutional Affairs, the Standing Senate Committee on Foreign Affairs and International Trade and the Standing Senate Committee on Social Affairs, Science and Technology be authorized to sit after 4 p.m. even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[*English*]

BAN ON SHARK FIN IMPORTATION BILL

BILL TO AMEND—FIRST READING

Hon. Michael L. MacDonald introduced Bill S-238, An Act to amend the Fisheries Act and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (importation of shark fins).

(Bill read first time.)

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

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

COMMONWEALTH PARLIAMENTARY ASSOCIATION

EXECUTIVE COMMITTEE MEETING, APRIL 27-30, 2016—REPORT TABLED

Hon. Joan Fraser: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Executive Committee Meeting, held in London, United Kingdom, from April 27 to 30, 2016.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5 p.m. on Tuesday, April 11, 2017, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Fisheries and Oceans have the power to meet on Tuesday, April 11, 2017, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1430)

[*Translation*]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

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

> That the Standing Senate Committee on Agriculture and Forestry have the power to meet on Tuesday, April 11, 2017, at 5 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the motion adopted on April 6 provided that Question Period is to start at 3:30 p.m. today. There are, however, votes in the House of Commons that will delay the arrival of Minister Morneau. I would ask, therefore, for agreement to only start Question Period when the minister has arrived for the designated period of time.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table answers to the following oral questions: the response to oral questions of November 22 by the Honourable Senator Wallin, concerning aircraft procurement; the response to the oral question on November 24 by the Honourable Senator McIntyre, concerning suicide prevention; the response to the oral question of December 1 by the Honourable Senator Jaffer, concerning Canadian Armed Forces, sexual misconduct; the response to the oral question of December 5 by the Honourable Senator Martin, concerning Burma, persecution of the Rohingya Muslims, human trafficking of children; the response to the oral question of February 1 by the Honourable Senator McIntyre, concerning the 2021 census; the response to the oral question on February 1 by the Honourable Senator Tannas, concerning compensation for cattle ranchers; the response to the oral question of February 1 by the Honourable Senator Tannas, concerning the Canadian Food Inspection Agency and bovine tuberculosis; the response for the oral question of February 2 by the Honourable Senator Ataullahjan, concerning Burma; the response to the oral questions of February 8 by the Honourable Senator Ataullahjan, concerning Burma; the response to the oral questions of February 15 by the Honourable Senator Marshall, concerning infrastructure projects; the response to the oral question by the Honourable Senator Carignan, concerning dairy investment programs; the response to the oral question of February 16 of the Honourable Senator Maltais, concerning the Canadian Food Inspection Agency, bovine tuberculosis; and, the response to the oral question of February 16 by the Honourable Senator Ogilvie, concerning poultry regulations.

NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

(Response to question raised by the Honourable Pamela Wallin on November 22, 2016)

- Canada continues to be a member of the Joint Strike Fighter Program. In June 2016, Canada made its most recent payment — USD $32.9 million — to remain a part of the program.

- Canada's participation in the program has allowed companies in Canada to secure over USD $900 million in contracts to date.

- Canada will continue participation in the Joint Strike Fighter Program at least until a contract is awarded for the permanent fleet. This will allow Canada to maximize benefits of the partnership and provides the option to buy the aircraft through the program's Memorandum of Understanding, should the F-35 be successful in the competitive process for the future fleet.

- In the meantime, the CF-18 Replacement offers a once-in-a-generation opportunity for the Canadian aerospace and defence industry. The Government will develop its purchasing requirements for a replacement fighter aircraft and these will include economic benefits to Canada.

- Ultimately, the Government of Canada is committed to leveraging the procurement and long-term sustainment of the future permanent CF-18 replacement fleet to create high-value middle class jobs for Canadians and support innovation in Canada.

HEALTH

SUICIDE PREVENTION

(Response to question raised by the Honourable Paul E. McIntyre on November 24, 2016)

The *Federal Framework for Suicide Prevention* was made publicly available on the website Canada.ca on November 24, 2016. It was developed by the Public Health Agency of Canada in consultation with other federal departments, provinces and territories, non-government organizations and national Indigenous organizations. The Framework guides collaboration to reduce stigma and raise awareness, connect people with supportive resources, and accelerate the use of research in suicide prevention.

The government also reported back to Canadians on activities and progress on December 14, 2016, as required in the *Federal Framework for Suicide Prevention Act*. The *2016 Progress Report* highlights a number of the federal initiatives undertaken from November 2015 to November 2016 that directly address suicide and its prevention in Canada.

On November 24th 2016, the Minister of Health also announced that the government is providing $2 million over five years to support the Canadian Distress Line Network (CDLN) to link distress lines across the country into one national suicide prevention service. This will provide 24/7 toll-free crisis support using phone, text and chat technology. This service will be available across Canada in 2017, following testing currently taking place in Alberta, Ontario and British Columbia.

NATIONAL DEFENCE

ARMED FORCES—SEXUAL MISCONDUCT

(Response to question raised by the Honourable Mobina S. B. Jaffer on December 1, 2016)

Operation HONOUR

Since the release of Operation HONOUR in August 2015, the Canadian Armed Forces (CAF) has adopted significant measures to address inappropriate sexual behaviour. As a priority, victims are being provided better support through the Sexual Misconduct Response Centre; dedicated police resources on regional Sexual Offence Response Teams; enhanced medical and chaplain services; and the prioritization of cases within the military justice system.

Furthermore, the CAF has developed new training products to increase awareness, support and prevention, has increased leadership diligence on addressing incidents and will ensure that the certain areas identified in the recent Statistics Canada survey results receive additional focus.

The CAF has released two progress reports on Operation HONOUR and its efforts in this regard will continue to be highly visible until all members work in an environment free of inappropriate sexual behaviour.

Bystander Program

The CAF implemented Bystander Intervention Training as part of its overall prevention strategy under Operation HONOUR. The training is used to describe the concept of bystander intervention and deliver effective strategies to prevent or stop someone from committing harmful and inappropriate sexual behaviours. This training has been delivered to CAF members through the Operation HONOUR Learning Portal.

FOREIGN AFFAIRS

BURMA—PERSECUTION OF ROHINGYA MUSLIMS—HUMAN TRAFFICKING OF CHILDREN

(Response to question raised by the Honourable Yonah Martin on December 5, 2016)

Global Affairs Canada (GAC) works hard to protect human rights for all in Myanmar, including children.

Since violence erupted in Rakhine State last October, Canadian representatives have raised the plight of the Rohingya during meetings with President Htin Kyaw, State Counsellor Aung San Suu Kyi, Commander in Chief Min Aung Hlaing, members of Myanmar's Investigation Commission on Violence in Rakhine, and the Advisory Commission on Rakhine State, chaired by former UN Secretary General Koki Annan. Canada's Ambassador raised the issue with the State's Chief Minister and his Cabinet when travelling to Rakhine in February.

During his April 2016 visit to Myanmar, the previous Minister of Foreign Affairs had frank exchanges on human rights with the State Counsellor and the President. On February 4, 2017, the Minister of Foreign Affairs spoke with UN Special Rapporteur on human rights in Myanmar Yanghee Lee.

Canada continues to advocate for full humanitarian access to Rakhine and for a transparent investigation into allegations of abuse. In 2016, GAC gave $300,000 to UNICEF to provide psychosocial services to children in Myanmar and $4.3 million in humanitarian assistance supporting Rohingya populations in Myanmar and Bangladesh.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

CENSUS 2021

(Response to question raised by the Honourable Paul E. McIntyre on February 1, 2017)

The Government of Canada is committed to supporting the vitality of linguistic minority communities across the county and understands the importance of collecting data about rights-holders and their children for official-language minority communities and for policy makers.

The House of Commons Standing Committee on Official Languages is currently undertaking a study on issues related to the enumeration of rights-holders under section 23 of the Canadian Charter of Rights and Freedoms. The government looks forward to receiving its recommendations.

In the fall of 2017, Statistics Canada will launch a formal public consultation process on the content of the 2021 Census questionnaire. Individuals and organizations will have an opportunity to provide input on their specific information needs. As part of these consultations, Statistics Canada will actively reach out to official-language minority communities to determine their data needs about rights-holders. This will help identify the most appropriate means of meeting their needs.

Statistics Canada makes use of traditional and new innovative means for collecting the data necessary to measure different aspects of society and the economy. These include the Census, post-censal surveys, administrative data, etc.

In 2006-2007, Statistics Canada conducted the post-censal Survey on the Vitality of Official-Language Minorities, which, at the time, provided the most accurate data source to estimate the number of rights-holders.

Statistics Canada is committed to finding the most appropriate means by which to collect this data.

AGRICULTURE AND AGRI-FOOD

COMPENSATION FOR CATTLE RANCHERS

(Response to question raised by the Honourable Scott Tannas on February 1, 2017)

As of February 17, 2017, more than $3.9 million in assistance has been provided under the AgriRecovery Framework through the 2016 Canada-Alberta Bovine Tuberculosis Assistance Initiative.

The Initiative, administered by Alberta's Agriculture Financial Services Corporation (AFSC), provides financial assistance to cover the extraordinary costs ranchers are facing due to the quarantine measures. The eligible costs include feeding and water infrastructure, feed for the animals, transportation, cleaning and disinfection as well as interest costs on loans due to the circumstances.

AFSC is processing applications as quickly as possible. As of February 17, 2017, 42 of the 43 applications received had been processed and had generated a payment. AFSC is following up directly with the affected ranchers on the one outstanding application as information was missing to generate the payment. Payments will continue to be made to affected ranchers until the quarantine measures are lifted.

Additionally, the government of Saskatchewan has recently requested support, under the AgriRecovery Framework, for their ranchers affected by this bovine tuberculosis event. Federal officials are currently working with their provincial counterparts to ensure the assistance, to affected ranchers in Saskatchewan, can be provided as quickly as possible.

HEALTH

CANADIAN FOOD INSPECTION AGENCY— BOVINE TUBERCULOSIS

(Response to question raised by the Honourable Scott Tannas on February 1, 2017)

The confirmatory testing necessary to declare a traced herd negative for the disease, in order to release a quarantine, involves culturing the tuberculosis bacteria in the laboratory and this process takes 12-14 weeks. Due to public health risk, this bacteria must be grown in higher level bio containment laboratory (level 3 facility).

For the on farm testing, the CFIA was able to reallocate staff from across the country, and bring in retired veterinarians, to support the investigation and testing. The

CFIA continues to ensure testing is completed as quickly as possible.

The CFIA is committed to a thorough, scientifically-based investigation and response, in order to eradicate the disease from the Canadian herd and maintain the confidence of Canada's trading partners.

FOREIGN AFFAIRS

BURMA—PERSECUTION OF ROHINGYA MUSLIMS

(Response to question raised by the Honourable Salma Ataullahjan on February 2, 2017)

Global Affairs Canada (GAC) works hard to protect human rights for all in Myanmar, including children.

Since violence erupted in Rakhine State last October, Canadian representatives have raised the plight of the Rohingya during meetings with President Htin Kyaw, State Counsellor Aung San Suu Kyi, Commander in Chief Min Aung Hlaing, members of Myanmar's Investigation Commission on Violence in Rakhine, and the Advisory Commission on Rakhine State, chaired by former UN Secretary General Koki Annan. Canada's Ambassador raised the issue with the State's Chief Minister and his Cabinet when travelling to Rakhine in February.

During his April 2016 visit to Myanmar, the previous Minister of Foreign Affairs had frank exchanges on human rights with the State Counsellor and the President. On February 4, 2017, the Minister of Foreign Affairs spoke with UN Special Rapporteur on human rights in Myanmar Yanghee Lee.

Canada continues to advocate for full humanitarian access to Rakhine and for a transparent investigation into allegations of abuse. In 2016, GAC gave $300,000 to UNICEF to provide psychosocial services to children in Myanmar and $4.3 million in humanitarian assistance supporting Rohingya populations in Myanmar and Bangladesh.

BURMA—PERSECUTION OF ROHINGYA MUSLIMS

(Response to question raised by the Honourable Salma Ataullahjan on February 8, 2017)

Global Affairs Canada (GAC) works hard to protect human rights for all in Myanmar, including children.

Since violence erupted in Rakhine State last October, Canadian representatives have raised the plight of the Rohingya during meetings with President Htin Kyaw, State Counsellor Aung San Suu Kyi, Commander in Chief Min Aung Hlaing, members of Myanmar's Investigation Commission on Violence in Rakhine, and the Advisory Commission on Rakhine State, chaired by former UN Secretary General Koki Annan. Canada's Ambassador raised the issue with the State's Chief Minister and his Cabinet when travelling to Rakhine in February.

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Canada continues to advocate for full humanitarian access to Rakhine and for a transparent investigation into allegations of abuse. In 2016, GAC gave $300,000 to UNICEF to provide psychosocial services to children in Myanmar and $4.3 million in humanitarian assistance supporting Rohingya populations in Myanmar and Bangladesh.

INFRASTRUCTURE AND COMMUNITIES

INFRASTRUCTURE PROJECTS

(Response to question raised by the Honourable Elizabeth Marshall on February 15, 2017)

Infrastructure Canada (INFC) discloses its project information online through the Open Data Portal as well as on its website. The dataset provided through the portal contains a list of infrastructure projects across Canada that have been approved by the Minister of Infrastructure and Communities. There are 30 other departments and agencies that make investments towards infrastructure. These departments and agencies do not report to INFC and are responsible for their own reporting.

Details on project contributions under INFC's funding programs can be found online at: http://www.infrastructure.gc.ca/map-carte/index-eng.html.

AGRICULTURE AND AGRI-FOOD

DAIRY INVESTMENT PROGRAMS

(Response to question raised by the Honourable Claude Carignan on February 16, 2017)

The two programs included in the Government's November 10, 2016 announcement will support dairy sector competitiveness and help dairy farmers and processors adjust to increased EU cheese imports under the CETA.

The objectives of the Dairy Farm Investment Program ($250M) and the Dairy Processing Investment Fund ($100M) are to make strategic investments in the dairy sector, helping it become more efficient and competitive, within a strong supply management system.

Following the announcement in November, Government officials undertook extensive consultations with the sector on program design through engagement sessions with stakeholders and a public online questionnaire. The Government is now considering the valuable input received from this exercise as program details are finalized.

It is the Government's intention to align the implementation of these programs with the coming into force of the CETA, which is expected later this year.

CANADIAN FOOD INSPECTION AGENCY—
BOVINE TUBERCULOSIS

(Response to question raised by the Honourable Ghislain Maltais on February 16, 2017)

The Canadian Food Inspection Agency (CFIA) is committed to a thorough, scientifically based investigation and response in order to eradicate the disease from the Canadian herd and maintain the confidence of Canada's trading partners.

Bovine Tuberculosis is a complex and challenging contagious disease that may spread in many ways and as a result, this is a very involved investigation that will continue for months. It is important that the CFIA respond such that every infected animal is identified and acted upon to eradicate the disease and prevent the spread to other herds. To this end, the tracing and testing of animals that moved in and out of the infected herd over the last five years continues, and will continue into the fall.

Confirmatory testing necessary to declare a traced herd negative for the disease is multifaceted and requires a series of tests that take months to complete.

The CFIA continues to respond very actively to this investigation, including operating a dedicated response team in western Canada. We are bringing in additional staff from across Canada and re-employing retired CFIA veterinarians to support this investigation. The latest information on the investigation is available on the CFIA website.

POULTRY REGULATIONS

(Response to question raised by the Honourable Kelvin Kenneth Ogilvie on February 16, 2017)

Duties Relief Program

As per the announcement on November 18, 2016, the Government is taking steps to address the concerns raised by dairy and poultry producers regarding import predictability and effective border controls for supply-managed commodities.

Program consultations are underway with industry stakeholders to discuss potential changes to the Duties Relief Program and/or the Import for Re-Export Program. The outcome of these consultations will be factored into recommendations by government officials in order to optimize the balance between supporting Canada's system of supply management and encouraging a strong export-oriented food processing sector in Canada.

Spent Fowl

The Government fully understands the concerns raised by the poultry sector regarding the issue of spent fowl. Government officials continue to assess different options to ensure the proper tariff classification of imported products declared as spent fowl, including working with the developers of a DNA test to assess the feasibility of testing imports of spent fowl. This includes a robust evaluation of the DNA test, which requires time to allow for a proper scientific review.

Government officials from various departments also continue to closely examine the importation of spent fowl in order to monitor the situation.

ORDERS OF THE DAY

CANADA LABOUR CODE

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

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. Donald Neil Plett: Honourable senators, I rise today to speak briefly to Senator Tannas's amendment to Bill C-4. This amendment addresses the issue that Bill C-4 moves federal legislation away from what has increasingly become the norm in modern Canadian labour relations laws by returning to the old card check system, a process that allows unions to be certified without holding a secret ballot vote if a sufficient number of workers sign up as union members.

Foregoing a secret ballot vote poses a problem because automatic union certification may not reflect the true wishes of a majority of voting workers. As Charles Lammam, Director of Fiscal Studies at the Fraser Institute, said at committee:

> Without the anonymity of a secret ballot, union organizers may pressure workers into supporting union certification. Any dissension or disagreement can become confrontational, especially when unionization is controversial. Some workers may be uncomfortable publicly voicing their opinion for or against unionization. A mandatory secret ballot certification vote provides the same basic protection of anonymity that all Canadians enjoy when electing their politicians. Allowing union certification without a secret ballot vote runs contrary to the goal of empowering workers.

We have heard the argument made that the secret ballot system causes fewer unions to be certified. This, honourable senators, is not an argument, nor is it a problem. This decision needs to be 100 per cent in the hands of the workers. The very fact that there is a difference in results when workers are able to indicate their actual wishes in a secret ballot system means that there is a problem inherent in the old card check system. Workers should be entitled to make an informed choice without fear of intimidation from colleagues or employers.

While I was not there for the committee's study on Bill C-4, I was present for part of the study of Bill C-525. I remember being very troubled then by the stories we heard of fear and intimidation that have impacted the certification process. In the committee's study of Bill C-4, the committee heard testimony indicating that union organizers do, in fact, lie with respect to union cards. One witness said that in some cases, "The employees might be told that the card is just to get more information or just to get a vote, but in card check jurisdictions, unionization is the goal and the result of this trickery."

The same witness stated fervently that "no labour board undertakes a proper review that every card is a legitimate, unforged, properly dated signature of the worker that the union claims it is." He even cited a very disturbing case of union card fraud in British Columbia.

The fact is that there is no more democratic or fair system for workers than guaranteeing them the opportunity to vote anonymously through secret ballot when deciding whether to approve a union, which is why seven of ten provinces have the same guarantee in place.

Honourable senators, as Senator Tannas mentioned, we received thousands of emails from unions and union workers across the country, many through a PushPolitics system or similar automatic email system arranged by the union leaders. And of course there were some personally written emails as well. I had the same experience as Senator Tannas. While there was certainly some avid opposition to the provisions set out in Bill C-377, not one email mentioned secret ballots — not one.

Lastly, there has been an argument made against this amendment that this was a campaign promise from the Liberals so that we should pass it without amendments. I don't buy this argument. If we are to simply blindly pass legislation that comes from the other place, why even waste our time calling in witnesses and studying it? While there could be an argument made that the financial disclosure issue may have influenced the vote of a few union bosses, it is evident in the correspondence alone that the secret ballot issue was not an election issue.

I also find the argument for unrestricted upholding of election promises by the upper chamber a little rich, certainly in this case, when we have been sent legislation from a government that, to put it delicately, has not made honouring election promises its number one priority.

• (1440)

Honourable senators, Senator Harder stated in his recent report that every day legislation like this is not passed, justice has not been done.

Senator Harder, when the Conservatives were in government, we were reminded constantly that we had only 39 per cent of the vote and that 61 per cent of Canadians did not vote for us. Well, senator, the same is now true. Let me remind you that 61 per cent of Canadians did not vote for the Liberal Party. So to suggest that we should just be rubber-stamping legislation without proper consideration, without debating sound amendments, because 39 per cent of Canadians voted for Justin Trudeau, does not fly.

How many of those 39 per cent of Canadians who voted for Justin Trudeau did so because he said he would remove the democratic secret ballot system for union certification? We all know that the answer is likely none.

We should not be passing faulty legislation or, in this case, simply faulty provisions, at all costs because it came to us from the other place. It is our job to study and improve legislation.

I read the committee transcripts thoroughly. Nobody has been able to effectively make the case for the necessity of the provision in question.

Honourable senators, the potential for intimidation is inherent in the old card check system. People need to know exactly what they are signing for, and they need to do it without fear, coercion or intimidation.

Whether it results in more or less certification of unions for federally regulated workers is irrelevant. All that matters is that the true wishes of the voting employees are reflected in the decision. A secret ballot is the only way to achieve that. For that reason, in the name of protecting the integrity of the certification and decertification process, and more importantly to protect the true wishes of Canadian workers, I will be supporting Senator Tannas' important amendment.

If this amendment passes, colleagues, I will be supporting this bill. I encourage you all to do the same.

Hon. Tony Dean: Thank you, Your Honour. I feel compelled to respond to Senator Plett's comments. In doing so, I'm not going to argue about election priorities and how many votes people got across the country. I'm not going to argue about certification outcomes. I want to talk about the importance of good public policy and good public administration. I do that, yes, as a rookie senator, but not as a rookie in the world of labour relations and labour policy.

I respectfully want to, therefore, speak against Senator Tannas' amendment. I will do that with respect to three benchmarks that we should contemplate as senators when we consider this amendment.

First, the process: We know that for several decades a tripartite labour, employer and government process was in place and has been in place to determine and provide advice on labour policy. The government's presence at that table, of course, is important because of the uneven and unequal relationship of power in the workplace between employers and employees.

This has informed union certification rules for decades, before they were abruptly changed by Bill C-525. For me, the first key principle as we think about this amendment is whether we, as senators, feel comfortable and agree that a long-standing tripartite approach to the development of labour law changes at the federal level should be respected or whether they should be overwritten by private member bills and business lobbying campaigns. That's the first key question before us today: Are we supporting private interests or do we lean towards good public policy and good public administration?

Second, and related to that, Bill C-525 was clearly driven by the employer and business community with some degree of politics rolled into that. Employers and business associations were alone in stepping forward and supporting Bill C-525. I have said here before that it's somewhat unique; in fact, it's entirely unique that those business organizations, including the Fraser Institute, would stand up in support of employees in workplaces. They certainly don't when we're talking about the minimum wage. They don't do that when we're talking about improving collective bargaining laws. They don't do that when we're talking about improving workplace safety. It's somewhat unusual, and I would suggest that this has very little to do with employee rights. It has everything to do with trying to further tilt the balance of power in workplaces in favour of employers.

It's not just me saying that. The imbalance of workplace powers was confirmed by the Supreme Court as part of its 2015 Labour Trilogy. The Supreme Court said it's clear that we have a situation in workplaces where power leans heavily in the hands of employers, and we have labour laws and employment laws to help address that imbalance. This is what the Supreme Court told us.

A vote in favour of this amendment, in favour of Bill C-525, is in fact a vote about shifting the balance of power in workplaces further in favour of employers. Now, some of us might think that's a good idea, some of us don't, and we'll make our choice on that basis. However, make no mistake that that balance of power, and whether it shifts further away from employees, many of them increasingly vulnerable and powerless, is at stake when we cast our vote here.

Third, let's go to the detail of mandatory secret ballot votes. Prior to Bill C-525, workers were required to demonstrate, through signed membership cards, greater than 35 per cent support for a trade union. They were required in law to sign those membership cards in order to trigger a secret ballot certification vote. But if workplace organizers, union organizers, many of whom come from the workforce, could achieve the support of a majority of employees in signing those cards, the union could apply for automatic certification. If a labour tribunal determined that those cards were valid — and they do determine whether or not those cards are valid — and if they could determine that those cards were signed free from undue coercion from employers or employees, the union could be certified as a trade union.

That system was in place for several decades. It wasn't a backdoor device created by trade unions and introduced informally; it was the law in Canada at the federal level.

The proposed amendment would eliminate any access to card-based certification without a vote, even if a large majority of employees in a workplace indicated support for a union.

More so, here's what it would do. You would think that if the proponents of this bill were interested in secret ballots, they'd make access to a secret ballot vote a little easier. In fact, they did the reverse. They increased the threshold for access to a secret ballot certification vote from 35 to 40 per cent. Were they in favour of workplace democracy or were they against it?

Why is the card-based approach important? Because experience has shown that mandatory voting processes extend the duration of certification drives and they invite employers into that campaign.

• (1450)

Now let me be clear: A vast number of employers in our workplaces are benign. They will stand back and allow their employees to make that vote, to cast that vote, to sign that card of their own volition; but some aren't.

In the context of mandatory votes, employers who want to interfere with employees' rights can do that, often with the support of expert counsel who will advertise their services on almost a guarantee that they will keep your workplace union free. That doesn't sound like workplace democracy to me. It may be to some here.

It's in the context of those voting campaigns that we see intimidation and coercion in subtle and overt forms, whether it's the firing of an employee who's getting cards signed in a workplace, the threat of a closure, changes of hours, job security, layoffs, either overt or subtle. The point here is that where employers choose to interfere in mandatory voting processes, they can change outcomes. In that context, do secret ballot votes truly reflect employees' wishes?

Is there union coercion? Yes, the statistics from labour tribunals tell us that there is, but in significantly less numbers than cases involving employer coercion.

More importantly, honourable senators, there is no degree to which union coercion can come anywhere close to the degree of power and influence that employers have in their workplaces. You have kids; you have relatives who go to work today in workplaces across this country. To what extent is there a hand extended of workplace democracy to our kids or to our relatives? These are tough places. Employers are in control. They have a relative degree of control, and they use it. That cannot be compared to interference and coercion here and there, in a lesser degree that some trade unions might engage in.

The concept of a secret ballot vote is powerful. It's important. It's magnetic. That's why many of us are drawn towards it. People have said to me, "Tony, what's wrong with the secret ballot vote?"

The challenge here — and I will be blunt about it — there has been a reference to voting in general elections. When employees are engaged in making a determination in workplaces about whether they want collective representation, when they cast a vote, they are not leaving their house and wandering up the street to the church basement and casting a ballot in a general election. Senators, they are not doing that. They are making that decision in the context of a workplace where if an employer decides to intervene, it becomes a very hostile environment where they potentially see their jobs at stake. The more vulnerable the employees, the more they are subject to influence.

This is precisely why the membership card approach to certification made its way into our labour laws. It was not by accident but by virtue of public policy. It recognizes that the operation of secret ballot votes is contextual. And in the context of workplaces, employers wield an enormous degree of influence over individual and collective decision making. This worked pretty well before Bill C-525.

So here's what's at stake when we vote on this amendment. Do we believe that Bill C-525 unilateral changes to well-proven tripartite labour-management government approaches to labour law is good public policy? I don't. I think it's the worst sort of public policy.

Do we believe that the proponents, the employers and business associations who lined up in favour of Bill C-525, had a massive conversion and decided to stand up for vulnerable employees in Canadian workplaces? You may think so. I am less than convinced.

Do we want to further tilt the balance in our workplaces in favour of employers in relation to employees?

Finally, let's just look back. Labour tribunals at the federal level in Canada managed the pre-Bill C-525 card-based certification process in a manner that balanced the rights and responsibilities of all workplace parties, including protecting employees from union and employer coercion. Do we trust that they can do that again? I certainly do, and I think that those tribunals should have the ability to do that. I ask you to consider these thoughts as you vote on Senator Tannas's amendment.

Hon. Carolyn Stewart Olsen: Senator Dean, would you take a question?

Senator Dean: Certainly.

Senator Stewart Olsen: In your remarks you managed to actually make the argument for secret ballots. You talk about intimidation on both sides. I respect your knowledge of employment relations, unions and negotiations. I don't have that knowledge, but to me the idea of the secret ballot is sacrosanct. We have it here in this chamber. We fight for it in order to get on committees. I don't understand the argument that would not allow workers to have the same respect for their choice to a secret ballot.

I don't understand. I thought you made the argument perfectly, that there's intimidation on both sides so that the workers would be protected by a secret ballot.

Senator Dean: Let me be clear, then. I was acknowledging that in some cases, senator, there is coercion on the part of trade unions. I did make the point, though, that that cannot be

compared in any way to the power of employers when they decide to intervene in employee decision making in the context of workplace democracy.

My point here is that secret ballots are really important, but in the context of workplace-based democracy, secret ballot votes have the impact of extending in time certification campaigns. We know this from practice. They create the ability for only those employers who would wish to make an effort to influence employees' wishes to do that.

So there are secret ballot votes in the context of workplaces, and some of them work and some of them don't. I'm talking to circumstances, and I think that Bill C-4 is trying to get us back to a circumstance where we put in place some degree of balance in workplaces where an employer decides to make a concerted effort to influence the wishes of employees as they think about casting a ballot.

• (1500)

Those who would say the threat of closing the enterprise, the threat of layoffs, the threat of changing shifts and the firing of a union organizer are things that just might have an impact on the way that people cast that ballot.

It's a secret ballot, yes, but we're talking about trying to offset the degree to which employers can —

The Hon. the Speaker: Excuse me, Senator Dean, but your time has expired.

I also saw Senator Plett rising. Did you want to ask a question, Senator Plett?

Senator Plett: I did. If we want to adjourn this, I'm happy to do that. If there are others who want to ask a question, I would let them.

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Tannas, seconded by the Honourable Senator Unger, that — may I dispense?

Senator Mercer: No, no.

Some Hon. Senators: Dispense.

The Hon. the Speaker: It was moved:

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.

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 "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there agreement on time?

Senator Plett: 15 minutes.

The Hon. the Speaker: The vote will take place at 3:18. Call in the senators.

• (1520)

Motion in amendment adopted on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Batters
Beyak
Black
Boisvenu
Carignan
Christmas
Cools
Dagenais
Downe
Doyle
Duffy
Enverga
Greene
Griffin
Housakos
Kenny
Lovelace Nicholas
MacDonald
Maltais
Manning
Marshall
Martin
Massicotte
McInnis
McIntyre
Mercer
Mockler
Neufeld
Ogilvie
Oh
Patterson
Plett
Runciman
Seidman
Smith
Stewart Olsen
Tkachuk
Tannas
Unger
Verner
Wells
White—43

NAYS
THE HONOURABLE SENATORS

Baker
Bellemare
Bovey
Cordy
Cormier
Day
Dawson
Dean
Dupuis
Dyck
Eggleton
Forest
Fraser
Gagné
Gold
Harder
Hartling
Jaffer
Lankin
Marwah
McCoy
McPhedran
Mitchell
Moncion
Munson
Omidvar
Pate
Petitclerc
Pratte
Ringuette
Saint-Germain
Sinclair
Wetston
Woo—34

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Resuming debate on the motion as amended.

Senator McCoy: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I too would like to move a motion in this chamber to amend Bill C-4. We have already talked a lot about this bill, but it cannot, under any circumstances, be passed as it was drafted by the current government.

The Senate and senators have the duty and responsibility to correct this bill, which was written by the government for the sole purpose of benefiting the powerful union groups that helped it get elected in 2015 in exchange for the measures contained in Bill C-4.

For those who have been members of the Senate for many years, what I am about to say may seem repetitive. However, sometimes it is good to repeat things so that people can better understand what you are saying, particularly if some people intend to vote in favour of Bill C-4, as it now stands, for purely partisan reasons. I believe I need to take a few minutes to share my views for the benefit of the new senators.

In 2015, I agreed to sponsor private member's Bill C-377 because it represented a key element in protecting the rights of workers. As a former president of an employee association, I have no hesitation in saying that the bill that Bill C-4 seeks to repeal contains nothing that is anti-union, nothing unconstitutional, and more importantly, nothing against unionized workers; rather, it is Bill C-4 that contains such measures.

Bill C-377 simply establishes the formula that union leaders are required to use every year to make a disclosure that will enable those who pay union dues to ensure the union is spending their

money wisely. That is what I call transparency. Transparency is a buzzword these days. The unions themselves are calling for transparency but, when it comes time for them to be transparent, their leaders are asking the government to exclude them from that requirement.

I am embarrassed that the current government gave in to this powerful lobby. What can I say? The current government doesn't see anything wrong with union leaders misappropriating their workers' union dues.

I was not at all impressed by the arguments of the union leaders and the plethora of lawyers who are handsomely paid by these unions. We are talking about millions of dollars in legal fees a year. They were defending their own interests in order to maintain the code of silence that has been in place for a few years. I did say code of silence.

Investigations carried out over the past few years have uncovered many examples of excess on the part of union leaders who, in some cases, earn more than the mayors of our largest Canadian cities. They also have expense accounts that are well hidden. I will refrain from repeating the term used by an accountant, who spoke about tampering with the figures.

It is our responsibility to put an end to this type of abuse. However, in order to discuss it we must have a good understanding of the situation. I will not dwell on the constitutional or academic myths that I heard. I prefer to talk about facts, such as those made public or, better yet, what I saw unions doing.

I have not studied unions; I was part of them. I am not defending an indefensible political position. I am simply standing up for unionized workers in this country who have the right to know.

• (1530)

To that end, the previous government laid the foundation for a tax system that was nothing out of the ordinary, but would have created some degree of fairness. Unions in this country have a huge advantage under Canada's tax system and that of all the provinces. It is only fitting, then, that they must be accountable. You try, honourable senators, to avoid the tax man. That is exactly what you are being asked to approve. Everyone must be fiscally accountable.

If we all work together, we can do better. I plan to introduce a simple amendment to Bill C-4 today, an amendment that is meant to be somewhat of a compromise between Bill C-377, with all its substance, and Bill C-4, which is devoid of any substance.

In my view, there is absolutely no reason for unions in this country not to be subject to the same rules as charities. Charities must submit their financial statements to the Canada Revenue Agency, and the minister responsible has the power to ask for additional information if he or she feels it's necessary. That seems straightforward and fair to me.

That is what I am proposing today through a motion that removes the irritants in Bill C-377 while ensuring that the government does not deliberately look the other way when it comes to a category of citizens or organizations. For me, this is about fairness and transparency.

MOTION IN AMENDMENT

Hon. Jean-Guy Dagenais: Therefore, I move:

That Bill C-4, as amended, be not now read a third time, but that it be further amended in clause 12, on page 7, by replacing lines 1 and 2 with the following:

"12 (1) The definition of *labour relations activities* **in subsection 149.01(1) of the** *Income Tax Act* **is repealed.**

(2) Subsection 149.01(3) of the Act is replaced by the following:

(3) The information return referred to in subsection (2) shall include a set of financial statements for the fiscal period, in such form and containing such particulars and other information as may be prescribed relating to the financial position of the labour organization or labour trust, including

(a) a balance sheet showing the assets and liabilities of the labour organization or labour trust made up as of the last day of the fiscal period; and

(b) a statement of income and expenditures of the labour organization or labour trust for the fiscal period.

(3) Subsection 149.01(5) of the Act is repealed.

The (4) Subsection 149.01(7) of the Act is repealed.".

Hon. the Speaker: Honourable senators, in amendment, it was moved by Senator Dagenais, seconded by the Honourable Senator McIntyre, that Bill C-4 be not now read a third time, but that it be amended at clause 12 — may I dispense?

Hon. Senators: Agreed.

The Hon. the Speaker: On debate.

Hon. Claude Carignan: Would Senator Dagenais agree to take a question?

Senator Dagenais: Certainly.

Senator Carignan: Did I understand correctly, Senator Dagenais, that the purpose of your amendment is to ensure that at a minimum, unions have the same requirements as charities, which in order to be registered are required to publish and produce financial statements, and that the requirement imposed on the unions be identical to that imposed on charities?

Senator Dagenais: Senator Carignan, you understood correctly. As I said, certain irritants are being removed from Bill C-377. Labour unions, like not-for-profit charities, will have to provide

their financial statements to the Canada Revenue Agency, as not-for-profit organizations and charities regularly do. The conditions are the same.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): I would like to ask a question, Mr. Speaker, and then I would like to adjourn the debate in my name.

Senator, since these amendments change nothing, the bill would still be unconstitutional, right?

Senator Dagenais: Initially, people believed the bill was unconstitutional. I don't think it is. It's fair and equitable for all Canadian workers.

In a sense, if charities are required to open their books to the Canada Revenue Agency, why not unions too? I don't think that's unconstitutional.

[*English*]

Hon. George Baker: Would the amendment cover all labour unions, regardless of size?

[*Translation*]

Senator Dagenais: You're absolutely right, Senator Baker. The amendment would cover all recognized associations regardless of size, whether they have 100, 3,000, 4,000 or 60,000 members.

Hon. Renée Dupuis: Senator Dagenais, in your proposed amendment, you have subclauses 3 and 4. Can you tell me what you are hoping to achieve by repealing subsection 149.01(5) and subsection 149.01(7)?

Senator Dagenais: I specified distinct amendments even though the outcome is the same. The purpose of the amendment is to bring the provisions in the old Bill C-377 into line with provisions that apply to charities. To do that, I had to mention the two subsections that you read in the amendment. That means unions will be subject to the same rules as non-profits and charities.

[*English*]

Senator Baker: In view of Senator Dagenais's statement that we would be revisiting a matter that was under consideration before, regardless of the size of the union, regardless of whether or not the union was one of sanitary workers in a town of 200 people and that as a requirement under the Income Tax Act that would mean that any officer of that union would have to comply with very stringent income tax requirements, there were many objections that, in those cases, that would be very onerous on very small unions in municipalities and so on.

How would the senator respond to these people by putting back in something that was decried extensively during the previous bill, Bill C-377, as he referenced?

[*Translation*]

Senator Dagenais: Thank you, Senator Baker, for your question. As I already mentioned in another debate, any legally recognized association or union must submit its financial statements to its members. As you know, given that you worked with unions for many years, the accountant will invoice you for 25, 30, or 50 copies. He would only have to make one more copy to be sent to the Canada Revenue Agency. We are not talking about the cost of preparing the actual financial statements.

At my last job, when the accountant prepared the financial statements he would say: "Mr. President, that will be $15,000 for you financial statements. How many copies would you like, 25, 30, or 50?" You were not charged for the number of copies; you were charged for the work it takes to prepare the financial statements. The cost of an additional copy would be about $10.

[*English*]

Senator Baker: I appreciate the honourable senator's previous work. He's very well known for the excellent job he did in representing the Sûreté du Québec members. In fact, when our committee travelled to Western Canada he was recognized as being a representative of the police officers in the Province of Quebec. That's a very large organization, senator.

• (1540)

I go back to my original question. The objection in Bill C-377 that stands out in my mind is that an officer of a very small union would be under the same requirements under the Income Tax Act as a large union representing tens of thousands of people, as was the position of the honourable senator.

Does the honourable senator think that perhaps that argument doesn't hold water? Does he think that regardless of the size that the requirements should still be there for those union officers?

[*Translation*]

Senator Dagenais: I thank Senator Baker for his question. Any association or union that is legally recognized must provide its members with financial statements. I will say it again and again. Regardless of the size of the union, whether it has 10, 50 or 5,000 members, it must release its financial statements. The union will have to submit a single additional copy to the Canada Revenue Agency, that's all.

The cost we are talking about is the cost of preparing financial statements. We must bear in mind that even the smallest labour organizations benefit from the tax deduction granted by the federal government because union dues are tax deductible. That said, it is their duty to prepare financial statements outlining those costs. Therefore, regardless of their size, unions have to provide financial statements to their members. I say again, this comes down to the cost of a photocopy. If you have 15 members, you simply have to make 16 copies and send the 16th to the Canada Revenue Agency.

[*English*]

The Hon. the Speaker: Senator McCoy, did you want to ask a question?

Hon. Elaine McCoy: I did.

[*Translation*]

The Hon. the Speaker: I'm sorry, Senator Dagenais, but you are out of time. Are you asking for more time?

Senator Dagenais: Yes, please.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

[*English*]

Senator McCoy: Thank you, honourable senators, and thank you, Senator Dagenais. I have a question. I'm puzzled. I have not seen the amendment until just now. I'm looking at it and it would appear to me that you just answered a question where you have said you are putting unions of all sizes back on the same footing as a charity. Those of us who didn't agree with Bill C-377 had the same arguments vis-à-vis charities before.

Why would you not just stand up and vote against the bill? We did agree in principle in this chamber to this bill, and I'm wondering if you are even perhaps going beyond scope or authority or order in even trying to reinstate Bill C-377, but this bill says it's repealing Bill C-377. So now I'm confused.

[*Translation*]

Senator Dagenais: I apologize, but out of respect for the senator, the interpretation is not working, and despite my knowledge of English, I understood only part of her question. I would prefer to have the interpretation.

[*English*]

Senator McCoy: Shall I ask the question again?

The Hon. the Speaker: Please.

Senator McCoy: My question is this: We agreed in principle to this bill at second reading. We are now on details, but your response to it to an earlier senator — I think it might have been Senator Baker — said that in fact what you are doing is putting unions back on the same footing as charities, which is what I understand Bill C-4 is eliminating. We have agreed that we should eliminate them, not have them on the same status as charities.

Why would you not merely vote against Bill C-4? And are you in fact out of order in trying to pass an amendment that says, "I've agreed in principle that we will repeal Bill C-377, but now I'm going to pass an amendment that says we won't repeal Bill C-377"?

[*Translation*]

Senator Dagenais: As I said in my speech, the purpose of getting unions to submit their financial statements as charities do is to eliminate the irritants in Bill C-377, which seem to upset my colleagues opposite.

That is why I am revisiting the issue so that unions comply with the Canada Revenue Agency Act in the same way that charities do. Why would unions, most of which are recognized as non-profit organizations and which get a tax deduction, not be treated the same way as charities? That is the purpose of the amendment, simply put.

[*English*]

Senator McCoy: I can ask this question: I have tax deductions and I have tax credits, and so do private corporations. They are not required to make public their financial statements, nor am I. I do not think that your argument is logical, and it doesn't stand up in any way, shape or form as a matter of peace, order and good governance in this country.

I heard you say that that was your purpose, but you haven't answered my question. Why would you not just vote against the bill?

[*Translation*]

Senator Dagenais: I will say it again. If we make unions comply with the same requirements as charities to eliminate the irritants of Bill C-377, I believe that it will protect the workers who pay union dues and who depend on the transparency of unions to find out what those dues are being used for. I do not believe that unions will be able to do any differently if they have to provide their financial statements to the Canada Revenue Agency. The point is to be fair to Canadians who allow unions to benefit from generous tax deductions.

We are not voting in favour of the previous bill. I am making an amendment out of concern for the fair treatment of unionized workers who, in my opinion, have the right to a transparent process.

The Hon. the Speaker: I'm sorry, Senator Dagenais, but your time is up. Do you want more time to answer other questions?

Senator Dagenais: I always have time to answer other questions, Mr. Speaker. I have already answered several, but I am always available for more.

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

Hon. Senators: Yes.

[*English*]

Senator McCoy: Provincial laws already provide private members of private associations, which is a union, access to the books of the association in which they are a member, so that is a fact.

POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Elaine McCoy: Your Honour, I have not got all the rules of procedure at my fingertips, but I would like to raise a point of order and have you address it on whether this amendment is in order.

The Hon. the Speaker: Senator McCoy has raised a point of order with respect to whether or not the amendment of Senator Dagenais is in order.

On debate on the point of order, Senator Lankin.

Hon. Frances Lankin: Yes, Your Honour. I am not prepared for this, but I am interested in in this point of order. I would ask you to take into consideration and answer in your ruling in regard to situations when a bill such as this, which is a repeal bill — not the most common kind of bill — comes before us.

• (1550)

When a repeal bill comes before us, and we have passed this bill at second reading in principle, it means we as a chamber have accepted that this bill is repealing, in this specific case, two previous pieces of legislation that were passed in the previous Parliament, both Bill C-377 and Bill C-525. I would suggest that this also applies to the amendment by Senator Tannas that was just passed, the question of whether or not, having accepted in principle a repeal bill, we can then accept motions that come in and absolutely reverse the intent of the repeal.

With these two amendments, it completely changes the full intent of a repeal bill, which was adopted in principle at second reading.

That would be a question that I would ask you to consider in your ruling. There may be others points that Senator McCoy or others have.

Hon. Joan Fraser: Honourable senators, to support the proposition of Senators McCoy and Lankin, we did give second reading approval in principle to this bill, and while sometimes there may be a fairly wide interpretation of how far approval in principle goes as compared to amendment to details of the bill, I do think that this particular amendment may indeed fall on the wrong side of that line. I do think this amendment is trying to restore a significant portion of the bill that we are repealing of the old bill, and that we are now repealing with Bill C-4.

If I had had the wit, I would have raised the same point of order on the previous amendment, which essentially gutted a very significant portion of Bill C-4, removing that bill's repeal that we had already approved in principle. I was not prepared. I don't have authorities with me.

Your Honour has access to more authorities than most of us can imagine, but I would indeed very much like to hear your ruling on this matter.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have not been in this chamber as long as some other senators, but to my recollection I remember when amendments were passed that gutted certain bills in the previous Parliament; or in principle bills being adopted, but then certain amendments being rejected at committee, they would come onto the Senate floor and be moved by those same senators, or sometimes other senators.

In the case of the amendment we adopted for Bill C-6, we were reinserting an age of requirement when the bill called for a change of that requirement. I think in this chamber we have seen a number of different things happen through debate. In my opinion, Your Honour, I have a clear recollection of a citizenship bill that I was sponsor of. Your Honour stood at third reading and an amendment, which completely changed that bill, was adopted. You gave a very compelling statement and I didn't know what had happened. It was my first time as sponsor, and I was in shock when it happened.

I went to the back of the chamber, you came out and you reassured me that these things do happen in this chamber.

I feel that Senator Dagenais has expressed that it's not a complete change but a compromise, just as the other amendment from Bill C-6 was a compromise.

I would purport that on the Senate floor, at third reading, we have witnessed various actions by senators where amendments are adopted, and it essentially guts certain parts of the bill. I ask senators and Your Honour to consider that.

[*Translation*]

Senator Dupuis: In fact, we will need you to clarify this. Once a bill has been passed, if, in principle, the purpose of the bill is to repeal a previous bill, does an amendment such as the one before us not go beyond the scope of the bill that is before us, that is, Bill C-4? In other words, by purporting to amend a bill, are we not going beyond the scope of the bill before us?

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): I would simply like to add my voice to the discussion on the point of order. I read in Beauchesne and in O'Brien and Bosc that an amendment that has the effect of voting against the bill is out of order. However, it is up to you to clarify this issue.

[*English*]

The Hon. the Speaker: Honourable senators, I thank you for your input into this point of order. Because the point of order would have a significant impact on the amendment, I do not want to suspend to review it now.

I will take the matter under advisement and report back as quickly as possible to the chamber.

QUESTION PERIOD

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Bill Morneau, the Minister of Finance appeared before honourable senators during Question Period.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before we go to the next item, Minister Morneau has now arrived, and pursuant to the order, the Senate will now proceed to Question Period.

On behalf of all senators, minister, welcome. Please take your seat.

Today we have with us, of course, Minister Morneau, P.C., M.P., Minister of Finance, and I welcome you, minister, on behalf of all senators.

MINISTRY OF FINANCE

PRIVATE SECTOR COMPETITIVE INCENTIVES

Hon. Larry W. Smith (Leader of the Opposition): Good afternoon, minister. Thank you for taking the time to come and answer questions in the Senate today.

The government has billed this budget as an "innovation budget." However, we don't see some of the key ingredients for true innovation, such as less government regulations and lower taxes that would encourage businesses to invest in Canada. StatsCan reports that in the fourth quarter of last year, business investment declined in almost all categories, including investment in machinery and equipment, intellectual property and engineering structures. These are all investments that our country needs so that business can innovate and keep their activities in Canada.

A report released a few weeks ago from the C.D. Howe Institute, an organization with which you are very familiar as its former chair, noted that business investment in Canada relative to the United States is now at its worst level in over a quarter of a century.

While the new U.S. administration is forging ahead with a business-friendly agenda that will compete with Canada for corporate locations, and countries like Israel have captured a significant market in the high-tech start-up space through major tax incentives to these private sector companies, there are no similar measures in this budget that will allow our private sector to contend in this very competitive marketplace.

Minister, would you address these shortcomings and how the government will address them?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Let me start by saying how pleased I am to be here and to speak to all of you. I would like to thank you for your question, although I disagree with the premise of your question and would like to give you a sense of what we're actually trying to achieve for the Canadian economy.

I think the most important place for me to start is to think about the fundamental challenge that we're facing, and that fundamental challenge is the level of growth in this country. The level of growth when we came into office was what we saw as the biggest single challenge, and that's so important because we want to ensure that people in our country not only have great jobs today but have optimism and opportunities for the future.

As soon as we got into office, we set about dealing with the challenge of creating an optimistic and confident Canadian group of families across our country, and we did that by helping people, by lowering their taxes, by taking the Canada Child Benefit and helping nine out of ten families to have significantly more money for them to raise their children.

The good news — and this is very good news for businesses — is that it's working. We have seen a very significant reduction in unemployment in this country. I'll point out that we have seen the creation of 276,000 jobs over the course of the last year. I will tell you that 81 per cent of those jobs are full-time jobs. We are seeing a very significant change in dynamic, creating a level of optimism from which we can make investments in the future growth of our country.

That's exactly what we're trying to do with Budget 2017, focusing on sectors of the economy where we can be innovative, think about how we can ensure that Canadians have the skills so they can be successful in those sectors. That's what we're working on. Optimism and confidence first, investments in a more innovative and successful economy now, and making sure that Canadians have the skills and the ability to be successful, creating jobs for today and for tomorrow.

• (1600)

Senator Smith: Minister, we have heard enticing words from the government, but what we really need are concrete measures. This means less government involvement in business and a competitive tax structure so that innovation can be fuelled.

Instead, you're not keeping election promises to lower the tax rate for small- and medium-sized businesses or give them an EI break for hiring young people. You are increasing costs to businesses in the form of a payroll tax, and you are implementing a carbon tax while our major competitor to the south is not. All these things will drive businesses out of Canada and stymie innovation.

Again, when will your government address these critical needs to support the private sector in Canada?

Mr. Morneau: I'd like to address that question by pointing out what I think are some of the flaws in your argument. Let's start with the fact that within G7 countries we have a very competitive corporate tax rate situation. Similarly, within G20 countries we have a very competitive corporate tax rate situation. Of course, our corporate taxes are significantly lower than the corporate taxes of the United States to our south.

We start with a positive situation from a corporate tax situation, and we have a situation where now what we want to do is make sure that our economy is successful so that the small- and medium-sized businesses you were talking about have access to customers and have the opportunity to grow their business that we know they want.

We know small businesses don't start the year thinking about what their tax rate is; they think about how they can grow their business. That's what we're focused on.

That's why we're encouraged to see that the forecast for what we think will happen this year and next year is more optimistic. We're encouraged to see that we've had an impact on jobs in this country, which is a precursor for growth. That is where we're at

today. That is what has significantly been done through our policies to date, and what we know we're going to have through this is a higher level of growth, which is going to create a better situation for Canadian businesses and at the end of the day for businesses.

[*Translation*]

NEW BRUNSWICK ECONOMIC GROWTH— SUSTAINABLE DEVELOPMENT

Hon. Percy Mockler: Honourable senators, there is no doubt in my mind that the minister is quite familiar with New Brunswick.

[*English*]

Last week, minister, in a discussion with officials from Environment Canada, we spoke about how significant portions of the American economy are not rolling out their climate change commitments, and more to the point, that the Canadian government is not just working with WDC but also with individual states to ensure that our economic and policy objectives are being shared and achieved.

Knowing this, I would like to ask you the following question as it pertains to my province, New Brunswick, where there are two opportunities to immediately grow the economy to create better jobs and sustain a better quality of life. The first project is the expansion of nuclear energy through the construction of a second nuclear power plant; and the second project is the construction of the long-awaited Energy East Pipeline.

Minister, do you agree that these two projects have the potential to grow the economy of New Brunswick and meet in parallel with the sustainable development priorities laid out by your government?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you for the question. As you can imagine, we're concerned with the economic growth in New Brunswick, as we're concerned with economic growth across the country.

I heard a couple things in that question. First, I think I heard you talk about the importance of engaging with the United States to ensure that we have a continued strong trading relationship with them.

I'd like to reinforce that that is clearly our strategy. Even before the time the new administration came into office, we started to engage with our new colleagues in the United States, telling them what we thought of our trading relationship, explaining in detail the benefits for Canadians, but also, importantly, the benefits for Americans. That has been an ongoing effort. We think it's having important traction in the United States.

We're also focused on how we can go state by state and talk to cities as well to make sure that people understand the importance of that relationship, not only for Canadians but for people in each individual state.

I had the opportunity last week to be in Indiana, where I was able to talk to the Governor in Indiana and to the Mayor of Gary, Indiana, about the importance of our relationship, about the fact 189,000 jobs in Indiana are reliant on trade with Canada, and the significant back-and-forth trade that goes through that state, $100 billion going through Gary, Indiana, through the CN rail yard. We are engaging on an ongoing basis.

We will continue to focus on how we can improve our economy through trade, and you asked about whether we are focused on how we can enhance our economy through our energy policies. We believe that in doing that we need to be conscious of the fact that our long-term goal is to ensure that our environment is sustainable. That's important. Within that goal, we should also think about how to ensure that our energy sector is successful.

In that regard, we've been positively disposed to pipelines in our country, because we know that that provides the opportunity for energy producers to get a higher price for their resources. That continues to be our point of view.

We were pleased to approve a pipeline in the West. We were pleased when the new Trump administration said they would support the Keystone pipeline. As you know, Energy East continues to go through some consultation, a regulatory process. We will wait for that process to play out, but we continue to be of the view that getting world prices for our resources is an important objective.

REAL ESTATE MARKET

Hon. Art Eggleton: Welcome, minister. The average price of homes sold in the Greater Toronto Area in March of this year was 33 per cent higher than in 2016. The average selling price of all homes in Toronto is $916,567, with the average price of a detached home above the $1.5 million mark.

The CEO of the Royal Bank of Canada recently remarked on the housing market:

> . . . we believe that if this issue goes unchecked, it could drag on consumer spending, locking up too much capital unproductively, and potentially becoming an inhibitor to Canada's future economic growth.

He further noted that the three levels of government ". . . coordinate their interventions and do so reasonably quickly."

Minister, it is known that you have requested a meeting with the Ontario Finance Minister, Charles Sousa, and Toronto Mayor John Tory to address this issue.

What do you think should be the specific measures from each order of government in addressing the issue?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: First, let me thank you for asking that question; it's a very important discussion. One of the important roles I have as Finance Minister is to ensure we have a healthy, competitive and stable housing market across the country.

One of the first things I had the opportunity to focus on in my role in late 2015 was the challenge that we have with some pockets of risk in the housing market, specifically in Vancouver and Toronto.

We've taken two important actions to ensure the stability of that market since we've been in office. Of course, there had not been enough action in the years before we came into office, in my estimation, to make sure we were dealing with that market appropriately. We have increased the amount of down payment on homes between $500,000 and $1 million. We have put a stress test on mortgages to ensure that people are only seeking to have houses or mortgages within the boundaries of what they can afford to pay, providing more stability for themselves and their families.

We set out to have policy coordination at a technical level with our officials by setting up a group between Vancouver, Toronto — Ontario and B.C. — to talk about different policy measures that can be done across the country, but specifically in those markets. What we've seen right now is that in the Greater Toronto Area market in particular, the dramatic house price increases that you refer to are certainly threatening affordability for families and presenting an economic risk.

• (1610)

So my intent in calling a meeting with Mayor John Tory and Ontario Finance Minister Charles Sousa was to ensure that we are taking coordinated and coherent policy actions. In fact, the decisions and actions we've taken federally apply nationally, of course, so we need to be careful about what actions we take federally because they don't only apply to Vancouver and Toronto; they also apply to Calgary, where the housing market is more challenging, and markets like Ottawa or Montreal that are more stable.

We do need to be careful in federal actions, but we do, I believe, have a convening role for other levels of government to make sure we act in a coordinated fashion.

I don't want you to think I'm dodging your question, but I don't think it's appropriate for me to dictate the terms that should be considered for Ontario or for Toronto. We want to make sure that if the City of Toronto takes an action, if the Government of Ontario takes an action or if we decide there's something we need to take federally, we don't work at cross-purposes, having potentially different impacts on the market. My intent was to have a discussion at the political level so we can consider the way forward.

This will continue to be a challenging file. It's one which we will continue to pay very close attention to. I expect this political dialogue will be one that will start very soon, because we will have a meeting very soon. But it may be one that we will have to continue having as we try to make sure that we're taking the appropriate response to the challenge.

CANADA INFRASTRUCTURE BANK

Hon. Douglas Black: Minister Morneau, thank you very much for being here and for your contribution.

The question I have for you today is in respect of the Canada infrastructure bank. Many, including me, have urged the government to consider Calgary, Canada's second most significant financial centre, as the head office for the infrastructure bank.

Minister, I'm hoping that you can outline for me the process that is going to be used to determine where the head office is going to be. I'm also hoping, minister, you can assure us that the process will be open, fair and not work from the premise of a preordained conclusion that Central Canada is the natural home for this bank.

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you for that question as well.

I'd like to start by putting that question in context. What we're trying to achieve with this Canada infrastructure bank is to get pension investors and institutional investors from around the world to invest in what I think will be transformative Canadian infrastructure projects. We're looking for the biggest potential projects that can have the biggest potential impact on the long-term productivity of our country, which will also along the way have a significant impact on jobs.

I put that in context because I want to think about the scale of what we're talking about. We said that of our $180 billion investment in infrastructure over the next decade, $15 billion of that will be in this infrastructure bank. On top of that, we're putting in $20 billion of capital that can be used for loans and to get projects going.

The biggest amount of impact this bank is going to have is not, by any stretch of the imagination, going to be where the headquarters is located. It's going to be where the projects are actually taking place, whatever they might be: building the new electricity grids, dealing with significant waste water systems, improving roads across the country or dealing with public transportation systems. These projects can only be considered to be very significant because of the size that we're looking at in terms of the investments.

If institutional investors are only looking to write very large cheques, we're going to need very large projects. It doesn't mean we won't have smaller projects — we may bundle smaller projects together — but it does mean these projects have the potential to create very significant job growth. That's important.

As we think about Calgary, Montreal and Toronto, all of those cities have significant public transit and affordable housing challenges that will need to be addressed. These are the kinds of projects that we may be able to get at with the infrastructure bank and with that institutional money that will have a big impact on those local economies for years to come in terms of the building, and over the long term in terms of the enhanced productivity. That's important.

With respect to the headquarters, we haven't come to a conclusion. What we have said is our conclusion is going to be evidence-based, and that is what we're working toward.

As you may know, we've hired an adviser to help us with the governance of the institution, how we should go about making sure we have the project pipeline and how the organization should be structured. The location of the headquarters will be important as we think about recruiting and attracting the kind of people we want for this institution.

As we go through that, we will be making our decisions based on evidence on where that can be most effectively positioned. I have nothing really to say at this stage in terms of those conclusions, because we're not there yet.

INTERNATIONAL AID

Hon. Marilou McPhedran: Welcome, Minister Morneau. My question is geared toward the resources required to rebuild Canada's aid program after the cuts under the previous government.

In my previous LBS, "life before the Senate," I was invited to participate, and I did, in some of the wide-ranging consultations on international aid held across this country last year. We will recall the goal of reaching 0.7 per cent of gross national income for international aid, to which Canada committed in 1970. Under the previous government, Canada officially abandoned the 0.7 per cent target.

Minister Morneau, if I understand the budget presented to Canadians just a few weeks ago, there is reallocation but no overall increase — no movement toward the 0.7 per cent for at least the next five years.

Could you please help us understand more about the outcomes you expect to see from what were recently announced as a new anti-poverty tool — development, finance, institutions — that will lend money to private companies to help them pay for projects to reduce poverty in the so-called developing world.

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you for the question. It is a very important question.

I'd like to start by saying that our continued commitment is that we want to be focused on how Canada can play an important role in the world, not only here at home but abroad, and that means considering how we can have a role in all ways of that engagement. In the areas where development will be critically important, we want to be engaged.

That's the reason that when we came into office, we looked to restore the funding for our development and get ourselves back to a place where we wanted to be, at least as a first step. We also decided this year that we wanted to go further and think not only about the level of aid but also the way that we're providing aid.

Your question, which is around the $300 million that we've put into development finance, is really about us trying to look to ways that we can have a bigger impact through the actual money we put forth. We're looking at ideas like how we can actually go to those countries that are ready to be thinking about how the private sector can have an impact on the availability of jobs in those countries. We're looking to make sure that we can use that money, hopefully, to spur other money to come into the system.

One of the background issues that encouraged us to think about this is that we've been very successful in our efforts with the World Bank and in the role we've taken in the World Bank. One of the things we've done is looked at how we can optimize the use of the balance sheet at the World Bank to have a bigger and broader impact by having greater leverage on that balance sheet.

That really is inspiring what we're doing here. We're trying to think about how, by putting money into projects, we can get additional money into those projects — hopefully taking what would be $300 million of capital, finding a way to amplify that impact three, four, five times by attracting others to be part of those investments.

I can't tell you that we have yet identified the specific projects that we would be engaged in or, as you said, companies — maybe not companies, but the specific ways we might go out there to think about how that money can be leveraged. But we will be thinking about things from microfinance to more significant finance in order to create a more healthy ecosystem in places where the challenges are great. The need for good long-term jobs is one of those critical things that might enable places that have the potential to be more successful in actually getting that going through the use of financial tools that can be of assistance.

• (1620)

CARBON PRICING

Hon. Richard Neufeld: Thank you, minister, for being with us today. My question will focus on the impacts and costs of carbon pricing on households and businesses in Canada. My friends, Fred and Martha, want to know how much putting a price on carbon will affect their standard of living and their paycheques.

As I understand it, your department prepared a memo that estimated the economic impacts from various mitigating options for greenhouse gas emissions. I'm sure you're familiar with the document I'm referring to, which was obtained through an access-to-information request. No one from your government is willing to step up to the plate and tell Canadians what impact pricing carbon will have on their pocketbooks. Despite your government's rhetoric on accountability and transparency, the government insists on covering it up. As you know, entire sections and full pages of your department's memo were redacted. So much for being straight with Canadians.

Minister, can you explain to us in this chamber and Fred and Martha at home why the government refuses to share what it apparently already knows, which is the impact of carbon pricing on Canadians? And why do you refuse to tell us how deep you are going to dig into their pockets?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you. I believe you're talking about a document that was prepared for the previous government, before I actually came into my role, so that may well be the case.

What I can tell you is that our policies, which of course have only begun to be put in place while we've been in office, are about seeking balance. We are about seeking balance by focusing on how we can ensure that we have a long-term, environmental impact that's going to make sure that future generations, the children and grandchildren of Fred and Martha, actually have a place to live that will not be environmentally hurt by the policies we might be taking today. That is what we're seeking to do at the same time we make investments in our economy so that we can provide successful jobs for Fred and Martha's children and grandchildren.

This is an important balance. We know that we can price carbon across this country. That's why we've moved forward on a pan-Canadian approach to pricing carbon, because pricing carbon is going to be the single most effective way that we can actually impact behaviour. We know there's a way to do this while we can actually turn that money around through the pricing mechanism and make sure that it finds its way back into the economy.

We have an example in British Columbia, where they did put a price on carbon, and they did move forward so that they could take that price on carbon and reduce taxes in the province. Low and behold, look at what is happening for the Freds and Marthas who live in British Columbia. Their economy's doing spectacularly well. It's moving ahead in a very positive fashion, together with the approach to carbon pricing that they put in price.

We know that being responsible for future generations, for Fred and Martha today and for the next generation of their family, is going to be taking a look at how we can improve the economy today, create jobs for tomorrow, think about how we can move to a clean technology sector, while balancing that off and looking at how we can continue to focus on sectors of the economy that are doing well today, including the natural resource sector. It's a balance. We think we've found the right balance, and we think that Canadians will be happy with the outcome in years to come.

ABORIGINAL SKILLS AND EMPLOYMENT TRAINING STRATEGY

Hon. Dennis Glen Patterson: Thank you, minister. My region of Nunavut unfortunately suffers from very high unemployment, particularly on the part of its big Aboriginal majority.

I'd like to ask you specifically about the ASETS program, the Aboriginal Skills and Employment Training Strategy, that was announced in your 2017-18 budget, with a pledge to renew and improve the ASETS program. I'd like to draw your attention to concerns about that program. I do want to say that it has been very effective in training people in fisheries and marine skills and in the mining sector, but there are some concerns.

A senior manager at Arctic Co-operatives Limited, which is one of the bigger employers in the North, with 1,000 people in 32 stores, told me that they were hoping to employ the ASETS program to train Aboriginal people to take over as managers, creating new opportunities for entry-level employees; but the program, as presently designed, is limited only to unemployed persons.

I know it's in your mandate to work with the Minister of Employment, Workforce Development and Labour to improve the job-training system in Canada. I'd like to know if you will consider this issue and how you might engage with stakeholders to enhance the program so that it can more effectively lead to better-paying jobs for Canadians, including in management.

Hon. Bill Morneau, P.C., M.P., Minister of Finance: I'd like to thank you for that question and come back to part of what you said in your comments, which is that this program was having some positive impact.

We looked at this ASETS program and saw that it was actually having a positive impact. For that reason, we decided that we wanted to continue to focus on how it can do more and more. I will certainly take away and try to better understand the issue that you identified, which is its ability to help employment in managerial positions. I'm not familiar with that issue, so I will take it away.

But I will tell you that this is part of a broader context for us in thinking about how we can ensure that Canadians are able to successfully deal with what is a very dynamic economy. ASETS is but one measure that we put in place in this budget.

In this budget, we are thinking about how we help Canadians to get the skills over the long term that are going to make them resilient as they consider whether the job they're in is maybe not the final job for them. We're starting to think about children learning basic coding skills, because we know that's important for their long-term ability to be successful. We're thinking about things like how to put more money into cooperative education programs across the country. We've seen significant success stories in co-op education in universities, so we've expanded that through the Mitacs program for universities and colleges.

We have looked at how we make sure that people who get into the Employment Insurance system have access to the kind of training that we need. We put in an increase in the funding there. We're working together with the provinces, respecting provincial jurisdictions, to make sure that we are able to actually have an important impact there as well. Then we'll be thinking about specific programs, like ASETS, where we can actually have a targeted impact on communities across our country dealing with changing and dynamic situations.

I will take that away and speak with my colleague. I want you to know that that's part of a broader agenda of trying to ensure that Canadians have access to great jobs and the ability to move from one job to another, if that's what they choose, with the kind of training they require to get there.

[*Translation*]

RETIREMENT AGE

Hon. Paul J. Massicotte: Thank you, Minister.

We appreciate you being here. As you know, the Canadian population is aging. As a result, the associated costs for the health care industry, pension plans, and society in general will increase

significantly in the next 20 years. However, according to Statistics Canada, the number of workers across the country will decrease, except in three of Canada's urban centres. We will therefore have increased societal needs and a diminishing workforce, despite immigration. That is a very particular problem. The good news is that Canadians are in better health than they were 30 or 40 years ago, which allows them to work longer than ever.

There is something that still bothers me about Budget 2016. Despite these findings, you brought back down the age of retirement and eligibility to the Canada Pension Plan. This was one of your 150 election promises, but there must be a more fundamental reason to justify this decision. How do you explain your decision, which goes against the global trend?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you for the question. I think it is very important. You are right about the demographic changes. The aging population is a major challenge for Canada. As a country, we know that it is important to have a sufficiently large workforce. We are currently considering how to improve the lives of those who are not part of the workforce at this time. One thing we should do is find a way to increase the number of women in the labour market, which is lower than that of men.

• (1630)

The same goes for our Indigenous population. We need to be able to rely on labour availability. We know that we need to take measures to have an adequate workforce over the next few years. It is very important.

As far as retirement age is concerned, we have to determine how we can implement an equitable system that works for everyone. We believe that the previous government's approach did not take into account certain aspects. People who earn a low income are in a tough situation. The previous government pushed back the age of retirement to 67. People who are 65 to 67 who earn a low income are having a tough time enjoying life.

We continue to look for ways to ensure that people can work longer if that is possible for them. Low-income earners are in a more difficult situation. It is important to come up with a way to give them and their family support when they need it.

This is complicated issue. We know that with an older population, it is necessary to have the option to keep working but without making it necessary for people who are in a less favourable situation because of the job that they have, for example.

[*English*]

NET DEBT TO GDP

Hon. Yuen Pau Woo: Good afternoon, minister. One of the striking things about Budget 2017 was the projection of deficits for the forecast period that you provide, apparently with no end to deficits and apparently with no plan to reduce the deficit to zero.

I know you and your officials have argued that the absolute dollar value of a budget deficit is less important than the measure of net debt over GDP. After years of budget balance fiscal orthodoxy, that idea of net debt over GDP is a difficult one, perhaps, for many Canadians to understand and appreciate.

Can we hear from you if, in fact, the government does not now see balanced budgets as a desirable goal, but instead is using the new metric of progress to be net debt over GDP?

Hon. Bill Morneau, P.C., M.P., Minister of Finance: Thank you for the question. Maybe a way to start is to acknowledge that this, as you called it, budget balance fiscal orthodoxy was, in fact, nothing of the kind since, of course, over the time period of the decade before we came into office, there was an excess of $100 billion of new debt that was added to the Canadian debt.

What we came into office saying was that we needed to responsibly think about our economic situation and how we could best deal with our economic challenges using the assets that we have.

The starting observation is that we have the very best balance sheet among G7 countries. We have the lowest net debt to GDP. So when we go to compare ourselves with countries around the world, they look at us and would love to be in the situation that we're in.

We also recognize that we do have the demographic change that we were just talking about, and the very real goal of improving our growth rate so that we can create the kind of jobs that we want as we go through that demographic situation.

So our goal is to make sure that we use that advantage in a responsible way and that we don't leave ourselves in a more difficult situation down the road.

The measure for that is that if our net debt as a function of our gross domestic product is the same or lower over time and we are able to create a higher growth rate, then we are putting Canadians in a better situation. If the results show that we are actually achieving what we want, which is a higher level of optimism and greater job growth than we would have had otherwise, then that is absolutely a positive today, but it is also the kind of positive that will allow us to be in a better situation going forward.

I don't think there's anybody in this chamber or, for that matter, in the other chamber in this building who would argue that we don't want to find great jobs for Canadians, and as we think about finding great jobs for Canadians we know what that means. We know that for every one of those hundreds of thousands of new jobs that we have found, there's a family who's more optimistic about their future. That family that's more optimistic about their future is more likely to put their children in piano lessons, hockey camp or whatever it might be, to actually improve their situation, but, more important, to get the additional kind of skills training they need so they can get that next job.

We are focused on using the advantages we have — a great balance sheet, highly educated workforce and a population that's resilient in the face of change — and finding a way to improve

upon that by creating more jobs and a better situation over the long term.

The good news is, it's working and we're going to continue with this plan of investing optimistically in our country while being responsible, and that's going to be the legacy that we're going to leave for the next generation of Canadians.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I'm sure all honourable senators would like to join me in thanking Minister Morneau for being with us today.

Thank you, minister.

ORDERS OF THE DAY

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of our former colleague the Honourable Senator Hervieux-Payette. She is accompanied by her husband.

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

Hon. Senators: Hear, hear!

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT ADOPTED AS MODIFIED

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 Oh, seconded by the Honourable Senator Dagenais:
>
> 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 60 years of age at the date of his or her ap-",
>
> (ii) by replacing line 7 with the following:
>
> "**(e)** if 18 years of age or more but less than 60 years of age at the date of his or her ap-", and
>
> (iii) by adding after line 26 the following:
>
> **"(7.1) Section 5 of the Act is amended by adding the following after subsection (1.03):**
>
> **(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 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 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".

Hon. Victor Oh: Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to modify the motion in amendment to Bill C-6 to replace, in the French version, the words ". . . à la page 6, par adjonction, après la ligne 39 . . ." with the words " . . . à la page 7, par adjonction, après la ligne 3 . . . ."

This is a technical drafting correction and does not affect the substance of the amendment.

When you are 55, it's hard to learn a second language.

The Hon. the Speaker: Senator Oh is asking for leave to modify the amendment as a technical modification. Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: On debate.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I rise today to speak to Senator Oh's proposed amendment to Bill C-6. At the outset, I would like to thank Senator Oh for speaking on this government legislation and for his thoughtful and collegial contribution to our debate.

Senator Plett: And in a timely manner.

Senator Harder: Senator Oh has proposed to amend the Citizenship Act to make it easier for minors to apply for citizenship. Under this amendment, minors would be able to apply for citizenship without a Canadian parent. The spirit of this amendment is one derived from compassion and as such should be commended for its intent.

Senator Oh's central consideration is the best interests of children. However, the government is of the view that this change is not necessary as current legislation contains a provision that allows the minister to waive the age requirement. With this in mind, I wish to assure my honourable colleagues that the best interests of children is already one of the key principles that guides our efforts at Immigration, Refugees and Citizenship Canada. As a signatory to the United Nations Convention on the Rights of the Child, we must safeguard those who are most vulnerable and most in need of our protection.

• (1640)

Indeed, the "best interests of the child" is also central to Canada's Immigration and Refugee Protection Act. The best interest of the child guides all of our thinking and decision making in all immigration, refugee and citizenship matters that involve children under the age of 18. This includes cases dealing with humanitarian and compassionate considerations, adoption, separation from birth parents, resettlement and the appointment of guardians.

While Senator Oh's amendment calls for the best interests of the child to be considered, this principle is already central to the government's efforts. In fact, under section 5(3) of the Citizenship Act, the minister already has the discretion to waive certain requirements under section 5(1), including the age requirement, so that minors can apply for a regular grant of citizenship.

This provision already allows the minister to take into account the specific circumstances of a young person, and this provision has been used to that very effect. For example, as of January 2015 until now, Immigration, Refugees and Citizenship Canada has received 14 applications on behalf of minors requesting a waiver under section 5(3) of the Citizenship Act. Of these 14 applications, nine were granted a waiver and one applicant turned 18 during the application process, therefore no longer requiring the waiver. Most of the remaining applications are still in the queue for processing.

Under section 5(3), the minister also has the authority to waive the language and knowledge requirements, as well as the physical presence requirement in the case of minors. Since 2014, of waiver requests received, the approval rate has been 97 per cent.

Once again, honourable senators, while the intent of this amendment is to be commended, authorities already exist in the act for minors to seek a waiver of certain requirements to apply for citizenship.

The process, requirements and consideration of waivers are intended to help ensure the protection of minors and the best interests of children, which are important considerations for the department regardless of which immigration or citizenship process individuals are going through.

Additionally, further consideration of the language of the amendment is warranted to ensure clarity that anyone applying on behalf of the minor in fact "has custody of or is empowered" to act on the minor's behalf to protect against unintended consequences.

Further consideration may also be appropriate as to whether this change could create a disincentive to parents who would potentially apply for citizenship but who may be apprehensive about the language requirements.

Nevertheless, on behalf of the government I wish to thank the honourable senator for raising this issue. This amendment and indeed all proposed amendments merit careful consideration, and I can assure honourable senators the government appreciates the Senate's attention to this legislation.

I wish to assure my fellow senators that the government takes the best interests of the child very seriously. Indeed, as I've indicated, it is paramount in policy and decision making.

In closing, I wish to remind all colleagues that the intent of Bill C-6 was not to present a comprehensive overhaul of the Citizenship Act but to remove certain barriers and introduce measures that provide applicants with a greater degree of flexibility in meeting citizenship requirements.

In the coming months the government expects to bring forth additional legislation to further modify the Citizenship Act, which will include changes to the oath of citizenship.

The government looks forward to working with all honourable colleagues once the Citizenship Act comes forward with further amendments.

I thank you all very much and continue to look forward to the debate in this chamber so that we might hopefully send a message with respect to this bill in the first week of May.

The Hon. the Speaker: Senator Harder, would you take questions?

Senator Harder: Certainly.

[*Translation*]

Hon. Claude Carignan: Senator Harder, with respect to the issue you raised about the option of seeking a waiver from the minister, the problem is that it can take a long time.

A minor writing to a minister's office is not necessarily aware of his or her rights and will not necessarily get a timely response. As such, the minister's waiver process can be lengthy, there may be unknowns, and there can be additional delays that are not in the minor's best interest.

Do you think it would be appropriate to have a specific procedure for minors that is more efficient in practice?

[*English*]

Senator Harder: I would like to make two points. One is that from the experience of the department, delay has not been a problem in the sense that, as I have described the 14 applications to date and the success rate, which has been diligently focused on because we are, of course, dealing with children.

I would also point out that in the amendment proposed by Senator Oh, if you are eligible as a child to apply for citizenship under 5(1), you also need a waiver for 5(3), so it's just a matter of where you would place the waiver.

In the experience of the Government of Canada and the officials involved, the existing process has worked quite well.

Hon. Mobina S. B. Jaffer: Senator Harder, thank you very much for your intervention, and I listened to it very carefully. If I understood what Senator Oh is doing about the 5(3) waiver, it is, first, to let the child apply but then to have the child protected. Because it's still a child, it was an added benefit so that nobody would take advantage of the child. That's why I understand he put that waiver in.

Senator Harder: I heard the senator and, as I indicated, I commend his interest and his intent. I'm simply saying that from the government's perspective, the existing process works well and that the amendment being proposed is unnecessary given the protection inherent in the act already and the consideration for the child's best interests being the obligation of the decision makers throughout the process. The waiver process of section 5(3) has actually worked quite well in a 97 per cent success rate or approval rate and in a very timely decision-making process.

Senator Jaffer: Senator Harder, thank you very much. I have two questions and I will just ask them together.

Did the department tell you how long these waivers are taking? My understanding from the children I have spoken to is that they are taking up to four years.

My bigger question is this, senator: Last week when Senator Griffin put her amendment from 55 to 60, we said to her that this would stop the person having to ask for the waiver. We said that the idea of having 55 — including myself, I said it too — was that you did not have to go to the government to seek the waiver. Now here you are arguing that the child should go in and ask for a waiver, and I think there's a contradiction here.

Senator Harder: I thank the honourable senator for her question. Even under Senator Oh's proposal, a waiver would be required, under section 5(3), of the parent or guardian. We're into a waiver process irrespective of which process is undertaken.

I'm simply saying that from the Government of Canada's perspective and the experience that we have had with child protection, it is the view of the officials and the minister that the existing process is appropriate and reflects the commitment to ensure that the best interests of the child are at the heart of all processes the department undertakes.

With respect to the specific timing, I don't have the time frames, other than to say that these are given high priority because, of course, the interests of the child ought to accelerate the consideration that the department brings to these matters.

Hon. Larry W. Smith (Leader of the Opposition): I rise today to speak in support of the amendment introduced by Senator Victor Oh, to address the current discrimination on the basis of age in the Citizenship Act. This is a very serious issue that Bill C-6 does not address and that we have an opportunity to fix.

Applications for citizenship of minors are normally dealt with under section 5(2) of the Citizenship Act. For minors who have a parent or guardian submitting an application for citizenship or who have a parent who is already a citizen, the current process presents no issues.

• (1650)

However, minors without a parent or a guardian, or whose parent or guardian is unable or unwilling to apply, normally have to wait until they're 18 years old to make an application. The only option available, as outlined earlier, for them is to apply for a ministerial waiver on compassionate grounds, requesting a discretionary exemption of section 5(1) of the Citizenship Act.

The ministerial waiver on compassionate grounds is not an effective solution to the situation these children find themselves in. It makes the process of applying for citizenship more complex for vulnerable children and youth who are otherwise eligible to become Canadian citizens.

When I did some research on this, honourable senators, I found out the red tape in other areas of government also falls into this category in terms of the process. It is one thing to say, "Yes, we

do have a waiver system," but it's not as easy as you would think. If we look at the red tape issue that has existed in government for years — forget about the present government, let's go back in time — red tape could mean that if you're 14 years old and you're trying to apply, you could try to apply under a waiver, but it may take you three, four or five years. What happens in that period of time to that individual young person?

What if they don't have that parental support? What if they are in some form of a care facility for whatever reason? Their situation won't be addressed.

[*Translation*]

Who are the children and young people who would benefit from the proposed amendment? They include permanent residents who are Crown wards and who could reach the age of majority without becoming citizens. These children are in the care of the state for various reasons. They may not have a parent or guardian, or their parent or guardian may be unable to ensure the protection and safety of a minor.

[*English*]

It is important to remember that children in care of child welfare authorities in Canada are at a higher risk of criminality and incarceration than their peers. They also face a number of challenges after leaving care, including lack of education, unemployment and homelessness. These are children who, for all intents and purposes, are a Canadian in all but the legal sense, which is the one that matters the most to them.

The identity of these children is shaped by their strong sense of belonging and attachment to Canada, in particular, as many have spent the majority of their lives here. Many will have taken the mandatory civics course as a requirement for their secondary school diploma and learned about the history of Canada throughout their school years. Many work and volunteer in their communities and cannot imagine their futures anywhere other than in Canada.

Minors without parents or guardians need a simplified process. They should be permitted to apply for citizenship and have an equal opportunity to succeed and thrive in Canada. The amendment to Bill C-6 that has been introduced by Senator Victor Oh will ensure that children, who for circumstances that are outside of their control, are no longer discriminated against on the basis of age.

This amendment will ensure equitable access to citizenship for such minors. In this regard, the amendment is consistent with section 15 of the Canadian Charter of Rights and Freedoms, which protects against discrimination based on age. It is also consistent with our international obligation under the Convention on the Rights of the Child to protect the rights and well-being of every child.

Colleagues, I support this amendment and strongly encourage you to consider doing it as well.

Senator Jaffer: I have a question for Senator Smith.

[Senator Smith]

With great interest I listened to your speech, and from what I understand and from you being now the Leader of the Opposition, are you saying that Canadians, with the values we have, should grant citizenship to vulnerable children who come on our shores and who are deserving of being Canadians? Is that what you're saying?

Senator Smith: Thank you for the question, senator.

What I'm saying, following Senator Oh, is that the processes we have in place work. But in difficult situations, it is one thing to say we have a waiver system that works and 94 per cent of kids get through. But wait a second; let's go back. What about the cases where we have people waiting: "I'm 14 years old and have to wait for a longer period of time because of the process and the complexity of the process." Let's not underestimate this issue of red tape that exists in many areas.

When we talked about innovation, I didn't bring it up because I didn't want to embarrass the Minister of Finance. There are 147 programs dealing with innovation, and we have just added 8 more, so we're up to 155. Now imagine in this case with children and the Citizenship Act, if there are delay periods, which there are because of red tape, what if that child gets lost in the process between the age of 14 to 18 or 19? What happens to that child? That's where the compassion exists.

In the research that I read from Senator Oh's people, it was clear that this went to a vote and there were pros and cons, but the issue itself is so important and needs to be addressed. I think there's an overriding theme, which I think you're trying to get at.

Senator Jaffer: Honourable senators, I rise today in support of Senator Oh's amendment to Bill C-6, An Act to amend the Citizenship Act.

First of all, I would like to thank Senator Oh for the tremendous amount of work he has done on this issue. It has been an absolute privilege to work with him on the rights of vulnerable children.

Senator Oh, it has been a pleasure to work with you on this issue. We have first-hand seen the pain of children fighting to belong to our great country, and I want to once again thank you for the great work you have done.

I want to share with you the reality of one vulnerable child. Sixteen years ago, a young boy named John arrived in Canada with his single mother when he was just five months old. John's mother had mental illness and, as a result, ran into trouble with the law. John was not able to gain his citizenship because of his mother's actions.

Under our current citizenship laws, minors who want to become citizens must apply under section 5(2) of the Citizenship Act. In other words, their application must be tied to that of their parent. John had to apply with his single mother, who was still ineligible because of her criminal record. Therefore, John could not become a citizen.

John had a brother who was born in Canada. John often said — I have heard him say this — that he wanted to be a Canadian just like his younger brother. This weighed very heavily on his mind.

Honourable senators, John has been waiting for a long time, working with his lawyer, to get the waiver. Apparently, he has been waiting for four years.

This is the kind of case that Senator Oh's amendment deals with. Senator Oh's amendment is meant to offer opportunities for children who are barred from citizenship under our current laws. As I mentioned, our citizenship laws do not allow for children to apply independently of their parents when they seek citizenship. They must link their case to that of their parent.

In most cases, thank God, it is not a problem as the parent would have fulfilled the same requirements as the child. However, if a parent's application fails or, sadly, if there is no parent to apply for them, the child cannot get Canadian citizenship.

As a result, many children are left without their citizenship by section 5(2) of the Citizenship Act, even if they fulfill all the requirements. This can cover a wide variety of different cases, each of which faces difficulties as they attempt to become citizens here in Canada.

The first category includes children who have no parents with them here in Canada, or they are orphans. Senators, in the last year we have welcomed many Syrians. Some of the Syrians we have welcomed have been young children who have lost their parents. Are we, after three years, going to say, "No, you cannot apply for citizenship as you came here as an orphan."

• (1700)

This category of unaccompanied children by a parent arrives on our shores.

These children are just as deserving of Canadian citizenship as other children. These children may have been brought to Canada through smuggling or human trafficking or other vulnerable circumstances. Our laws forbid children from becoming Canadian because they have no adult to apply on their behalf.

This category also includes orphans. For example, they may have come to Canada with their parents, and due to tragic events that took place, they have lost their parents, in Canada.

The second category includes children who have parents but are still barred from earning citizenship due to their family circumstances. For example, their parents could be barred from citizenship due to criminality.

Children in these families have done nothing wrong, but are barred from becoming citizens because their parents cannot become citizens.

Finally, there are minors whose parents cannot meet the requirements for citizenship. We heard at length in the Senate about how hard it could be for some people to learn one of our official languages, especially when it comes to older applicants. Children pick up our languages quickly as they attend our schools and integrate with other Canadians. Even though their parents may have difficulty learning French or English, the children can often learn far more easily. Should we punish children when their parents cannot meet the citizenship requirements? The only way these children can gain citizenship without linking their case to that of a parent or guardian is by applying for a waiver from the minister on compassionate grounds.

However, while debating Bill C-6, we have already learned that this can only accommodate the most extreme cases. Immigration, Refugees and Citizenship Canada in past court rulings confirm that compassionate grounds that only apply for those circumstances would make it implausible to meet requirements for citizenship. This includes waiving language testing requirements for the deaf and mute or similar requirements for people suffering from physical and mental disabilities.

The truth is that compassionate grounds are based primarily on medical cases rather than circumstances of the applicant. Even if the vulnerable child has grounds to apply through this process, applying for a waiver on compassionate grounds can take up to four years. I have spoken to many young people who have said to me that they turned 18 before they were granted a waiver.

Honourable senators, it is equally unacceptable to deny these children their citizenship because of circumstances that are beyond the child's control. For these children, citizenship means so much more than being able to vote when they become adults. Citizenship means that these children belong among their fellow Canadians. That is what John said. He wanted to belong to Canada, just like his brother belonged to Canada. Rather than being an outsider who lives in this country, citizenship lets a child feel that he truly is a Canadian.

Avvy Yao-Yao Go told the Standing Senate Committee on Social Affairs, Science and Technology that citizenship is very important to a child, that it could have deep psychological effects on immigrants. Citizenship also means that these children are more secure in Canada. When vulnerable children fulfil all the requirements of citizenship, they deserve our protection, as Canadian children are our responsibility.

Our obligation to provide children with an opportunity to become citizens can be traced in our Constitution. Under section 15 of the Canadian Charter of Rights and Freedoms, it is unconstitutional to discriminate on the basis of age. When we forbid children from earning our citizenship despite fulfilling all the conditions that other individuals have to fulfil, we are discriminating against them on the basis of age. Further, our commitments under international law state that we must provide these children with citizenship. Under article 7 of the international Convention on the Rights of the Child, all children have a right to nationality.

Honourable senators, I submit that we cannot justify denying our children their rightfully earned nationality when they pass all other requirements. I say that they're our children because when they come to our country, we accept them in our country. Once you open the doors of Canada to any child, I believe that they're our children.

As legislators, it is our responsibility to ensure that no one, and especially not children, will fall through the gaps in our citizenship laws. I welcome Senator Oh's amendment because it will introduce a new process that children can use when applying for citizenship.

Honourable senators, there has been a lot of talk that this bill is not supposed to answer everything that's wrong with the Citizenship Act. I agree. There are many issues that need to be dealt with. But I've been around this place for a very long time, and when I was young and naive when I came to this place, when a minister or a government representative would say, "We will deal with it in a few years," I would sit down like a good little girl and say, "It will happen in a few years." In my old age, with my walking stick, I have realized "a few years" can mean after I have left the Senate.

I don't have that many years left in the Senate. I say to you, honourable senators, yes, the bill will be looked at, and I know it will. But we have the power now to say to a young child, "You can be part of our country." We can do it now. Why would we ask them to wait another 10 years when they don't need it? They will already be 18, and I will have already left the Senate.

This amendment repeals the 18 years of age requirement in section 5.1 of the Citizenship Act. This will allow for children to apply independently of their parents, allowing them to become citizens of this country, even when their parents cannot. This process accounts for the fact that a child can obviously not consent to a legal process, such as obtaining citizenship on their own. It accomplishes this by stating that an adult will still need to submit the application on their behalf. Further, after the age of 14, the minor will need to sign the application unless he or she is prevented due to mental incapacity, ensuring their consent.

The amendment even introduces an opportunity for children without parents or guardians to submit this application. In these rare cases, the amendment allows the minister to waive the requirement that a minor's application must be made by an adult.

Honourable senators, this amendment will bring us back in line with many other countries. I have been the envoy for Canada for many years, and one of the tests as a Canadian envoy was to see what like-minded countries are doing. What are countries that we work with doing? Let me tell you which nine countries have accepted children being citizens of their country. There are many others, but the nine countries that we work with are: Sweden, Norway, Denmark, France, Greece, Netherlands, Portugal, Finland and Iceland. There are others, but nine countries that we work very closely with in the United Nations have accepted this. We would be the tenth. We are not a leader on this, but we would be the tenth.

Honourable senators, I say to you let us be the tenth country. There are nine already in the Western world that have accepted this. If we adopt this amendment, Canada will be ensuring that our system is for all minors.

Before I conclude, I would like to present another story that truly drives home how much these unreasonable barriers can harm children. I will speak about Mohammed. He was a young refugee child. His mother and he fled from Somalia. I was born in Uganda, so I know the challenges of Somalia.

It's a long story, but when he finally arrived here, after many years here, his mother could not apply for citizenship because she did not know English. Mohammed tried very hard to get citizenship. His mother was very traumatized, and she was just not getting the waiver of language. Unfortunately, Mohammed also has to wait until he becomes 18, as he has not been able to obtain a waiver.

• (1710)

Honourable senators, I cannot take credit for this amendment. I didn't even think about it. When Senator Oh approached me about this amendment, I was nervous at first; I hadn't thought about it. Then, as some of you know, there's a small stone in my shoe every day about the rights of children. The small stone is that it really bothers me that we detain refugee children who are 12 years old.

So when our colleague, whom we all respect very much, Senator Harder, speaks about the best interests of the child, I have to say to you that it makes me cringe. On May 30 of last year, I asked Minster Goodale about the detention of children at the Standing Senate Committee on National Security and Defence. He replied that he would work together with his department — I truly believe he was very serious — and ensure that Canada would turn toward alternatives rather than have children in detention.

In this chamber, I have many times given you examples of children who have been detained.

May I have five more minutes?

Hon. George Baker (The Hon. the Acting Speaker): Five more minutes?

Hon. Senators: Agreed.

The Hon. the Acting Speaker: Agreed.

Senator Jaffer: I won't repeat the circumstances of the children. Over a year has passed; we still detain children in our facilities.

On March 1 of this year, Minster Goodale, through our leader of the Senate, provided an answer to a question that I had once again asked about children in detention. What really made me angry — and you will know this because you've heard me say this before. In his answer, he spoke — and I'm still waiting for an explanation on that, and the leader has promised to get it for me — that it's in the best interests of the child to detain the child. Senators, I have been in protection courts as a lawyer, I have been in youth courts as a lawyer and I've been in family courts as a lawyer. I have fought for what's called "the best interests of the child," but I never in my wildest dreams thought that a minister of our great country would say that it is in the best interests of the child to detain that child.

That's why I stand in front of you today and say that we can no longer say, "We will wait for the government to make the changes. We will wait for the overhaul of the Citizenship Act."

I really respect Senator Oh for bringing this now, because I believe the time is right that as we are sending the other amendments, we should send this amendment. Nine countries we work with in the United Nations have empowered the children in these countries. Why can't we?

The Hon. the Acting Speaker: On debate?

Hon. Kim Pate: Honourable senators, I was planning to propose some sub-amendments, but in the interests of having things move along and because I note that Bill C-6 is predominantly an appeal bill, while I agree that what I'm about to propose still needs to be part of this process and requires substantive reform — given that Senator Oh has raised this concern and raised circumstances that are key to the work that I've done, it's important that I put in context why it would be useful to have a more fulsome review of the Citizenship Act.

Under the current provisions of the Citizenship Act, minors are only eligible to apply for citizenship if a parent is also applying to become a citizen or if he or she is already a citizen. For minors who are eligible, a parent, guardian or person with custody of the minor is responsible for making the application on behalf of the minor.

The purpose of Senator Oh's amendment is to address a gap in the current law by creating a pathway to citizenship for minors that does not depend on the citizenship status of their parents. Under his amendment, a minor would be eligible to apply for citizenship, regardless of whether a minor's parent is also applying for citizenship. This application for a minor would still have to be made by a parent, guardian or person with custody.

In speaking to the amendment — and I credit Senator Oh, Senator Jaffer and all who have spent lifetimes of incredible work supporting young people who are in detention and in this kind of limbo — Senator Oh referred to the case of Fliss Cramman. She arrived in Canada at the age of 8 and was taken into the care of the state at the age of 11, because she had suffered violence and sexual abuse. The circumstances surrounding the manner in which youth are dealt with in care can and have contributed to the likelihood of them being marginalized, victimized and even criminalized.

This was the case for Ms. Cramman, who only discovered her lack of citizenship in her 30s when she was serving a prison sentence and correctional authorities inquired into her immigration status. As I noted in the chamber last Thursday, however, there are two reasons why Ms. Cramman could not have been able to benefit from Senator Oh's amendments, even if they had been available at the time.

The first reason is that, as a ward of the state, Ms. Cramman had no parent, guardian or person with custody who could make the application on her behalf. In effect, the state stood in the place of a parent to her, but the role of the state actors in applying for citizenship on behalf of the minors in their care is not expressly defined in citizenship law.

Second, and perhaps more fundamentally, Ms. Cramman was unaware throughout her entire time as a ward of the state and well into adulthood both that she lacked citizenship and of the need to apply for citizenship. The state, her de facto parent, for a decade did not inform her of her status while she was in its care. Children in the care of the state are among the most vulnerable of society and the state, as their de facto parent, has an obligation to look after their best interests, including ensuring that their immigration status is looked after.

In the interests of ensuring a fair process and furthering Senator Oh's intended goal of having his amendment apply to circumstances such as those faced by Ms. Cramman, I was hoping to suggest a friendly amendment because that amendment could actually close some of the gaps. I suggest that we ensure that the types of changes I was going to propose be the subject of a full review by the government of the Citizenship Act, particularly for those most vulnerable children.

I thank you, Senator Oh, for putting this forth, and I thank all senators for considering this position.

The Hon. the Acting Speaker: Will the honourable senator accept a question?

Senator Pate: Yes.

Hon. Ratna Omidvar: I want to thank Senator Pate for her commitment to this issue and her work over the weekend, and I really want to thank her for bringing this to our attention.

I wonder if you would also care to comment on issues of unaccompanied minors in immigration detention centres. Do you not think that when such a review is done, as you are proposing, that it also take a broader look beyond issues of citizenship application?

Senator Pate: Yes. Thank you for the question, Senator Omidvar. I would absolutely agree with that.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Would the honourable senator take a question?

Senator Pate: Yes.

Senator Bellemare: I just want to be clear: What you say is that the case you're referring to, even if Senator Oh's amendments would have been in force, it would not have dealt with your case; is that right?

Senator Pate: Unfortunately, that is true, yes.

• (1720)

The Hon. the Acting Speaker: Senator Enverga, on debate.

Hon. Tobias C. Enverga, Jr.: Honourable senators, I rise today to speak in support of the amendment to Bill C-6 which is before us. I want to thank our colleague Senator Victor Oh for introducing this well-thought-out amendment to protect those most vulnerable among us, our children, and to allow for them to fully take part in our society as citizens, regardless of the misfortunes they may have experienced in life.

I should probably add that I have many concerns about Bill C-6, but I will address those concerns when I speak to the main question.

However, I want to share with you that the urgency that the government leader seems to be in and his repeated public claims of opposition obstruction are not helpful to our upper house. This bill has undergone several changes since arriving here, and every amendment needs careful consideration. And the last time I checked, independent senators are in the lead when it comes to moving amendments to Bill C-6. Rushed legislation is usually not good legislation.

Honourable senators, it is clear that in a world that has too many troubled regions, it is our duty to help those who suffer. Many come to Canada as a result of conflict and despair in other parts of the globe to start a new life for themselves and their families. However, in some instances, which according to evidence from our own Social Affairs Committee and from the other place are far more frequent than some of us knew, the challenges faced by young people without parents or a legal guardian, or whose parent or legal guardian is unable or unwilling to undertake the process and/or pay for a citizenship application, are unfair to say the least.

This is especially true when the circumstances are beyond the control of the minor, which is often the case. Although I am aware of the complicated legal status that minors have, especially those termed "mature minors" during our proceedings on Bill C-14 last year, I want to remind honourable senators that according to section 15 of our Charter of Rights and Freedoms:

> Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination . . . .

One of the prohibited grounds listed is that of age.

Honourable senators, citizenship is more than just a right to vote. It is more than having a right to receive consular services offered by an embassy or high commission. It is about belonging, about successful integration into a society, and about being part of a larger collective group. Some minors who will be affected by this bill are already vulnerable and at higher risk of entering a life of crime or other anti-social behaviours that are seen by those who are marginalized.

There are minors in our country who came here at such a young age that they do not know another life. They know only what it is to be Canadian and how it is to live in Canada, but it is not their country because, for reasons beyond their control, they cannot meet the age requirement or the requirement that a parent or guardian make an application on their behalf. With this amendment, it is possible for a minor, with more ease and without having to pay for legal representation, to proceed with a citizenship application independent of their legal guardian, yet not without an adult signing their application.

Honourable senators, the reasons why some persons choose not to apply for Canadian citizenship may vary, but whatever the reason may be, their children, as far as all other requirements are met, should not be held back because of this. They are going to be the future of our country and we owe those who wish to fully contribute before reaching the age of majority to do just that: participate on an equal footing and without the risk of deportation or removal orders that would ordinarily not be issued to citizens.

One can always argue that this is the responsibility of the parents, but when this responsibility is either neglected or cannot be fulfilled, we are left with individuals who are entitled to protection under our Charter but are not afforded that protection.

Honourable senators, we must always also remember that the minors who are likely affected by this amendment are already at a higher risk of ending up in the correctional system, or at least in some sort of legal proceeding against them for minor offences. As a permanent resident, one can be deported for smaller offences; not terrorism or treason, but minor offences like trafficking in a controlled substance. I do not condone such activity of course, but for someone who has spent the large majority of their life in Canada and knows no other life, it is a very harsh consequence to have to return to a country they do not know.

Honourable senators, I want to give you a brief example. I cannot state any names or details due to privacy considerations, but it is an example that illustrates how the current system can fail.

A couple from Somalia, who ended up fleeing the horrendous atrocities committed in their homeland, ended up in a refugee camp in Kenya. Their children did not qualify for Kenyan citizenship at birth due to Kenyan laws. Somalia, being a failed state to a large extent, is not able to issue documents needed to prove citizenship, which led to the children remaining stateless.

After the family was resettled in Canada, the parents separated. The mother, who has experienced more trauma than we can imagine, which led to a reduced ability for learning, has a very low literacy level, and she is unable to complete the necessary steps for her citizenship application. Her children had to apply to the responsible minister for a waiver of the age requirement in section 5(1) of the Citizenship Act on compassionate grounds. The application was successful, but it took over two years, and it is an expensive and difficult undertaking.

Honourable senators, I wish to remind you of the obligations that Canada has as a signatory to the United Nations Convention on the Rights of the Child. Article 3 clearly states:

> 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
>
> 2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
>
> 3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Also, Article 7 states that:

> 1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

• (1730)

> 2. States-Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

It is quite clear that both our Charter of Rights and Freedoms and the Convention on the Rights of the Child support the amendment introduced by Senator Oh, and I urge all honourable senators to support the amendment and ensure that Canada's statutes reflect our commitment to those most vulnerable.

Hon. Murray Sinclair: Honourable senators, I rise, too, to speak to Senator Oh's amendment, and I begin by saying, as my favourite senator does, "I will be brief."

I want to remind senators that, on our website, the Senate of Canada website, there's a junior version of our brochure of Frequently Asked Questions to help children to understand the work of the Senate. The brochure explains this as one of our roles:

> The Senate is responsible for protecting the rights and interests of Canadians in all regions, especially minority groups or people who do not often get a chance to present their opinions to Parliament.

The Bill C-6 amendment put forward by Senator Oh aims to protect the interests of a vulnerable minority group that is negatively impacted by the Citizenship Act generally, and that is children. I am, therefore, prepared to support this amendment.

Senator Batters: Hear, hear.

Senator Sinclair: However, I do have a major concern with it, and it is this: A review of the debate surrounding this bill in the other place shows that an amendment in almost identical terms was introduced and defeated while under consideration in committee. Therefore, if this bill is amended in this place as sought, we must recognize that we are likely setting in process a way that might lead to an impasse with the other place, and we must consider how to resolve such an impasse if it occurs.

This amendment is necessary, however, because it ensures the equitable access to citizenship for minors. It is not often that we will get the chance to make this happen. Here, we have such a chance.

Currently, children under the age of 18 must be included in a parent or guardian's citizenship application in order to become a Canadian citizen. The only way a minor can become a citizen without the consent of a parent or guardian is to seek compassionate grounds through a humanitarian waiver from the minister, a mechanism that presents its own challenges due to a minor's lack of knowledge about it and the resources required to yield a positive outcome. I, for one, have a basic distrust of minister's discretion.

This amendment will also require a waiver, but the important difference is that it will create an independent right for children to become Canadian citizens in and of itself.

It will be necessary for us eventually to address the lack of due process of children in the care of child welfare agencies by obligating the agencies to inform a minor in their custody or care, in writing, that he or she is not a Canadian citizen. This is especially crucial because we know that the institutionalization of children leaves them even more vulnerable to criminalization, which would impact the successful outcome of a child's application when they become an adult.

There is no reasonable basis upon which a young person should be denied the right to apply for citizenship on his or her own, however. The most vulnerable children and youth in Canada are those without a parent or who are in the care of child welfare or protective authorities or other agencies. This includes children who have arrived in Canada as unaccompanied minors and those whose family relationships have broken down, such that they are no longer part of a family unit.

These are children who, by reason of family breakdown, as well as migration, are currently facing multiple challenges and vulnerabilities, additionally being burdened by being unable to apply for citizenship.

The Bill C-6 amendment that Senator Oh proposes will make it possible for the following kinds of young people to become Canadian citizens through their own application process: unaccompanied minors; children who have gone into protective custody; children who are orphans or who have run away from their parents or guardians; children of parents who are permanent residents but who do not meet all the requirements to become citizens or who are either unable or unwilling to apply; and children who, as younger minors, may have been convicted of a criminal offence.

According to an April 7 article in the *Vancouver Sun*, the growing number of unaccompanied minors seeking asylum in Canada rose by more than 50 per cent last year, to 3,400 minors. We have been told by the Department of Immigration, Refugees and Citizenship that there is a 95 per cent success rate for minors seeking a waiver to become a Canadian citizen and that the process takes months, rather than years, to complete. That success rate, we have been told, is based on 14 requests received in the past two years, with only one case that may not have been granted citizenship. We do not know whether that rate would have been different had there been a requirement for children to be informed of their right to citizenship and they acted on it.

When legislation comes through this chamber, as stated on our website, our role should be to ensure that we are looking through the lens of good government, that we consider how this piece of

law will impact minorities such as children, whether we, in the law, are honouring our national and international commitments, and whether this will benefit future generations of Canadians.

As the report of the Truth and Reconciliation Commission has shown, Canada has a long record of legislation and policies that do not always support those who are defenceless. In its current form, Bill C-6 does not go far enough to protect the most vulnerable that have been welcomed into this country — children, those future leaders and parents of future leaders who will contribute to the shaping of this nation, a nation that is, arguably, in our view, a new one, a nation that is built on the concept of kinship.

The gift of citizenship is one of the greatest acts of protection that we can afford children who are here in this country.

Hon. Frances Lankin: As Senator Sinclair said, I don't intend a long intervention at this point in time. I appreciate Senator Sinclair's words very much, Senator Jaffer's words, Senator Pate's, and Senator Oh's effort in putting this issue forward. I think it's a very important issue.

I will be clear that I will be voting against the amendment, but I want to take a moment to speak to the why of that.

I agree with the intent of this completely. I believe that there are issues that this amendment fails to address. Senator Pate very, very eloquently spoke to the case of children who are in guardianship of the state, and Senator Sinclair just spoke as well to the requirement to inform those children of their rights. This won't accomplish it.

Senator Omidvar has raised, in the past, and spoken with some of us about, the issue of children in detention, as has Senator Jaffer, and there are many, many issues with respect to the just treatment of children under our Immigration Act that need to be addressed. And I think they should be addressed.

My dilemma is that this bill before us is a repeal bill. This is a bill to put us back in the place that we were before the revisions of the previous Parliament, and the stated intent of the other place and the executive branch of government is to bring forward a major review of the Immigration Act, at which time we will be able to address all of the issues with respect to children and with respect to other many important issues that need to be addressed in our citizenship and immigration system.

I really, truly hold the point of view that a piecemeal approach to governance is not a good approach and that one-off amendments not considered in the context of the whole bill often have unintended consequences that we haven't had the opportunity to really examine.

• (1740)

I also believe that the intent of this bill, which is the repeal of a previous piece of legislation, will, if passed, take us back to a place where we have the even playing field to do the full review and to include these many issues.

For that considered reason, I say that I support the intent, the policy content, the policy objective. I don't support the process of bringing it forward at this point in time, and therefore I will be voting against this amendment.

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

An Hon. Senator: Question.

Senator Oh: Would the honourable senator take a question?

Senator Lankin: Yes.

Senator Oh: Are you aware that the two amendments that were introduced in the committee on the house side were admissible, but because the majority was Liberal, they were voted out?

If we are still not taking a step in the Senate, no one is looking after the vulnerable population. I think it's time the Senate does something to look after the vulnerable.

Senator Lankin: Yes, I am aware of that, Senator Oh, and again let me say that I support your intention and your policy objectives completely, but I believe that this should be brought forward in the context of the full review and where all of the issues related to vulnerable children are being addressed and taken care of.

It is a process and a timing question for me. It is not a dispute on your policy intention, and I thank you for the work that you have done in bringing this forward.

Senator Oh: This is the quickest way that we can deal with this problem. Otherwise, it might take another eight years or four years, and I think it's time that we act on it.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed 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: I see two senators rising. Do we have an agreement on time?

Senator Mitchell: One hour. We have committees.

The Hon. the Speaker: The vote will take place at 6:42. Call in the senators.

• (1840)

Motion in amendment adopted on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	Manning
Baker	Marshall
Batters	Martin
Beyak	Massicotte
Boisvenu	McInnis
Carignan	McIntyre
Cools	Mercer
Cordy	Mockler
Dagenais	Munson
Dawson	Neufeld
Day	Oh
Downe	Pate
Doyle	Plett
Duffy	Runciman
Dyck	Sinclair
Eggleton	Smith
Enverga	Tannas
Fraser	Tkachuk
Gagné	Unger
Greene	Verner
Housakos	Watt
Jaffer	Wells
MacDonald	Wetston—47
Maltais	

NAYS
THE HONOURABLE SENATORS

Bellemare	Marwah
Black	McCoy
Bovey	McPhedran
Christmas	Mitchell
Dean	Moncion
Dupuis	Omidvar
Forest	Petitclerc
Gold	Pratte
Griffin	Ringuette
Harder	Saint-Germain
Hartling	Wallin
Lankin	Woo—24

ABSTENTIONS
THE HONOURABLE SENATORS

Ogilvie	Seidman—3
Patterson	

• (1850)

The Hon. the Speaker: Honourable senators, it now being past six o'clock and pursuant to rule 3-3(1), I'm obliged to leave the chair unless it is the will of the chamber not to see the clock. Is it the will of honourable senators not to see the clock?

Hon. Senators: Agreed.

[*Translation*]

CANADA LABOUR CODE

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT WITHDRAWN

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, as amended.

And on the motion in amendment of the Honourable Senator Dagenais, seconded by the Honourable Senator McIntyre,

That Bill C-4, as amended, be not now read a third time, but that it be further amended in clause 12, on page 7, by replacing lines 1 and 2 with the following:

"12 (1) The definition of *labour relations activities* in subsection 149.01(1) of the *Income Tax Act* is repealed.

(2) Subsection 149.01(3) of the Act is replaced by the following:

(3) The information return referred to in subsection (2) shall include a set of financial statements for the fiscal period, in such form and

containing such particulars and other information as may be prescribed relating to the financial position of the labour organization or labour trust, including

(a) a balance sheet showing the assets and liabilities of the labour organization or labour trust made up as of the last day of the fiscal period; and

(b) a statement of income and expenditures of the labour organization or labour trust for the fiscal period.

(3) Subsection 149.01(5) of the Act is repealed.

(4) Subsection 149.01(7) of the Act is repealed.".

Hon. Jean-Guy Dagenais: Honourable senators, pursuant to rule 5-10(1), I ask leave of the Senate to withdraw my motion in amendment to Bill C-4.

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

Hon. Senators: Agreed.

[*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.

The Hon. the Speaker: Resuming debate on third reading of Bill C-6, as amended.

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of the debate in the name of Senator Frum.

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

Hon. Senators: Agreed.

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

JUSTICE FOR VICTIMS OF CORRUPT FOREIGN OFFICIALS BILL (SERGEI MAGNITSKY LAW)

BILL TO AMEND—THIRD READING

Hon. A. Raynell Andreychuk moved third reading of Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act.

She said: Honourable senators, I rise to speak at third reading tonight on Bill S-226, the "justice for victims of corrupt foreign officials act," the Sergei Magnitsky law. This bill has been before the Senate for quite some time. This was done purposely so that people both outside and within the Senate could learn more about the issue of the bill and what it intends to do.

After some considerable time, with the efforts of the Foreign Affairs Committee, which had studied issues about corrupt officials, particularly about the Magnitsky act, the Foreign Affairs and International Trade Committee have done their work. We exhaustively studied it, reflected on it and it has come before us now on third reading.

For decades, Canada has been present in the process of establishing international treaties and agreements on issues of the protection and promotion of internationally recognized human rights. Bill S-226 builds on that record. The purpose of the bill, as the summary states, is

. . . to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights.

Clause 4 of Bill S-226 enables the Governor-in-Council to make orders or regulations allowing for the assets and property of foreign nationals to be seized, frozen or sequestered if those foreign nationals are deemed responsible for or complicit in gross violations of internationally recognized human rights. Orders and regulations may only be imposed when the Governor-in-Council is satisfied that reliable and appropriate evidence has been provided.

Bill S-226 also proposes related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act. The bill amends section 4 of the Special Economic Measures Act to include "responsibility for or complicity in extrajudicial killings, torture or other gross violations of internationally recognized human rights committed against any individual in any foreign country." Effectively, this would add a sanction provision for gross violations of internationally recognized human rights to the act.

Further, Bill S-226 amends subsection 35(1) of the Immigration and Refugee Protection Act to render any permanent resident or foreign national inadmissible if found engaging in or instigating any of the violations I just mentioned.

Senators may recall that Bill S-226 is inspired by the case of Sergei Magnitsky, a Russian lawyer who sacrificed his life in the pursuit of exposing corrupt officials within his own country. While working for an American investment firm in 2008, Mr. Magnitsky uncovered a tax corruption scheme in which a number of government officials from the interior ministry were implicated.

Following his testimony, Mr. Magnitsky was arrested on comparable accusations of tax fraud. While in prison, Mr. Magnitsky was subjected to torture, ill treatment and was repeatedly denied proper medical treatment. He died in pretrial custody on November 16, 2009, at the age of 37.

To date, the pursuit of justice for Sergei Magnitsky continues with great difficulty. Last month, Mr. Nikolai Gorokhov, a lawyer representing the Magnitsky family, fell from the fourth floor of an apartment building near Moscow in extremely suspicious circumstances. His fall took place a day prior to his scheduled appearance before a Russian court to launch an appeal on behalf of Mr. Magnitsky's mother in an investigation related to Mr. Magnitsky's case. Gorokhov sustained severe injuries but, hopefully, he is recovering.

In part, the bill before you today would seek justice for Mr. Sergei Magnitsky. However, beyond that, Bill S-226 would enable Canada to contribute to the protection and promotion of internationally recognized human rights and freedoms here at home.

I would like to reiterate a few earlier points from the speech I delivered at second reading.

First, Bill S-226 would allow the Canadian government to indicate internationally that human rights are as important to our foreign policy framework as other pillars, such as terrorism and matters of security. Second, Bill S-226 would signal internationally that Canada cannot be used to enable or shelter gross violators of internationally recognized human rights. Third, when enacted, Bill S-226 would place a discretionary tool immediately at the Canadian government's disposal in the pursuit of its foreign policy goals. This tool would become readily available, giving our government the means to respond to evolving international crises in a timely manner.

I would like to once again place on the record a quote from Mr. Vladimir Kara-Murza, Deputy Leader of the People's Freedom Party and coordinator of the Open Russia movement. In an article published by *The Globe and Mail* on March 10, 2016, he stated:

> For all the similarities between the Soviet era and present-day Russia, there is one major difference. While members of the Soviet Politburo were silencing dissent and persecuting opponents, they did not store their money, educate their children or buy real estate in the West. Many of the current officials and Kremlin-connected oligarchs do.

Bill S-226 will ensure that individual perpetrators of gross violations of internationally recognized human rights do not use Canada to shield themselves or their ill-gotten gains.

During our study of Bill S-226, the Standing Senate Committee on Foreign Affairs and International Trade heard testimony from Mr. Bill Browder, head of the international justice campaign for Sergei Magnitsky and author of *Red Notice*. In the pursuit of justice, on behalf of his former lawyer, Mr. Browder and a team of investigators tracked $230 million implicated in the corruption scheme uncovered by Mr. Magnitsky.

• (1900)

An article published by *The Globe and Mail* on October 27, 2016, disclosed the following findings.

> Hermitage investigators found total transfers of $220,000 (U.S.) from two firms that received the proceeds of the fraud to four companies and individuals in Canada, and $1.5 million (U.S.) in wires to Canadian accounts from companies that were part of an alleged money-laundering network set up by the fraudsters. The investigation also identified $12.6 million (U.S.) in transfers from Canadian accounts linked to the network.

These findings reinforce the urgent and apparent need for Bill S-226 in Canada.

In adopting this legislation, Canada would join other jurisdictions who have undertaken similar actions. At second reading, I noted a number of these actions. Since then, I note the actions of other countries.

In December 2016, the Estonian Parliament unanimously adopted a Magnitsky amendment to its 1998 Obligation to Leave and Prohibition on Entry Act to prohibit the entry of those deemed responsible for human rights violations.

On December 8, 2016, the United States Congress extended the scope of its 2012 Sergei Magnitsky Rule of Law Accountability Act with the adoption of the Global Magnitsky Human Rights Accountability Act.

Similarly, a Magnitsky amendment to the Criminal Finances Bill was adopted by the British House of Commons on February 21, 2017, to be studied shortly by the British House of Lords. This amendment would enable the government to freeze the assets of those responsible for human rights abuses.

Passing Bill S-226 would build on actions already taken by both the Senate and the House of Commons.

In May 2015, this chamber adopted a motion calling on the government to seek justice for Sergei Magnitsky and to take action against perpetrators of human rights violations in Russia and beyond. A corresponding motion was unanimously adopted in the House of Commons.

In March 2016, the Standing Senate Committee on Foreign Affairs and International Trade heard testimony from Ms. Zhana Nemtsova. In her appearance, Ms. Nemtsova recounted the death of her father, Boris Nemtsov, a prominent Russian opposition

leader who was assassinated in Moscow in February 2015. Mr. Vladimir Kara-Murza described how he fell gravely ill in May 2015, likely from ingesting poison.

Honourable senators may be aware that Mr. Kara-Murza suffered a second serious organ failure this past February, reportedly due to poisoning by an unidentified substance. Mr. Kara-Murza has since then emerged from his coma and is slowly recovering; however, doctors have cautioned that he is unlikely to survive any third attempt on his life.

This testimony led to the adoption in the Senate of the committee's second report, *Taking Action Against Human Rights Violators in Russia*. Our report, and I remind you, indicated:

> The Committee calls on the Government of Canada to condemn all foreign nationals implicated in the Magnitsky case and to impose sanctions against those individuals and others responsible for violations of internationally recognized human rights in a foreign country, particularly when authorities in that country are unable or unwilling to conduct a thorough, independent and objective investigation of the violations.

It should be also noted that all major political parties pledged to pass the Magnitsky bill during the last election.

The Standing Senate Committee on Foreign Affairs and International Trade undertook a review of the Freezing Assets of Corrupt Foreign Officials Act and the Special Economic Measures Act in April 2016. That committee's final report entitled *A Coherent and Effective Approach to Canada's Sanctions Regimes: Sergei Magnitsky and Beyond* was tabled last week.

Committee members across all parties unanimously recommended the following:

> In honour of Sergei Magnitsky, the Government of Canada should amend the Special Economic Measures Act to expand the scope under which sanctions measures can be enacted, including in cases of gross human rights violations.

The committee further recommended that the Immigration and Refugee Protection Act be amended to "designate all individuals listed by regulations under the Special Economic Measures Act as inadmissible to Canada."

Honourable senators, these actions lay the foundation for the adoption of Bill S-226.

I want to underscore that while I have concentrated on Sergei Magnitsky, it is only by way of example and in honour of Mr. Magnitsky and thousands of others around the world who stand up against corruption and pay with their lives. We in Canada are never called to that extent, usually, for our beliefs on human rights.

The bill is crafted to be a generic bill. It is in honour of Mr. Magnitsky, but it is not targeted to any particular country or individual at this time. It is targeted to allow a discretionary tool in the hands of the government. By an order-in-council the government will have the authority as to how they implement this bill.

It will be controlled under Article 4 to determine what internationally recognized violations of human rights are. It is discretionary for them, to be available for them immediately, but not necessarily used if, in fact, other issues of foreign policy deem it to be more important. The discretion remains in the hands of the government. It is meant to be a tool. It is meant to put human rights on the same level as every other pillar of foreign policy, but it allows the government the flexibility and the discretion to use it when and how it deems appropriate in the best interests of Canada.

It signals that what we preach about human rights when we go overseas and into the United Nations, we are delivering at home. It may be a tool and a necessary one. It will be an available tool, but more than that it is a signal of the importance of human rights. I am very pleased that the reception so far to a generic bill rather than a pointed bill has been favourably received in many quarters.

If we proceed with this bill, the minister and the government would have before them the report from the House of Commons and our generic bill to contemplate what changes, if any, it needs. This bill is not being presented as a fait accompli, where every word is measured, because there are value judgments in there. Most of the value judgments are for the government. The one value judgment that is not there is that we must adhere to international standards, standards that we helped deliver to an international order and ones that we maintain today at a time when many other countries are less than certain that the international order is important. It would signal that Canada maintains that these international rights are at the core of Canadian values.

Hon. Yuen Pau Woo: Will the honourable senator take a question?

Senator Andreychuk: Yes.

Senator Woo: Thank you. I really applaud you for the care and attention you have made in crafting this bill, to finesse it so that it is not too blunt an instrument or not too sharp a tool and that it doesn't bind the hands of the minister, as you described. One of the things you have done in particular, which you explained very well, is to not target Russia in particular, but to make it, as you call it, a generic bill.

I'm very sympathetic to the intent of the bill and to the principles that you have outlined in your explanation, but I have some concerns that I would appreciate you perhaps allaying.

• (1910)

As you have articulated, this bill envisages that the Minister of Foreign Affairs will, on an annual basis, have the ability to designate foreign nationals who have committed gross violations of internationally recognized human rights. Are you concerned that this bill may be used by activists, campaigners or lobbyists with very different agendas to promote their cause by targeting

their favourite international villain who can arguably be said to have been responsible for a gross violation of an internationally recognized human right?

I point out that the covenant of international human rights includes not only civic and political rights but also economic, cultural and social rights.

The list of potential villains is a long one. I won't mention names, but I'm sure all of us in this chamber can conjure some prime candidates related to recent as well as ongoing events in virtually all parts of the world, for example, in the Americas, the Middle East, Africa, Central, South, Southeast and East Asia.

With all due respect and with —

An Hon. Senator: Question!

Senator Woo: — my genuine support for the objectives of this bill, can I ask you if you worry, as I do a little, that we are opening a Pandora's Box?

Senator Andreychuk: Thank you for the question. First of all, we are not looking at any particular state in the state apparatus — these are individuals — and not at what they have done. That will be the international standard that we have to adhere to. This bill talks about a person who comes to Canada and puts money into Canada. That is, buys real estate in Canada or tries to enter Canada, so it's within our borders. In that case I want to be sure that we're not talking about assessing regimes. That's not what this bill is doing. It is looking at people who have been involved and that the Canadian government could prove, using international standards, that those gross and persistent violations occurred, like torture, et cetera, that are named.

I believe that today the government is under pressure from all sources. Whether or not we have the Magnitsky bill, there will be forces, both positive and negative, wanting to influence the Canadian government and its foreign policy.

Your fear is tempered by the fact that the government will have to look at not only the human rights aspects but all other foreign policy aspects and come to a determination of what's in the best interests of Canada. They will make the ultimate decision, whether it is frivolous, argumentative, or coming, as you said, from some nefarious force.

We do that nowadays under the Immigration Act. People who have submitted some gross violations and then have become parliamentarians in their own countries as time has gone by and have self-acknowledged what they have done, including murder, have been let into Canada with ministerial discretion. That leads me to believe that this would be handled in a very similar way. That is, any time a Canadian comes forward to the government to say, "You should act on this," which is happening now, it will be easier, I believe, for the government to say, "Here's the process by which we will adjudge that." I'm thinking it will be a tool that is more positive than what we have now. It will prevent some of the discussion because the government can say, "We put our minds to it. We went through this procedure. While we believe there's some merit in what you say, we have weighted it in the context of what's in the best interests of Canada and we are not going to proceed." Or they will say that they will proceed.

The natural issue that you're worried about exists today. I think it will be easier to rebut the issues that I think are not within Canada's best interest. I leave that to the government. That's why I say they will have article 4 to determine how they craft it to ensure that their judgments are based on valid suppositions.

That means a host of other activity will still go on. Canadians being Canadians, will want to bring to their government every issue and that happens today.

I don't know if I'm answering your question, but I'm assured that this will not exacerbate the situation; it will alleviate it.

Hon. Michael Duffy: I have a question for the honourable senator. I'm very interested in this subject. I have been following the good work done by your committee, ably chaired by yourself and your deputy chair, Senator Downe.

For those who are worried, to the average person at home some of this seems kind of opaque and maybe complicated. Would you agree with me that the best way to understand the pressing need for us to pass Bill S-226 is not only to read your Senate committee report but also to read the book *Red Notice* which is a true story that reads like a thriller but exposes the very issues that you have spoken about so eloquently.

Senator Andreychuk: Well, thank you. I'm sure Mr. Browder will thank you for that. *Red Notice* is a book written in a very conversational style of someone who has lived through that terror of going into business in another country and then, by very nefarious means, having his assets removed from him by improper and illegal ways.

If that were the only story, then it happens in many places. But to hire a lawyer who was not involved in the human rights movement or in any of the business side — he was a practising lawyer like any lawyer in Ottawa, Saskatoon or Regina — and he got caught up with, "This is going on in my country?" He then said, "I'm going to do something about it," and he paid with his life.

Thank you for mentioning the book. We get lost in the laws, et cetera, and he, very simply but with great horror, points out what other people go through to try to make their country better and to stand up for what they believe in. Thank you, senator.

[*Translation*]

Hon. Raymonde Saint-Germain: Honourable senators, the Standing Senate Committee on Foreign Affairs and International Trade has unanimously recommended, without amendment to its review, Bill S-226, the Justice for Victims of Corrupt Foreign Officials Act.

I would like to acknowledge the excellent quality of the work done by the chair of the committee, the Honourable Senator Andreychuk, who is also the sponsor of the bill. She had the assistance of a team for studying this ambitious piece of legislation, and I also want to recognize them.

Having participated in the recent meetings of the committee, I was able to seize the importance of the context in which this bill has been proposed.

[*English*]

Like my colleagues who heard all of the testimony at committee, I recognized the novel cause underpinning the very existence of Bill S-226, which I support. Why? Because if it is passed, it will be one more tool that the government can use to hold to account corrupt officials who act against the interest of the public, whose duty it is to serve. The justice for victims of corrupt foreign officials act is a smart way to reassert Canada's commitment to the international community to protect human rights and promote the rule of law.

[*Translation*]

The goal of Bill S-226 is to institute restrictive measures against foreign nationals responsible for gross violations of internationally recognized human rights. In order to understand how the proposed provisions work together, it must first be pointed out that they operate to complement the Canadian normative framework governing the economic measures that may be taken against foreign nationals who have a financial connection with Canada.

Under the proposed Freezing Assets of Corrupt Foreign Officials Act, the Canadian government will be able to block the financial transactions and freeze the assets of a person who acquired them fraudulently. The decision as to whether to proceed will still be at Canada's discretion. To activate this mechanism, a foreign state will have to express its wish to do so, something that has happened only a few times in the past. Bill S-226 will not amend that Act, but rather it will add a new tool that can be used autonomously by Canada in order to achieve the same ends.

• (1920)

Make no mistake: this kind of bill may offend some officials. We must not conclude that it is aimed at any one country in particular, although it is based on the Magnitsky case.

The bill's sponsor has very clearly explained the generic and comprehensive nature of this bill, which is a law of general application. That is why enacting it would make it possible to call to account any corrupt official or any official who has been found guilty of gross violations of human rights.

That said, I believe that our role, at this stage, is not to point a finger at certain states. We would be ill-advised to promote this bill by brandishing it aggressively before the international community. Let us not forget its objective, which is to strengthen the power of the Canadian government to impose sanctions, so that it can decide for itself when and how to exercise it.

I will conclude by pointing out that while the job of the Senate is to take an objective second look at bills, it may also propose bills to the House of Commons. Very often, Senate bills seek to advance regional issues and protect minorities. Bill S-226 is of a different nature, and it is ambitious. It falls into the class of Senate bills that involve an area that is historically within the purview of the Crown: the conduct of foreign affairs. I support this bill being fully aware of that, and in the hope that the House of Commons and the government will be able to examine Bill S-226 carefully and join those nations that are models in this respect. Thank you.

Hon. Marc Gold: Honourable senators, Canada has an important role to play on the global stage, but we have to be realistic: our influence has its limits.

In spite of all our diplomatic efforts and all our goodwill, it is extremely difficult to prevent individuals acting on behalf of their governments from violating the rights of their own citizens, those who publicly denounce corruption or who simply try to exercise their fundamental rights.

However, there is something we can and should do as a country.

[*English*]

We can send a message to those human rights violators that they simply are not welcome here. We can refuse them entry to Canada. We can refuse to enable them to shelter their assets here, assets too often tainted with the blood of those whose rights they so egregiously violated.

That's what Bill S-226 would do, and that's why I support it. It is focused but, yet, of general application. It is firm in its message and potential impact, but it's fair and flexible in its application; it is fundamentally consistent with our most basic values and interests as a country.

The bill is focused. It targets individuals who are responsible for or complicit in extrajudicial killings, torture or other gross violations of internationally recognized human rights. It does not target countries or their people.

The bill is of general application, as many have already mentioned. It does not single out any one country or regime. The bill is firm in the message that it sends, and when it's triggered, its provisions would have a very real impact. But it's also designed to be fair in the way in which the bill is applied.

[*Translation*]

Even more importantly, this bill is flexible and does not tie our government's hands. Rather, it gives it a tool to use when circumstances justify it. In that regard, the bill respects the paramount role that our constitutional system assigns to the government in relation to foreign affairs.

[*English*]

Honourable senators, Canada prides itself as being a country that stands up for human rights around the world. Bill S-226 would reinforce that stand by authorizing our government to take

prompt action to avoid Canada becoming a haven for human rights violators from abroad.

I support Bill S-226 and urge you to do the same.

Senator Cools: I move adjournment of the debate.

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

Some Hon. Senators: No.

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

Senator Cools: Yea.

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

Some Hon. Senators: Nay.

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

An Hon. Senator: Question.

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

An Hon. Senator: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Carignan, that the bill be read the third time.

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

Hon. Senators: Agreed.

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

CANADA EVIDENCE ACT
CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Tkachuk, for the third reading of Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources), as amended.

Hon. André Pratte: Honourable senators, "Democracy Dies in Darkness." This is the *Washington Post*'s new slogan. Like all slogans, it does not really need an explanation; it says it all. Without the spotlight shined by the media on public and private institutions, on those who govern us, citizens lack information and are, therefore, not able to properly play their role. Democracy collapses.

Unfortunately, even major media outlets — those who have the most resources in terms of investigative reporting, those who are equipped with the most powerful spotlights — can't see everything.

You first have to know where to look. Then there are always the shadows, the places where incompetent or dishonest people hide to do their dirty work. To spot these shadows and bring them to light, journalists need help.

Let's call them lamplighters: people inside who secretly light a candle that pierces the darkness and alerts the media, telling them where to turn their spotlights. These lamplighters are the sources.

Because they betray the incompetents and the cheats, sources often take great risks. They are punished if they are discovered. They lose their jobs or worse, if a criminal organization is involved.

Journalists' sources must, therefore, be protected. That means that journalists must be able to keep their sources' identities confidential, except in very special circumstances, even in a court of law and even in a police investigation. This is the only way journalists can reassure their sources and get them to come forward.

So far in Canada, these very special circumstances in which a source's identity may be disclosed have been determined through jurisprudence or Supreme Court judgments.

The spying on Quebec journalists over the last few years, which was discovered last fall, shows that jurisprudence is not enough. Justices of the peace issued warrants to monitor journalists despite the terms imposed by the highest court in the land, allowing the police to access the identity of the sources of these reporters who were among the best investigative journalists in Canada.

Clearly, these justices of the peace did not read or did not consider or understand what Canada's highest court had said. In other words, the justices of the peace did not act as guardians of the freedom of the press that the Supreme Court had entrusted to them.

Canada, like most democracies in the world, needs a law to protect journalists' sources. That is what Bill S-231, a bill introduced by Senator Carignan, proposes to do. I wish to pay

tribute to Senator Carignan's determination and rigour in this matter.

If we do not pass such a law, the revelations of last fall will have a chilling effect — it has already begun, actually — on all sources, current and future, that provide information to journalists. They will know that, from now on, jurisprudence is not enough to ensure their confidentiality, no matter what promises journalists make to them. Sources will dry up. If sources are silent, the incompetent and the corrupt will be able to act with impunity, knowing that journalists are less likely than ever to alert journalists of their action. Darkness will fall. Democracy will falter.

• (1930)

Bill S-231 is not intended to protect journalists or to confer any privilege on journalists. It aims to protect journalists' sources by preventing their identity from being disclosed in trials or police investigations except in circumstances where it is essential for justice to be done.

[*Translation*]

The bill applies to two types of situations. First, when a journalist testifies in a criminal, civil, or administrative court, the Evidence Act is amended to allow the journalist to refuse to disclose a document or information if it would possibly identify a source. The court can only compel the journalist to do so if the document or information cannot be obtained otherwise and if the public interest in the administration of justice outweighs the public interest in maintaining the confidentiality of the source.

The second situation to which Bill S-231 applies is when police forces want to obtain a search warrant, a court order for the collection of information or the authorization to intercept the communications of a journalist, or the collection of documents or information in his or her possession.

According to the jurisprudence, such warrants can only be issued if there are no other means to obtain the information sought or if the public interest in conducting the investigations outweighs the journalist's right to maintain the confidentiality of the sources. This jurisprudence would be included in the law.

The bill adds additional protections. For example, considering the disastrous experience in Quebec, requests for warrants will be made to superior criminal court judges, not justices of the peace.

One of the main problems with the current process is that the judge only hears the version of the police officers, who obviously have cause to present their case in the most favourable light in order to obtain the warrant they want. Ideally, the judge should also hear the journalist or the media venue concerned, but that is often impossible because they would be informed in advance of the search or tracking.

Witnesses from the media world proposed the idea — which was accepted by the Standing Senate Committee on Legal and Constitutional Affairs — of offering judges the possibility of using an amicus curiae, a special lawyer who would be responsible for defending the interests of freedom of the press before the court. It would be left to the discretion of the judge whether to request the assistance of such a lawyer or not.

[*English*]

Bill S-231 has the support of organizations representing the country's journalists, Canada's major media outlets and media lawyers. The Quebec bar supports the purpose of the bill.

Organizations representing police, including the Canadian Association of Chiefs of Police and the Canadian Police Association, expressed their opposition to the bill for two reasons in particular.

One, they find the definition of "journalist" too broad. In other words, the bill protects too many people. Superintendent Kevan Stuart of the Calgary Police Service said:

> In the days of blogs and social media — Twitter, Facebook — before we can move forward on this, we need to have a definition of a journalist and what body they would fall under in regard to a code of ethics and a governance system.

The Quebec bar expressed the same concerns.

An amendment was made in committee to the definition of "journalist" in the bill to mean only persons whose "main occupation" is to contribute "for consideration," while ensuring that freelancers, more and more common in today's media, remain protected. We're ensuring that only the sources of professional journalists, career journalists, will be protected by Bill S-231.

As for the second concern of the police, I will come back to it a bit later.

When police representatives appeared before the Standing Senate Committee on Legal and Constitutional Affairs, I asked them if this new definition of journalist would reassure them, and Mr. Stuart of the Canadian Association of Chiefs of Police said, "To have that definition would be very helpful."

If Bill S-231 is adopted in this house, it will be sent to the House of Commons where in the end its fate will be decided by the government of the day. This government has repeatedly expressed its willingness to pass a shield law to protect journalists' sources. It tasked a group of experts to make recommendations on this issue. Now, I do not think cabinet needs to draft its own bill. The

bill it needs will be before it, Bill S-231. It was carefully drafted by Senator Carignan and his team. It was the subject of rigorous public consultation and was amended as a result.

Passing Bill S-231 would be a historic step forward for freedom of the press in Canada, the most significant advance in decades, in fact, at a time when south of us the press has been attacked as it has rarely been before. Canada would send a powerful message on the importance it attaches to this fundamental right guaranteed by our Charter of Rights and Freedoms.

More concretely, journalists' sources, those courageous and lonely lamplighters, would finally be protected for the greater good of Canadian democracy. The flame of a simple candle is fragile, but as long as it is protected from the storm and extinguishers, it is enough to make light. And under the light, democracy shines.

I mentioned earlier that police representatives had two concerns. The first one is the definition of journalist, which we dealt with in committee. The other concern, expressed by the police, is that journalists would use the new regime for the issuance of warrants to their personal advantage. According to Rachel Huntsman, legal counsel for the Canadian Association of Chiefs of Police:

> . . . if a journalist is the target of a criminal investigation, such as impaired driving causing bodily harm, and the police require a search warrant to seize an exhibit, there is now a separate process created for the individual who happens to be the journalist. Although the intent of this section could not have been to create a special protection which does not exist for any other citizen of Canada, this section does precisely that.

Ms. Huntsman is correct that the intent of the bill obviously is not that, but her concern is real and was supported by an analysis done by the Department of Justice for the Legal Committee. To fix this problem, I propose an amendment to the bill to guarantee that a journalist who is himself suspected of committing a criminal offence would not benefit from the special protection under the act.

MOTION IN AMENDMENT

Hon. André Pratte: Honourable senators, therefore, I move:

> That Bill S-231, as amended, be not now read a third time, but that it be further amended in clause 3, on page 4, by replacing line 13 with the following:
>
> "487.014 to 487.017 relating to a journalist's communications or an object,".

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Pratte, seconded by the Honourable Senator Mitchell, that Bill S-231 be not now read a third time but that it be amended in clause 3 — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: On debate, Senator Baker.

Hon. George Baker: Honourable senators, let me first of all congratulate the senator for bringing forward this particular amendment because it caused us much concern in the committee that this was a presentation on behalf of the police chiefs of Canada, backed up by their legal authority. I'll get right to the point.

I was just reading the proceedings of the House of Commons, in which the last bill that we passed here, authored by Senator Carignan, concerning impaired driving and the mouth swab — you will remember that bill. We spent a lot of time on it in committee. We thought it was a good bill. Well, it was struck down last week by the positions of the government and the NDP on the first day of debate of that bill. The government announced that it was not supporting the bill. The NDP announced it wasn't supporting the bill.

• (1940)

Let me put on the record what the Parliamentary Secretary to the Minister of Justice said on page 10178 of the *House of Commons Debates* of April 4, 2017.

Don't forget, senators, that we passed this bill in the middle of December of last year. It took four months for its first comment in the House of Commons, and that is normal. I was there for 30 years. That was a part of the rules being formed.

These private members' bills take a period of time, about four months, 90 sitting days, before it is dealt with because it goes to the bottom of the list of 30.

Four months pass. Where is it now? It goes back down to the bottom of the list again. It then comes up to the top of the list. Sixty sitting days have passed for just the first reading of it. Then it is sent to committee.

The committee rules are firm on Senate bills.

Sixty days plus 30. We all know how busy those committees are because the Senate committees are certainly just as busy or busier, and it's a political choice that's being made. It's politics with a capital "P."

At the end of the 90 days, 60 plus 30, it then goes back to the Commons and to the bottom of the list. Then 30 sitting days pass before it comes up to the top. Then it goes to the bottom of the list again for the second hour. Then it comes back up again. If you add it up, it is 90 days plus 90 days plus 90 days. That's 270 sitting days.

There are complications along the way in that the private members' bills committee in the House of Commons has a majority of government members. It can stop something

immediately if it makes the determination according to the Commons rules that there is another matter that deals with the same subject matter. It can be just removed.

The second point at which the Senate bill can be stopped is when it goes to the Commons committee because they can then recommend, as they did the other day, that a bill just not be proceeded with. Why? It is the same reason they are using for Senator Carignan's bill that we passed after due consideration in the Senate. The House of Commons committee reported the following:

> The Committee recognizes that impaired driving, either by drugs or alcohol, is a serious issue in need of robust and comprehensive federal action. The Committee recognizes the crucial need to support victims and public safety officers in these cases, and to do so in a way that appropriately balances the public safety of Canadians with the Canadian Charter of Rights and Freedoms.
>
> While the intent behind the bill is commendable, the Committee has concerns based on the evidence provided during its study, that the legal problems with the Bill far outweigh the potential salutary effects.

You have two committees, political committees, majority government members and as well you have NDP members. They make political choices. We cannot blame them for that. It's a place of politics. One party wants to remain in power; the other party wants to form power. They are not about to do any favours for members of the opposition.

We get to Senator Carignan's last bill and the statements from the government say it is:

> . . . not sufficiently comprehensive to address the very complex drug driving problem in a significant way. . . .
>
> Therefore, I respectfully question the sense of Bill S-230 proposing oral fluid drug screeners without proposing some mechanism to create legal limit offences for drugs, at least for the most prevalent drugs found in drivers, which of course includes THC, the psychoactive ingredient that is present in cannabis.

Then the NDP critic, on page 10179, says this:

> One of the issues in the bill is with the fact that there is no mention of a per se limit on THC. The Parliamentary Secretary to the Minister of Justice made mention of that. It is unclear as to how much THC, or indeed any kind of drugs, in a person's blood would need to be found to fine for impairment.

They don't understand the bill, but the bill is gone.

Senators, don't forget, I just added up the days, 270 days, and this is normal. How many days do we have left in this session? We have a law that was brought in in 2007. What was the law? May of 2007, the third Monday of October of the fourth year from the last election. It was supposed to be four years. When was the next election? It was in 2008. When was the next election? It was in 2011. That is three years. The first year that followed the law was 2015 — 2011 to 2015.

How many sitting days does the House of Commons have before the next election? Does it have 270 days? No. It is about 113 days per year.

I think that the planning committee should arrive at a solution similar to this, that a bill passed by the Senate shall become a Senate bill. It shall be a Senate bill, and a committee of the Senate will meet with the private members' committee of the House of Commons to prepare for passage of that bill. If we had had that process, there would have been no determination made on April 4 to kill Senator Carignan's bill concerning impaired driving.

When you add up the days and the process that's followed, then any bill we deal with that does not take place immediately after a general election does not have a hope of passing and becoming law. That is truly unfortunate.

There could be exceptions. The chair of our Senate committee is sitting over there. What does he do? He started lobbying members of the House of Commons to get his bill through. He started negotiating with the government, and the Government Representative in the Senate helped in this process. So there are ways of getting around it.

Do not get me wrong, Senator Carignan's bill is dead. There is no doubt about it. But I bet you that on Thursday the government will announce a similar bill when it announces the new legislation on marijuana.

The point is that all is not lost, that an issue as important as this one will probably force the government, the House of Commons, to address the problem in their own way with a different bill. But we should think about having a committee, not to conduct negotiations but to discuss with those two committees of the House of Commons that have the power to kill our bills, to say that these are Senate bills and that they don't stand in the name of a person who belongs to a particular political party. It's unfortunate that politics play such a role in the passage of these bills, and that's why I made this intervention.

• (1950)

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

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Pratte, seconded by the Honourable Senator Mitchell, that Bill S-231 be not now read the third time but that it be amended — may I dispense?

Hon. Senators: Dispense.

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

Hon. Senators: Agreed.

(Motion in amendment agreed to.)

The Hon. the Speaker: Resuming debate on the main motion. Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Carignan, seconded by the Honourable Senator Tkachuk, that the bill, as amended, be read the third time.

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

Hon. Senators: Agreed.

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

CONVEYANCE PRESENTATION AND REPORTING REQUIREMENTS MODERNIZATION BILL

BILL TO AMEND—THIRD READING

Hon. Bob Runciman moved third reading of Bill S-233, An Act to amend the Customs Act and the Immigration and Refugee Protection Act (presentation and reporting requirements), as amended.

He said: Honourable senators, I will be brief, and this is not a Bakerism.

Some Hon. Senators: Oh, oh!

Senator Runciman: Honourable senators, I rise today to speak at third reading of Bill S-233, An Act to amend the Customs Act and the Immigration and Refugee Protection Act.

This bill is the result of much-appreciated cooperation between my office, Senator Harder's office, Minster Goodale's office and the Canada Border Services Agency. As a result of that cooperation and collaboration, the legislation before the chamber today is somewhat different from the bill we dealt with at second reading.

Amendments brought forward by the Canada Border Services Agency and adopted by the National Security and Defence Committee have, in my view, made the bill simpler and more cohesive and will strengthen border security.

Bill S-233 was introduced to deal with what I and many others considered an overly bureaucratic requirement for boaters who cross from the United States into Canadian waters but who do not land, anchor or moor. Right now, occupants of a boat on a direct route from one place outside Canada to another place outside Canada do not have to report to the Canada Border Services Agency when they cross into Canadian waters. But someone out fishing or pleasure cruising who crosses into Canadian waters does face an obligation to report, even if they have no intention of stopping or coming ashore.

The absurdity of this reporting requirement became obvious six years ago, when a fisherman from New York State was charged with failing to report to Border Services while drift fishing in the Thousand Islands area of the St. Lawrence River. He was threatened with the seizure of his boat unless he paid a $1,000 fine on the spot. That action resulted in a major cause célèbre on both sides of the border and, as a result, the fine was reduced to $1.

Although I do not agree with the approach taken in this case, I don't deny that officers were following the letter of the law as it is written in the Customs Act, which is why I introduced this bill — to bring Canadian law into line with the practice followed by United States officials, and to impose similar rules for those travelling directly from one place to another and for those who might be sightseeing or fishing.

The current rules are confusing for both Canadians and Americans. Their enforcement in that infamous 2011 incident put a chill on relations between our two great countries and damaged the economy of the tourism-dependent region in which I live, the Thousand Islands.

I'd like to point out some of the testimony heard by National Security and Defence during its study of this bill. New York State Senator Patty Ritchie appeared and said the following:

> For those of us who make our homes in the St. Lawrence Valley, the river is more of a neighbourhood that brings us together, rather than a line that divides us.
>
> Unfortunately, since this event, I can honestly say that my family and I, along with many others, have not taken another boat ride along the Canadian shore. It has sent a chill among the border communities I represent, creating a layer of uncertainty at a time when security issues at border crossings are already making more and more people think twice before they travel to Canada.

And let me tell you: Canada has no better friend in the United States than New York State Senator Patty Ritchie.

Gary DeYoung, Director of Tourism of the 1000 Islands International Tourism Council, told the committee that people find the Canadian reporting requirements "contradictory and

confusing." As a consequence, people have decided to just stay away.

The number of short-term and non-resident fishing licences sold by vendors in New York's St. Lawrence and Jefferson counties — these are the types of licences sold to tourists — was more than 18,000 in 2010 but had dropped to less than 11,000 in 2015, DeYoung told the committee.

So my goal was to bring some common sense to the reporting requirements, but I knew that it is vitally important not to jeopardize border security while doing so.

In my view, Bill S-233 finds the right balance between freedom of movement and security.

If this bill goes on to become law, no longer will boaters who cross into Canadian waters be forced to report to customs as long as they do not anchor, moor or make contact with another conveyance. The same rules apply to goods on board a conveyance.

However, Canada Border Services Agency officers retain the authority to require reporting in individual cases, both under the Customs Act and the Immigration and Refugee Protection Act. This discretionary power to require reporting when necessary is important to allow Border Services to fulfill their mandate and to maintain border integrity. For example, it will allow officers to require exempted persons to answer immigration questions.

The bill as tabled contained this power under the Customs Act, and it was amended at committee to ensure officers have similar powers under the Immigration and Refugee Protection Act.

When I introduced this bill, I recognized that adding an exemption to reporting required safeguards, which is why I included the provision that the exemption applied only if the boat did not "anchor, moor or make contact with another conveyance." As a result of an amendment at committee, those safeguards have now been extended to direct point-A-to-point-B travel, as well as to what are known as "loop movements," when a boater is just out for a ride, starting and finishing from the same spot.

This not only strengthens border security, because direct travel faced no such restrictions before, but it also simplifies reporting requirements. Whether you are taking the shortest route between two destinations or whether you are fishing or pleasure cruising, you don't need to report — unless you anchor, moor or land, or unless an officer makes a demand.

The exemption would apply equally to an American entering Canadian waters or a Canadian re-entering Canadian waters, and it applies to both persons and goods. With the amendment, the exemption is extended to include international waters. This will solve a problem on both coasts by eliminating reporting requirements for whale watchers who leave from Canada, enter international waters and then return to Canadian waters.

The bill before you now has broader application as a consequence of the amendments, but it is clearer and, as mentioned, simpler and more cohesive.

One office involved in pulling this bill together that I have yet to thank is the Office of the Law Clerk. They've gone above and beyond the call of duty, putting in extensive hours, including weekend work, to help us in our efforts to hopefully see this legislation in place before the upcoming boating season. Senator Baker may be a little depressed about that possibility, but we'll see what happens.

I realize this legislation has no impact on many Canadians, but for many people in my region of Ontario, who share the St. Lawrence River and the Great Lakes with our American friends in several U.S. states, it has a profound impact on lives and livelihoods. On their behalf, I ask for your support, senators, for Bill S-233 and encourage its speedy passage.

• (2000)

Hon. Peter Harder (Government Representative in the Senate): I want to be very brief, in the Runciman style, to signal to all senators that this bill comes with government support. I will work with the senator and others to ensure its early consideration in the other place as best I can.

This bill is the product, as the senator has described, of a good deal of consultation. I congratulate the senator for his willingness to hear from all sides and to adapt his bill to incorporate the concerns, particularly of the CBSA, and I also want to say to all senators this is, I believe, a model of cooperation. I congratulate Senator Runciman, and with him I hope that this can begin before the boating season. As may become obvious, summer is approaching, and this bill ought to be considered by the other place, so let's get it there as quickly as possible.

Hon. George Baker: I would like to thank Senator Harder on this particular bill, as it was unanimously passed in the Senate committee. I would also like to congratulate Senator Runciman.

What will happen to this bill, very briefly, is that it will go back to the bottom of the list for 30 days. It will come up for debate for the first hour, and there will be a motion on the first hour for it to go to committee. If not, then it will be in the second hour that it comes up. The committee will deal with it forthwith. Don't forget, it's a political place, and the steering committee is made up of government members, mostly, and that will be dealt with quickly, not after 90 days, as a normal bill will be. It will go back, and then it will receive a vote on the first hour when it goes back.

Just one concluding statement: When private members in the other place bring us bills in the Senate and say, "Well, you can't amend it because it takes so long when it goes back," that is not correct.

What happens is that if we amend a private member's bill in the Senate, it goes back and, yes, goes to the bottom of the list for 30 days, rises to the top and, because that bill has already gone through, a motion is made and a vote is taken on the amendment.

It doesn't have to go through the second hour. It doesn't have to go through committee. It doesn't come back to the committee for an additional 60 days.

So those private members who say you can't amend our legislation, that's not according to the rules. That's why we're now going to see Senator Runciman's bill, I'm sure, pass very quickly, thanks to Senator Harder and the Liberal government who supports it, hopefully. We'll see this law, hopefully, by the summer.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

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. Peter Harder (Government Representative in the Senate): Honourable senators, I'm pleased to rise at third reading to support the late Honourable Mauril Bélanger's private member's bill, Bill C-210, which intends, as we all know, to make amendments to the national anthem to respect gender neutrality.

I would like to begin by simply quoting Mauril Bélanger when he gave his address in the other place, where he said:

> With my bill, I want to pay tribute to all the women who have worked and fought to build and shape the Canada that we know today. I want to, at long last, honour their sacrifices and contributions.

Changing two words, from "thy sons" to "of us," would render "O Canada"'s English lyrics gender-neutral and inclusive of all. The French lyrics, as we all know, are already gender-neutral and inclusive.

It is worth repeating that the phrase, "true patriot love thou dost in us command," was in the original accepted English lyrics of 1908. It was subsequently changed to "sons," and I would argue that it is time to change it back to more gender-neutral language.

Canada is not the first country to make its anthem more inclusive. In 2012, Austria changed its anthem to recognize women. In 2015, Switzerland ran a contest seeking more modern lyrics for its national song, which referred only to sons as well. The new chosen lyrics are gender-neutral.

I would also like to remind this chamber that while Bill C-210 is a private member's bill, it too has the strong support of the government and, I hope, this chamber. In addition, I should point out that in the House of Commons the approval amongst members of the House of Commons reached 75 per cent, including support from each of the parties represented in that chamber.

Bill C-210 is the eleventh bill to propose gender-neutral change, and one that we are now on the precipice of adopting. I would invite all senators, in the spirit of the private members' bills that we are dealing with tonight, to vote in favour of this so that the gender-neutral rendition of "O Canada" can be sung by us all by July 1 of this year as we celebrate our one hundred and fiftieth anniversary. It is time to make Canada's anthem gender-neutral.

Hon. Yonah Martin (Deputy Leader of the Opposition): It is my birthday today, and I would ask the chamber to indulge me to the adjournment on this debate at this time.

An Hon. Senator: Happy birthday.

(On motion of Senator Martin, debate adjourned.)

CANADA PROMPT PAYMENT BILL

TWELFTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator MacDonald, for the adoption 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. Grant Mitchell: Honourable senators, I have been waiting all day and all evening to make this intervention, so I'm pretty excited about it. I want to remind members that I supported this bill at second reading. I know we're all aware of how diligently and rigorously Senator Plett has worked on this bill, and we are

also aware of how diligently and rigorously the committee reviewed it. I would simply like to say that I support moving it and advancing the bill to third reading.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

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

UNDERGROUND INFRASTRUCTURE SAFETY ENHANCEMENT BILL

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

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (Bill S-229, An Act respecting underground infrastructure safety, with amendments), presented in the Senate on April 6, 2017.

Hon. Richard Neufeld moved the adoption of the report.

He said: Honourable senators, I am delighted to rise and speak to your committee's report on Bill S-229, an Act respecting underground infrastructure safety.

As you may recall, Bill S-229 seeks to create a federal underground infrastructure notification system. The bill would essentially achieve three things.

First, it would require that operators of underground infrastructure that is federally regulated, or is located on federal land, register that underground infrastructure with a notification centre.

Second, it would also require that persons planning to undertake ground disturbance make a locate request to the relevant notification centres.

• (2010)

Finally, it would also require that operators of registered underground infrastructure, upon a locate request, do one of three things: mark the location of the underground infrastructure, or provide it in writing or any other accurate and clear description, or indicate that the ground disturbance is not likely to cause damage to the underground infrastructure.

I think it is fair to say that the bill was developed by Senator Mitchell after the Standing Senate Committee on Energy, the Environment and Natural Resources conducted a study on the subject matter in 2014 and published a 20-page report, entitled *Digging Safely: One-call Notification Systems and the Prevention of Damage to Canada's Buried Infrastructure*.

With respect to the committee's report, I want to briefly explain the two amendments that were brought forward following our committee's first hearing of the bill in February. Two issues were addressed that raised some minor concern, so the sponsor of the bill, Senator Mitchell, agreed to two amendments that were subsequently moved by Senator Patterson and Senator Seidman in committee.

The first amendment, in clause 2, added the definition for the word "province," which, for greater certainty, includes the Yukon, the Northwest Territories and Nunavut.

The second amendment, in clause 12, is technical in nature. It has to do with underground infrastructure operators' responsibilities when a locate request has been received. As I just mentioned, the bill lists three ways the operator can advise the client of the location of any underground infrastructure.

The technical amendment simply confirms that the industry proponent must do any of the three options. In its original form, some industry players were concerned that the bill forced them to meet all three conditions.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

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

[*Translation*]

SENATE MODERNIZATION

FIRST REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

> Resuming debate on the consideration of the first report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward*, deposited with the Clerk of the Senate on October 4, 2016.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I haven't quite completed my notes, and I haven't organized my ideas as much as I wanted to, so I move adjournment for the remainder of my time.

(On motion of Senator Bellemare, debate adjourned.)

[*English*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

BUDGET—STUDY ON OPPORTUNITIES FOR
STRENGTHENING COOPERATION WITH MEXICO
SINCE THE TABLING OF THE COMMITTEE REPORT
ENTITLED *NORTH AMERICAN NEIGHBOURS:
MAXIMIZING OPPORTUNITIES AND STRENGTHENING
COOPERATION FOR A MORE PROSPEROUS
FUTURE*—NINTH REPORT OF
COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Foreign Affairs and International Trade (Supplementary budget—study on opportunities for strengthening cooperation with Mexico), presented in the Senate on March 28, 2017.

Hon. A. Raynell Andreychuk moved the adoption of the report.

The Hon. the Speaker: Senator Fraser, a question?

Hon. Joan Fraser: It's easier if you just do it without me asking the question. How much money? What is involved in travel?

Senator Andreychuk: Senators will remember, I'm sure, that we received a small budget to travel to Mexico to present our trilateral report, and there was going to be the chair, deputy chair and the other member of the steering committee. Unfortunately, we received the money so late in the last year that we could not travel because of the sittings in Mexico. This was the first time that the Mexican Parliament had invited the Foreign Affairs Committee to present its report to them, so we felt it was important.

Time passed and we expanded the steering committee to four members. Because of the urgency of dealing with the trilateral report, which is certainly the issue of the day, as well as foreign affairs, given the new administration in the United States, the reaction of Mexico and Canada, we thought it was timely to go. So we asked for an additional sum of $8,000 and some. This is the item that first went as emergency funding to the subcommittee in Internal Economy, then to the Internal Economy Committee and is now reported here. I'm asking for the adoption of that report.

I should say that we did travel and were received very well by all of the committees, by the press, by the business communities, and we will be filing our report with recommendations.

We should have gone a year ago, but it was even more timely to go now. So I think it was money well spent, in a very efficient way, to continue what I think is a most significant foreign policy at the moment, our bilateral and trilateral relations with Mexico and the United States.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

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 ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Agriculture and Forestry (Budget—study on the acquisition of farmland in Canada and its potential impact on the farming sector—power to hire staff and to travel), presented in the Senate on April 6, 2017.

Hon. Jean-Guy Dagenais moved the adoption of the report.

Hon. Joan Fraser: I would like to know more about this budget and the expenses related to this trip. I notice the request for the power to hire staff. Do you plan to hire many additional staff members?

Senator Dagenais: This involves a trip to Washington and is part of the budget for the fiscal year ending March 31, 2018. The total cost is expected to be $58,590. That includes funding for the fact-finding mission and travel for eight senators. The senators' travel budgets have been approved. The trip is part of the special study on the acquisition of farmland in Canada and its potential impact on the farming sector, in accordance with the mandate that the Senate gave to the Standing Senate Committee on Agriculture and Forestry.

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

Hon. Senators: Question!

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (2020)

[*English*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

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

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Energy, the Environment and Natural Resources (Budget—study on the effects of transitioning to a low carbon economy—power to travel), presented in the Senate on April 6, 2017.

Hon. Richard Neufeld moved the adoption of the report.

Hon. Joan Fraser: How much and where?

Senator Neufeld: This is a committee you and I are a part of. We are going to Eastern Canada to study the effects of the program that the federal government has put in place on reducing greenhouse gases.

We will visit Newfoundland, P.E.I., New Brunswick and Nova Scotia. We have already visited British Columbia, Alberta and Saskatchewan. We visited Ontario. We visited Montreal, Quebec, and this is the final trip that we will likely make to complete this study, which we will finish by the end of the year.

The budget request is for $104,436. That is for 11 senators and 7 staff. I think that we have a pretty good program lined up for everybody, and I believe most of the senators are coming.

Hon. Percy E. Downe: I would like to congratulate Senator Neufeld for his initiative to go to all the provinces. Many times, as Atlantic Canadians, we have committees going to Halifax and Moncton. Prince Edward Island and Newfoundland and Labrador are often left out. Thank you for including all of the provinces.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

OFFICIAL LANGUAGES

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

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Official Languages (Budget—Study on the challenges associated with access to French-language schools and French immersion programs in B. C.—power to hire staff and to travel), presented in the Senate on April 6, 2017.

Hon. Paul E. McIntyre moved the adoption of the report.

He said: Honourable senators, I move the adoption of the report. It deals with a trip to Vancouver to attend a press conference. There is the approved report, which contains an appendix. It outlines travel expenses for two senators. The budget includes airfare, accommodations, a per diem and taxi fares for a total of $17,440.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE ROLE OF AUTOMATION IN THE HEALTHCARE SYSTEM—ELEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Social Affairs, Science and Technology (Budget—study on the role of robotics, 3D printing and artificial intelligence in the healthcare system—power to hire staff and to travel), presented in the Senate earlier this day.

Hon. Kelvin Kenneth Ogilvie moved the adoption of the report.

He said: Honourable senators, this budget request contains one element that is not the reason for asking for the special consideration today. It deals with a total of $7,000 to produce the report that will be upcoming for our study on artificial intelligence, robotics and 3-D printing.

However, the item that did necessitate a bit of speed on this — and Senator Fraser will be shocked to know — is that I'm requesting a travel budget. This will be the second time in the entire time that I've chaired Social Affairs, Science and Technology Committee that our committee is travelling.

Honourable senators, it's travelling to the same great city we did the last time. This is a city that has outstanding expertise in the areas important to this particular bill. It is the great city of Ottawa, and the total request is for $1,300. That will occur early in May, and the speed here is necessitated because of the two-week holiday.

I hope you will support this motion, honourable senators.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

THE SENATE

MOTION TO ENCOURAGE THE GOVERNMENT TO EVALUATE THE COST AND IMPACT OF IMPLEMENTING A NATIONAL BASIC INCOME PROGRAM—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Dawson:

That the Senate encourage the federal government, after appropriate consultations, to sponsor along with one or more of the provinces/territories a pilot project, and any complementary studies, to evaluate the cost and impact of implementing a national basic income program based on a negative income tax for the purpose of helping Canadians to escape poverty.

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

That the motion be amended to read as follows:

That the Senate encourage the federal government, after appropriate consultations, to provide support to initiatives by provinces/territories, including the Aboriginal Communities, aimed at evaluating the cost and impact of implementing measures, programs and pilot projects for the purpose of helping Canadians to escape poverty, by way of a basic income program (such as a negative income tax) and to report on their relative efficiency.

Hon. Renée Dupuis: Honourable senators, I rise today to speak to Motion No. 51 introduced by Senator Eggleton. This motion encourages the federal government, after appropriate consultations and in conjunction with one or more provincial or territorial governments, to sponsor a pilot project or any other complementary study aimed at evaluating the cost and impact of implementing a national basic income program based on the concept of negative income tax in order to help Canadians escape poverty.

As we all know, dear colleagues, and as Prime Minister Trudeau publicly stated, poverty in Canada has a gender. The poor in Canada are women. A society's true worth is measured by the way it treats its most vulnerable members, who are often among the poorest, as compared to the way it subsidizes its wealthiest members and organisations.

Known by many names, whether "basic income," "negative income tax," "guaranteed minimum income" or "social welfare," the concept was often discussed in the 1960s and 1970s and then

dropped off the radar, only to resurface now that we understand the many significant counterproductive effects of Western society's various social welfare and income security measures, including inefficiency, stigmatization and discrimination.

In the 1960s, Canadian lawmakers started legislating a paradigm shift in order to reframe these issues. For quite a while, absent government policy, the welfare system designed to aid the poor was maintained by private organizations or religious orders led by women. That system was replaced in the 1970s by a public system where the state is responsible for the delivery of social services, accompanied by a change in perspective toward human rights and equality. I have three specific examples I would like to give.

First, the Canadian Human Rights Act, which prohibits discrimination in areas of activity that come within the legislative authority of the Parliament of Canada, is structured around the principle that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

The lynchpin of the principle is that all individuals should have an equal opportunity to make for themselves the lives that they are able and wish to have. If public policy was once subject to the whims of government leaders, it is now based around the right of the people to demand equality and to seek remedies when that right is denied. This radical change compels us to reframe the issue of poverty in an entirely new context.

Second, the Canadian Charter of Rights and Freedoms, incorporated into the Canadian Constitution in 1982, specifically sets out the right to equality without discrimination while still specifying, in section 15, that certain programs or activities may be put in place whose purpose is "the amelioration of conditions of disadvantaged individuals or groups", which is not limited to victims of discrimination.

Third, the Quebec Charter of Human Rights and Freedoms, adopted in 1975 by the National Assembly of Quebec, prohibits discrimination on similar grounds to those specified in the federal legislation, with the added stipulation that people are not to be discriminated against on the basis of their social condition.

In 2015, the Commission des droits de la personne et des droits de la jeunesse launched a joint study with a group of university researchers to assess, 40 years after the adoption the Charter, Quebecers' perception of the Charter, of discrimination and of the right to equality.

• (2030)

One of the most striking findings was that the stigma associated with welfare recipients does not seem to be going away. More than any other ground for discrimination, social status is the most likely to engender social mistrust, intolerance and discrimination. The Quebec Charter specifically prohibits discrimination based on social status, that is, the status derived from one's salary, job and education, or from being retired, homeless, a student, or a welfare or EI recipient.

According to data collected for the study, one out of two people claims to have a negative opinion of welfare recipients. Similarly, one out of two people believes it is normal to refuse to rent housing to people on welfare.

Furthermore, close to 50 per cent of those surveyed believe that not everyone has the same opportunities in life, which only serves to reinforce the idea that social inequality is a fact of life we must cope with. The researchers who carried out the survey established a correlation between accepting that not everyone has equal opportunities and the propensity to be suspicious of people on welfare, who end up being twice excluded. First, they are excluded by virtue of their inevitable and insurmountable unfortunate social status, which can be seen as a form of objective exclusion, and then by the suspicion that their unfortunate social status tends to arouse in others, which is a form of exclusion internalized by the respondents.

The findings also show that people with higher levels of education are more likely to consider these inequalities as a major problem, as opposed to the 73 per cent of respondents who believe that type of inequality to be acceptable.

A very significant variable seems to influence results across the board, namely that the closer people are to individuals belonging to a group that is discriminated against, the more their attitudes change. In other words, peoples' attitudes toward welfare recipients improve in proportion to the frequency of contacts they have with them.

Another compelling data point on social status shows that half of the respondents who claim to have frequent contacts with welfare recipients believe that landlords' mistrust of them is unfounded. That said, a significant proportion of people still consider that mistrust to be founded, even among those who have regular contacts with people discriminated against on the basis of social status.

I am of the belief that the federal government has a duty to take concrete action in conjunction with other levels of government with a view to embarking upon studies, potentially as part of pilot projects, to evaluate the implementation of a model that would ensure every citizen in the country has access to decent, universal income. This decent, universal income would be offered as compensation for civic engagement, so that everyone can live a dignified life, free to undertake the activities of their choosing.

Under such a system of universal, decent income, people would be freer to choose to which paid activity, as a wage earner or freelancer, or volunteer activity, inside their family or out, they will devote part or all of their working lives. Let us consider individual care for a moment. How many hours, months or years does a woman, whether she is gainfully employed outside of the home or not, devote to a spouse, a baby, a child, a teen or even a full-fledged adult, without any remuneration?

The economic cost for the woman in question compared to the direct cost of those services for the state, if they weren't assumed by women, merits examination from the perspective of how a universal guaranteed basic income could help women. It is crucial that any study or pilot project on a universal basic income include a gender-based analysis.

Given that it would be offered as compensation for civic engagement, we need to better measure the impact of a universal basic income that would replace current social assistance payments, which are highly stigmatized, as well as the pressure associated with social programs that do not necessarily take into account the fact that many people are not capable of taking part in mandatory job re-entry programs because of mental health problems, as just one example.

A universal, decent income would also help eliminate this stigmatization and prevent the government from one day cutting off the minimum that constitutes social assistance for one reason or another. This is to say nothing of the fact that discrimination based on many motives adds up to intersectional discrimination. Examples of different kinds of discrimination include social status, sex, race and disability, which, when combined with discrimination experienced by a woman facing racism, a single mother who has mental health problems or is caring for her minor children, could result in her receiving less in payments because she refused to take part in an employment program. These kinds of reduced benefits jeopardize not only her right to provide for herself and her family, but also her right to decent housing.

It would be appropriate to more closely examine various experiments in different jurisdictions around the world, such as the one conducted in Dauphin, Manitoba, in the 1970s, which served as an example for many countries in Europe in the years that followed. That experiment is considered a reference point in the discussions on this topic internationally, and the lessons learned from the results of that initiative are interesting from at least two perspectives. Contrary to expectations, the vast majority of people did not stop working. Two groups reduced their paid work activities: young men who went back to school, and young mothers who stayed in the home longer to care for their babies.

A pilot project has been announced in Ontario. It is also being tried in Finland and in cities in the Netherlands, where these measures are viewed as a tool to promote employment and fight against social exclusion.

Every study or pilot project must also take into account the principle of intergenerational equity. The federal government introduced old age security and the guaranteed income supplement to ensure a decent income for seniors, a large number of which are women who live in poverty, for those generations that did not have access to health insurance and social security benefits as we know them today. The younger generations, however, even if they are more highly educated, will most likely never have as many years of well-paying work as their parents, even if they work for a longer period, given the precariousness of today's labour market even for full-time jobs, a precariousness that could last for decades.

A recent Statistics Canada study shows that unemployment levels for young people aged 15 to 24 rose from 12.4 per cent in 1976 to 13.2 per cent in 2015.

Colleagues, I will quote from the speech given on February 16 by Prime Minister Trudeau to the members of the European Parliament on the benefits of free trade between the EU and Canada. The Prime Minister said:

> Trade must be inclusive and benefit everyone, even those who find it hard to make ends meet and who worry that their kids won't have access to the same opportunities that existed in the past.

The complete transformation of the job market and the skills employers are looking for mean that people can go through several phases during their career, including periods of paid employment with varying statuses. The social safety net must be completely overhauled, because it has been, up to now, largely associated with either paid employment or welfare.

We live in an era of economic inequalities that are growing at a record rate. The gap between the richest and the poorest is widening. That prosperity growth is partly the result of the increasing precariousness of employment and opportunities for tax evasion. Among other organizations that studied the subject, the OECD considers that the social exclusion faced in many countries by certain classes of citizens such as women, immigrants or persons with disabilities hinders economic development. According to a recent British study on the increased life expectancy in 35 industrialized countries, the situation in Canada will undoubtedly lead to an increase in the life expectancy of citizens in general—

• (2040)

The Hon. the Speaker: Is the senator asking for five more minutes?

Senator Dupuis: Yes.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Dupuis: —but Canada, which currently sits in the middle of the pack, is falling behind other countries like Australia that chose to invest in economic measures such as a high minimum wage to reduce social inequalities.

According to Dr. Doug Manuel, who works for the Canadian research institute that commented on the results of this study, the increased life expectancy is directly linked to improvements in prevention, which call for the reduction of inequalities for low-income and Aboriginal Canadians. Inequalities, which Dr. Manuel classifies as a disease, are the number one cause of death, according to him. Reducing inequalities could make a bigger difference than completely eliminating heart disease. Also, the difference between the life expectancy of aboriginal and non-aboriginal Canadians remains striking and worrisome.

In closing, the Conference Board of Canada recently published a 2017 study on quality of life in Canada and Canada's performance according to a number of indicators, including

gender-based income inequality and poverty and education levels within the population. This study shows that Canada ranks 13th among 16 comparable countries for poverty levels, especially for seniors and children, for income inequality between the rich and the poor, and for the difference between median incomes of women and men.

The same study recommends that Canadians consider different solutions, including: first, reducing poverty through the redistribution of tax money and a guaranteed minimum wage for everyone; second, improving the quality of education for underprivileged children and making the fight against child poverty a priority; third, eliminating the income gap between the rich and the poor and between women and men.

Honourable senators, we have to put forward initiatives to find better ways to ensure that all citizens have a decent minimum wage that enables them to live in dignity.

Thank you.

(On motion of Senator Bovey, debate adjourned.)

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

On the Order:

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

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

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

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

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

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

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

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

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

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

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

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

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

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

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

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

Hon. Ghislain Maltais: Thank you, Mr. Speaker. I am pleased to rise today to speak on the motion of Senator Patterson regarding the real property qualifications of senators.

Senator Patterson's motion applies to himself and other people living on federal lands or aboriginal reserves. A solution must be found so that these people are no longer stuck in limbo.

The Senate must be able to work in committee to find a viable solution to present to the House of Commons, since this change requires an amendment to the Constitutional Act, 1867 by an order of either the federal government or the House of Commons.

"Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women"; I think today's Senate in many ways reflects what you had in mind when you moved this motion, Senator Patterson. We should have a picture taken of the Senate today to show that visible minorities, aboriginal peoples, women — in other words, everyone — is well represented, which is a good thing.

Your motion says that, everywhere but in Quebec, the only qualification required to be appointed to the Senate, depending on a person's personal circumstances, is to reside in a province. A specific clause in the Constitution Act, 1867 stipulates that Quebec is divided into 24 senatorial divisions and that Senate appointees must own real property worth at least $4,000.

You're probably right, Senator Patterson, to say that it is archaic. However, the only way to change that — I already explained it twice in this place and I will do so again tonight — is for the Senate to ask the Quebec National Assembly and the House of Commons for a unanimous resolution to amend the Constitution in order to remove the requirement for Quebec senators to own real property worth at least $4,000. That is the only way. My colleague Senator Joyal explained it very clearly, and Senator Fraser as well. There is no other way.

Unfortunately, Senator Patterson, the Premier of Quebec stated in interviews that he will not reopen the Constitution. The Prime Minister of Canada said the same.

We're shouting in the desert here. We need to go back to the basics of your resolution and examine together the qualifications of people in your situation, or in situations similar to yours. This problem has to be fixed. I could work with you and other senators to find a solution.

Mr. Speaker, to persist in trying to find a way to repeal this clause of the Constitution regarding Quebec will accomplish nothing as long as the Quebec National Assembly and the House of Commons don't unanimously agree to do it and as long as the Premier of Quebec and the Prime Minister of Canada don't see eye to eye.

The print media has been very clear that governments are not interested in reopening the Constitution at this point in time. They would rather, like all of us tonight, get this over with and take a break. I applaud Senator Patterson's intentions, and I offer him my help to try to find a solution, but I cannot support the motion as it stands.

(On motion of Senator Ringuette, debate adjourned.)

TRANSPORT AND COMMUNICATIONS

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:
>
> 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. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I rise today to speak to the motion of Senator Housakos. I wasn't ready on Thursday to debate this motion or to clearly explain why I am against this motion as worded.

It doesn't seem right to me to put such a motion to a vote after a debate that lasted just 11 minutes. I am talking about the debate that was held on Thursday evening. Contrary to what was publicly stated, it was never my intention to obstruct the debate. How could I? Even if debate is adjourned in my name, any senator is free to speak to the motion.

• (2050)

There is nothing urgent about the motion before us except to resume in this chamber a debate that is lacking at the other place. On April 4, at the Standing Committee on Finance of the other place, Conservative member Gérard Deltell moved:

> That the Committee, in response to remuneration granted to executives at Bombardier, invite the Chairman and Chief Executive Officer from Bombardier and the Minister of Innovation, Science and Economic Development to appear before it; that the Committee report the evidence heard and its recommendations to the House of Commons.

In response to Mr. Deltell's motion, Conservative member Ron Liepert said, and I quote:

> Albertans are mad at the government for allowing such a thing to happen. . . . I am truly disappointed and I understand why Albertans are furious at Bombardier and this government.

The Minister of Transport, Marc Garneau, said that the company has listened to the public and is spreading out the remuneration of its senior executives over a longer period of time. This motion was debated at the finance committee of the other place last Thursday.

Perhaps coincidentally, it was in the context of the debate at the other place over the pay increases granted to Bombardier's senior executives that Senator Housakos moved that the Senate adopt his motion at the end of the day on Thursday. He is capitalizing on the public outcry over Bombardier to fuel the public's displeasure and division within Canada.

Senator Housakos' motion is different than the one moved in the other place, but it has the same partisan objectives, namely to embarrass the government and embarrass Bombardier. It seeks to reiterate Mr. Liepert's comments.

Honourable senators, I do not believe that the Senate should be used for the settling of scores. The independent Senate that we want must debate such issues in a calm and useful manner, always in the interest of Canadians.

The unintended consequences of this motion would be to create dissension among Canadians and undermine Bombardier's international reputation. By undermining Bombardier, we would harm Canadians. Bombardier is a Canadian jewel that creates thousands of jobs and generates billions in revenues. It certainly erred in giving excessive pay hikes to its senior managers when it had not yet reached the profitability threshold justifying such increases. However, before throwing out the baby with the bath water, we must think about the unintended consequences of partisan debates.

What do we really want to achieve with this motion? Do we want to make public the strategic agreements between the government and Bombardier in the name of transparency? If that is the case, should we also make public the agreements with Ontario's auto industry worth billions of dollars? Should we make public the Conservative government's 2008 agreement that gave GM $9 billion and resulted in $600 million in losses when the shares were sold?

You will realize, dear colleagues, that in the context of stiff international competition, this type of motion cannot be referred to a senate committee without a detailed debate on the costs and benefits that it could have for the economy. Lastly, I don't believe it is standard practice to publicly share the strategic details of agreements reached between governments and corporations.

Those are the concerns that led me to seek the adjournment of the debate. That is why I intend to vote against this motion, in its present form.

Hon. André Pratte: Honourable senators, Senator Housakos raised a very important subject that certainly warrants debate.

Did the Government of Canada do the right thing in loaning $370 million to Bombardier to help it develop its C Series and Global 7000 aircraft?

The raises Bombardier is giving to its executive are raising serious questions about the quality of the firm's governance and putting the appropriateness of the loan in the headlines. That's why now is a good time to examine this matter.

[*English*]

But this is a chamber of sober second thought. When we examine an issue, it should not be done simply on the spur of the moment, haphazardly. We should put things into context, take a step back. For instance, we know that this is not the only loan made to Bombardier by the Government of Canada. In 2008, the government of the day gave Bombardier a redeemable loan without interest, same conditions, same program, the Strategic Aerospace and Defence Initiative, about the same amount, $350 million. So if we look at one loan, we should look at the previous loan also. Shouldn't we?

Also, the same program was used for other companies for a total of $1.7 billion. We also know that billions of dollars were given in loans and subsidies by the Government of Canada to other multinational companies in other sectors, the auto sector being the prime example. Aid to Bombardier should be examined in the context of support to other multinationals and other sectors.

I know that Bombardier is the favourite target of some. Even though we may not like its governance structure and we may be furious at its recent compensation decision, it remains a precious asset of Canada's aerospace industry and a jewel of its manufacturing sector. It sells trains and airplanes all over the world. It has no equivalent in Canada. It employs thousands of Canadians, and thousands of other Canadians work in supplier companies that depend on it. When Bombardier hurts, Canada hurts too. The failure of Bombardier would be a terrible shock to the Canadian economy, to employment in Canada and to research in Canada.

[*Translation*]

I am convinced that reviewing the assistance given to Bombardier is important, but it must be a serious and thorough review. That is why I want to propose an amendment to the motion of Senator Housakos, an amendment that would expand the debate so that we examine not only the loan given to Bombardier recently, but also the loan it received in 2008. We should also examine assistance given to other multinational enterprises, not just Bombardier. In other words, we should conduct a thorough study of the issue. Since this goes way beyond the scope of the Standing Senate Committee on Transport and Communications, I propose that this study be assigned to the Standing Senate Committee on National Finance.

[*English*]

MOTION IN AMENDMENT

Hon. André Pratte: Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended:
>
> (a) by replacing the words ''Transport and Communications" by the words "National Finance";

(b) by replacing all the words in the first paragraph following the words "related to" by the words "public assistance provided to multinational companies by the Government of Canada, including the 350 million dollar loan provided to Bombardier Inc. in 2008 and the 373 million dollars loaned to Bombardier Inc. in 2017, taking particular account of, but not limited to, the overall value of such investment on behalf of Canadians; and"; and

(c) by replacing the words "June 7" by the words "December 31".

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Pratte, seconded by the Honourable Senator Mitchell, that the motion be not now adopted, but that it be amended — may I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: On debate?

Senator Plett: I would like to move the adjournment of the debate.

(On motion of Senator Plett, debate adjourned.)

• (2100)

SOFTWOOD LUMBER CRISIS

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Maltais, calling the attention of the Senate to the softwood lumber crisis.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to the softwood lumber inquiry introduced by Senator Maltais. As a British Columbian, I know the impact the softwood lumber industry has on the B.C. forestry sector, especially for B.C.'s rural communities.

B.C. produces more than half of Canada's softwood lumber exports to the United States, and the industry is critical to 6.3 per cent of the province's workforce, some 60,000 workers, in 140 forestry-dependent communities.

When figures for the entire provincial forestry industry are considered, including wood, paper and pulp manufacturing, as well as support services, the industry creates approximately 145,000 jobs affecting 40 per cent of the province's rural communities and accounting for $4.6 billion annually in exports to the United States. In short, British Columbia relies heavily on this crucial industry for jobs, economic growth and prosperity.

Historically, the prime importer of B.C.'s softwood lumber has been the United States. Since 1982, Canada's softwood lumber exports have been subject to five separate rounds of U.S. trade litigation, but the last negotiated agreement was signed in 2006. In 2001, when the third agreement expired, the U.S. applied a 27 per cent import tariff on Canadian softwood lumber, resulting in the layoffs of nearly 15,000 British Columbians.

The root of the most recent softwood lumber dispute lies in the allegation from the U.S. softwood industry that the prices charged to Canadian softwood lumber producers by provincial governments for the right to harvest timber on provincial Crown lands, known as stumpage rates or fees, were too low and constituted a subsidy that harmed U.S. producers.

In response, the U.S. imposed duties on softwood lumber imports from Canada. We know that the U.S. softwood industry is again busy lobbying the Trump administration to impose another round of tariffs on this basis. If duties are imposed on Canadian lumber this spring, it is expected to be in the same region as 2001, around 25 per cent or higher.

The U.S. softwood lobby's proposed tariffs translate not only into higher housing prices in the U.S. but also lost jobs and wages in the construction and other related sectors.

The U.S. National Association of Home Builders estimates that a 25 per cent duty translates into nearly 8,000 lost jobs in the U.S. or $450 million U.S. in lost wages. Higher housing prices will make home ownership less attainable.

The U.S. National Association of Home Builders also projects that for every $1,000 added to the price of new homes, more than 150,000 Americans will no longer be able to afford to purchase a home. If President Trump wants to meet his target of 4 per cent GDP growth in the U.S., he needs a robust housing market to stimulate economic growth.

While the softwood lumber agreement was not perfect, it allowed firms to focus on operations and production. The agreement provided U.S. industries with the certainty of access to a superior Canadian product, and it afforded industries in the U.S. and Canada to constructively grow their respective businesses to compete with industries such as steel, cement and composites.

The softwood lumber agreement was a priority for the Harper government. When the Trudeau government let the agreement lapse, it was very concerning.

Honourable senators, there's no time to waste as the lives of many families across Canada, and especially those in my home province, await action and certainty and stability to a sector that is vital to both the Canadian and American economies.

It's time for this current government to stand up for the workers and families that rely on Canada's world-class forestry sector.

Honourable senators, if ever there was a right time to negotiate a new agreement, it is now. Thank you.

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak, this inquiry is considered debated.

(Debate concluded.)

[*Translation*]

PIPELINE SAFETY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Mockler, calling the attention of the Senate to the issue of pipeline safety in Canada, and the nation-building project that is the Energy East proposal, and its resulting impact on the Canadian economy.

Hon. Pierre-Hugues Boisvenu: Honourable senators, I present this inquiry on behalf of the Honourable Senator Mercer and, following my speech today, I ask that the inquiry be adjourned in his name.

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

Hon. Senators: Agreed.

Senator Boisvenu: Honourable senators, I am pleased to speak about pipeline safety in Canada. As a member of the Standing Senate Committee on Transport and Communications, I actively participated in the public consultations on this subject, which were held mainly in 2016. The committee's study of this issue gave me the opportunity to learn more about pipeline operations in North America and, more specifically, in Canada.

This issue is very important to me because people in Quebec are the ones who remain most strongly opposed to the Energy East pipeline. I listened carefully to the arguments presented by those who oppose the pipeline and who, from the beginning, have been speaking out against the Energy East project in the Quebec media. They have maintained a high profile and they are very adept at fuelling the misconceptions that most Quebecers have about this project.

[*English*]

The work that has been done by the committee over the course of the consultation process across Canada was professional, objective and informative. I congratulate all members of the committee and thank them for their positive contributions.

[*Translation*]

From the beginning, the committee had to deal with two major issues: the development of oil resources and their transportation. Some environmentalists tried to lead us into the trap of including oil development in our discussions of the transportation of oil by broadening the debate. That would have no doubt aroused even more passion and caused people to take contradictory and irreconcilable positions.

Before I proceed with my speech, I would like to talk about the Lac-Mégantic tragedy in the Eastern Townships. I know the area well because it adopted me nearly 30 years ago, and I worked there for a number of years. Lac-Mégantic is a picturesque, tight-knit town located on the shores of the lake of that same name at the foot of the Appalachian mountains.

The Lac-Mégantic tragedy left behind a permanent gaping wound in the lives of the townspeople. The railroad that goes through the centre of town is a hellish reminder of what happened. Let us not forget that, on July 6, 2013, the lives of 47 people, most of them young people, were taken from Lac-Mégantic because of negligence and the risks associated with transporting oil by rail.

I have asked myself the same question over and over since that fateful night. If the oil had been transported via pipeline, could the tragedy and the deaths have been avoided? I congratulate Senator Mockler on initiating this inquiry and inviting me to take part. Our goal is to talk to you about how, in 2017, transporting dangerous goods such as oil by rail, knowing that safer modes such as pipelines exist, calls for serious reflection on the choices we make as a society.

I have absolutely no doubt that this will be a win for our country. The importance of these issues, especially the safety of our fellow citizens, cannot be overstated. Senator Mockler did an excellent job of explaining how advances in pipeline safety and mechanisms to deal with environmental accidents make oil transportation virtually risk-free.

[*English*]

My presentation is focused on the essential need for Energy East as well as the economic benefits that it will bring to all Canadians, in particular Quebecers, wherein lies some doubt about this project.

[*Translation*]

Honourable senators, the invention of the steam engine in the 19th century revolutionized transportation in Canada and played an essential role in the building of our country itself. The main phase of rail expansion in Canada began with Confederation, in 1867.

Historians tell us that were it not for the railway, there would have been no Canada. The completion of the railway is one of the great feats of civil engineering of that era, and we owe it to the determination of Sir John A. MacDonald.

The railway exerted a determining influence on the configuration of Canadian cities during the 20th century, since the rail lines, rail yards, and stations were major elements of the urban landscape and city centres, around which housing, businesses, and industries were built up.

• (2110)

Originally meant for the efficient movement of people, for lack of passable roads, the use of Canada's railway gradually changed over the last century with industrial and agricultural development. Today, nearly 400,000 train cars carry oil by rail through our downtowns every year.

[*English*]

We project that by 2020, more than 800,000 train cars will be carrying oil by railway. This is an enormous amount, so you understand why the tragedy of Lac-Mégantic left an eternal scar in the memory of its population, as well as the rest of the population of Quebec.

[*Translation*]

During our study on the safety of pipelines for transporting oil products in Canada, we listened to both opponents and proponents of this method of transport. Following President Trump's decision to move forward with Keystone XL, and Mr. Trudeau's position in favour of building the Energy East pipeline, we sense a shift in focus and feel that now we are debating the real issues. The media is not as alarmist any more. It tended to distort reality rather than inform the public.

I still remember a discussion I had with a constituent in my region who actively spoke out against pipelines on social media. He is a good example of how a lack of information on this project can reinforce the public's negative perception of an industrial project. I asked him why he was so opposed to the Energy East project. He basically replied with "not in my back yard".

I told him that the pipeline goes under Montreal's north shore, not the south shore. He lives in the South Shore. With one less argument, he responded with another argument used ad nauseam by the media, which blithely denounced this project, "yes, but the pipeline will cross 860 bodies of water, and the streams and rivers will get polluted". I asked him if he is aware of the proponent's technique for putting the pipe in the ground. The pipes are buried between 20 and 30 metres below the stream bed and not placed on the river bed. An elevating device is installed to quickly contain leaks the entire length of the pipeline. His final response was, "it is impossible to account for everything".

After discussing it with many citizens, I noted that the developer of the Energy East pipeline project gave the project's opponents plenty of opportunity to communicate publicly. It did not properly fulfill its role as a source of information to create some social cohesion in Quebec around this project, as it exists in most Canadian provinces.

[*English*]

Recently, I have been led to believe that tensions are lowering and that, slowly, opinion is changing, mostly in Quebec. To prove this, I would like to point out the excellent article written by Denis Lessard on March 3, 2017, published in *La Presse*. As you will note, this article is very recent, and I'll cite a few passages which, in my opinion, confirm the change in tide in the opinion of many Quebec citizens.

[*Translation*]

I will first quote the very evocative title of his article, "Energy East will be good for Quebec, according to the Quebec Finance Department." His introduction reads as follows:

> The Energy East pipeline project will result in major economic spinoffs for Canada beyond just the construction phase, estimates the Quebec Finance Department.

I want to emphasize that last sentence, given that, for the past two years, most Quebec media has been stating the opposite.

The *La Presse* article continues as follows:

> The controversial pipeline project will result in a $4.3 billion increase in Quebec's GDP over ten years, and will strengthen its petrochemical industry by 50,000 jobs.

That is significant. The project "passes muster," according to the department, which had been asked by the government to do an independent examination.

According to *La Presse*, and again I quote:

> Other parallel studies are being conducted at the same time. For instance, some say the pipeline will cross 860 waterways, but upon review, it will cross 31 rivers that are over 20 metres wide, the threshold that requires a specific installation whereby the pipe is enclosed in a concrete hull.

I think this passage corrects one of the points on which environmental groups in my province were misinformed.

The article in *La Presse* went on to say:

> However, according to the staff of Quebec finance minister Carlos Leitão, the project makes sense from an economic standpoint. Based on the model developed by the Institut de la statistique du Québec, the Quebec finance department estimates that the 600 km of pipeline that will cross through Quebec will create or maintain an average of 3,300 jobs a year for the first 10 years. Quebec's consolidated revenue fund would gain $362 million in independent revenues over the same period.

[*English*]

According to the study that Denis Lessard had access to: "Over 20 years we are talking about $460 million in revenue for the Minister of Finance and an additional $7 billion to Quebec GDP." Because the majority of jobs are related to the phase of construction, we speak of an average of 1,800 jobs per year over two decades.

[*Translation*]

There is even better news for Quebec. According to the Quebec's finance department, the project will have a structural impact on the entire economy. It will allow the Valero refinery,

which is located near Quebec City, to purchase raw materials at a better price, which will put Quebec's entire petrochemical industry at a competitive advantage in a sector where there is a lot of international competition. The consolidated jobs will mainly be located in Montreal region.

The article in *La Presse* went on to say:

> The new pipeline will make it possible to reach the maximum refining capacity of 400,000 barrels per day, which means that 100,000 more barrels per day will be available to the refineries. Quebec's petroleum products and petrochemical industry accounts for 47,700 jobs in 1,600 facilities. That is 10 per cent of Quebec's manufacturing sector and 27 per cent of all manufacturing activity in Canada.

Another interesting point is the distribution of jobs. The big winners will be the regions. The department's report indicated the following in that regard:

> During the construction phase, from 2018 to 2021, there will be an average of 1,200 jobs per year in the Montreal region, and an additional 1,300 and 1,100 jobs in the Chaudière-Appalaches and Lower St. Lawrence regions respectively.
>
> As far as construction-related investment is concerned, Chaudière-Appalaches and Bas-Saint-Laurent stand the most to gain with nearly $1 billion, or 25 per cent and 22 per cent of the project respectively.

This will revitalize our regions and that is precisely what they are after.

What follows is the strongest argument in favour of developing and exporting our resources rather than importing, which contributes to eroding funding for social programs, which are the toast of Canadians and even environmentalists.

La Presse goes on to say:

> The Department's study focuses on the steady growth in global energy demands, set to increase by 1 per cent annually by 2040. Demand for oil will increase by 0.5 per cent annually because the projected decline in industrialized countries will be offset by the increase in developing countries. The International Energy Agency forecasts that oil will continue to make up 27 per cent of energy consumption in 2040 versus 31 per cent in 2014.

As you can see, Canadian oil will not be running out of customers any time soon.

What will be the net benefit to our collective wealth? Instead of importing between $20 and $40 billion annually to purchase foreign oil, depending on market prices, we would keep those billions in our collective pocket and import billions by selling our oil on the global market.

To me, it's simple math. One plus one equals two. By making some of our oil available on the international market, we would get up to 20 per cent more than we are currently getting. Canada is at the mercy of the U.S. market.

[*English*]

Honourable senators, my colleague Senator Mockler has made a strong presentation regarding the safety of the pipeline in his last speech. As I mentioned earlier, with the apparent increase in the number of trains carrying oil through towns and villages, it is clear that the pipeline is the most logical, safe and ecologically sound alternative.

[*Translation*]

This does not in any way mean that the environment is not just as or more important than the management of Canada's natural resources. Pressure from the public and from environmentalists is not going to go away because the project goes ahead. On the contrary, we hope that they will be vigilant watchdogs who will not stand for any mistake on the part of the operators. That is their role. It is not their role to oppose any development of Canada's natural resources.

However, we must also concern ourselves with carbon dioxide emissions and encourage industries to invest in research to reduce them as much as possible.

If we have an economically robust oil industry, we can demand that it invest more to help our country reach its greenhouse gas reduction targets.

• (2120)

The Hon. the Speaker: Your time is up. Do you want five more minutes?

Senator Boisvenu: Two more minutes.

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

Hon. Senators: Agreed.

Senator Boisvenu: As I was saying, research by Professor Valeria Vergara at the Vancouver Marine Science Centre showed that, because of its toponymy and marine traffic, the St. Lawrence estuary is one of the noisiest environments in North American and is contributing to the decline of the beluga population, which is an endangered species. The pipeline will enable Valero and others to cut back significantly on oil transportation by boat on the St. Lawrence and thereby improve this marine habitat.

I want Senator Mockler to know that I, too, am absolutely certain that by creating wealth in Eastern Canada, we will create wealth everywhere else in Canada. We must build the eastern pipeline and connect our refineries in the East to the rest of the world while creating good jobs for Canadians and Quebecers as indicated in the study by Quebec's finance ministry.

Honourable senators, this is a nation-building opportunity, just as the railroad was when Canada was created 150 years ago.

Many people agree that the Energy East project is just as important now as the railroad was then.

[*English*]

Energy East will facilitate an increase in oil production, an increase in government revenue, an increase in jobs, and it gives the Canadian energy sector further self-sufficiency, all while efficiently transporting oil to the global markets.

[*Translation*]

Honourable senators, the majority of Canadians support this important project. The better informed Quebecers are about this project, with such objective articles as that of journalist Denis Lessard in *La Presse*, the more willingly they will support it. I want to publicly acknowledge the good work of this journalist because in my province there has not been much of this type of analysis of the Energy East project.

Honourable senators, the Energy East pipeline is central to one of the most fundamental Canadian values, the sharing of wealth. For more than a decade, Quebec has benefited tremendously from the Canadian federation and talking about this is sometimes taboo in my province. Continually fighting for the prosperity of our people, no matter where we live, must be an imperative for all Canadians.

Quebec does not have the right to not support the Energy East project, and providing this support represents the perfect opportunity to tell producing provinces that we are proud of their resources and that we stand behind those provinces as they develop and export resources, because their economic development is also ours.

Let us support Energy East. Thank you.

(On motion of Senator Mercer, debate adjourned.)

REGIONAL UNIVERSITIES

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Tardif, calling the attention of the Senate to regional universities and the important role they play in Canada.

Hon. Raymonde Gagné: Honourable senators, the night is still young and I enthusiastically add my voice to that of Senator Tardif with respect to the importance of small and medium-sized universities for our communities, regions, and all of Canada.

I would like to draw your attention to the reality, the importance and the specific needs of Canada's French-language colleges and universities, as well as to the contributions they make to inclusion and our country's prosperity. I believe that the federal government should give these colleges and universities more recognition and support.

I will explain how the role and needs of these educational institutions differ from those of the majority and give you some examples of the contributions they make to their respective communities.

[*English*]

The 21 French-language colleges and universities are all located in minority francophone communities outside of Quebec. For these communities, each institution is a true pillar that contributes to their continued economic and cultural advancement by training a highly qualified and bilingual workforce. As such, each French-language college and university plays an essential role in ensuring the vitality and sustainability of the community it serves.

[*Translation*]

Canada's French-language colleges and universities therefore play the role of standard bearer in promoting official languages, Canadian identity, inclusion, the vitality and resilience of these communities, and ultimately the prosperity of our country.

Many of these French-language or bilingual educational institutions are small and some are located in rural regions. They offer more than 1,150 programs in French, welcome over 42,600 students, and train over 10,000 graduates per year.

What sets Canada's French-language post-secondary educational institutions apart from the others is their two-fold mandate of offering quality post-secondary training programs and making a direct contribution to the vitality of their respective francophone minority communities.

In addition to this two-fold mandate, most of Canada's French-language colleges and universities also stand out because of their smaller cohorts of students, the stiff competition with the country's larger and more numerous English-language institutions, and the specific needs of their students with regard to recruitment, retention and success.

Their students include anyone who wants to continue their post-secondary education in French: young people, graduates of French-language schools and French immersion programs, French-speaking members of First Nations and Metis communities, immigrants, international students, and adults engaged in continuous learning and from the labour market.

[*English*]

Since 2009, the federal government has committed to an annual investment of $259.5 million in second-language learning at the elementary and secondary levels. A corresponding level of support, however, is not necessarily available at the post-secondary level. So while there are approximately 380,000 young Canadians that are currently registered in immersion programs at the K to 12 level, only 5,000 graduates of these programs currently attend French-language post-secondary institutions. There is thus much room for growth. With the proper resources and support, French-language colleges and universities can reach out and attract this large, untapped clientele within their ranks.

[*Translation*]

Canadian francophone colleges and universities provide training for a highly-skilled francophone and bilingual workforce. Mastering French and the professional terminology of a particular field in French also affords more opportunities related to the development of francophone-dominant foreign markets.

According to a recent study by Professor Kai Chan of the European Institute of Business Administration, French is the third most common language in the business world, and will remain among the most spoken languages in the world in 2050, with 750 million speakers. It goes without saying that two languages are good for business.

I would now like to talk about the internationalization of Canadian francophone colleges and universities. While it is true that our aging population is affecting the country as a whole, the demographic pressures on francophone minority communities are even greater. They run the risk of no longer having enough available workers to support a technology-based economy. Colleges and universities have recognized this reality and are adapting to it. Today the demographics of their student populations are changing and becoming much more diverse. In recent years, these colleges and universities have been welcoming more and more international students and have been offering a variety of training and employment programs to French-speaking immigrants who have come to settle in francophone minority communities.

• (2130)

For example, international students now represent 23 per cent of the entire student body at the Université de Moncton, in New Brunswick, more than 10 per cent at the Université Sainte-Anne, in Nova Scotia, and nearly 25 per cent at the Université de Saint-Boniface, in Manitoba.

Canadian French-language colleges and universities want to do more in terms of international education and immigration to ensure the socio-economic development of their communities. However, to do that, support services will need to be adapted to the needs of this student clientele that has different linguistic skills and a varied cultural background.

Canadian French-language post-secondary institutions generate large economic spinoffs for the communities and the home province. Consider for a moment the economic support from 600 employees, 1,500 regular students, and 4,200 adult students registered in continuing education at the Université de Saint-Boniface, my alma mater, in a community of roughly 110,000 francophones and francophiles. By all accounts, the university generates a considerable multiplier effect.

A recent economic impact study published on March 8, shows that the Université de Moncton, my second alma mater, contributes more than $1.6 billion to growth in New Brunswick and Canada. In 2015, that university generated more than $466 million in annual sales in the province and more than $237 million in Canada, while the contribution from graduates is estimated at nearly $900 million for the same year.

The basic and applied research done at Canadian French-language post-secondary teaching institutions make them centres of research and innovation. We already know that the most prosperous communities are those that were able to embrace the knowledge economy. The more the research capacity grows in these institutions, the more jobs are created in the francophone minority communities.

In this context, the high level of cooperation between postsecondary institutions and businesses of all sizes in their region and province deserves to be recognized.

[*English*]

Students, of course, greatly appreciate internships and student placements because it allows them to acquire and hone their skills. In minority francophone communities, such internships also allow businesses to overcome the difficulty of recruiting qualified francophone and bilingual employees. Internship programs, therefore, become a key factor in strengthening a community's economic base and facilitating the retention of graduates within the local francophone and bilingual private sector.

[*Translation*]

In addition to their contribution to the local and regional economy, these institutions actively participate in building the identity of community members through their efforts to serve the community. In addition to the cultural and sports infrastructure that they make available to the community, the members of the student body, the faculty and the administration of the colleges and universities develop programs that tangibly improve the lives of the citizens with respect to health, social services, cultural and artistic expression, and sustainable development.

Canada's francophone colleges and universities play an especially important role in health and justice, which are two areas of vital importance to francophone minority communities.

As you know, access to health and legal services in French is an additional challenge for these communities. In these two areas, service recipients are vulnerable and the language barrier makes their situation more difficult. It is therefore vitally important to train professionals who can provide services in both official languages.

Even though education and health are provincial and territorial jurisdictions, federal funding is essential for these communities because it is an important lever in the provinces. The establishment in 2003 of the Consortium national de formation en santé, which is the umbrella organization for 11 of the 21 francophone colleges and universities, is evidence of this.

Thanks to the financial support of Health Canada and provincial governments, the consortium has overseen the creation of 73 new postsecondary health programs in French and the enhancement of about thirty existing programs. More than 6,700 graduates of these programs will be providing health services in French and, according to a recent survey, 94 per cent of them are working in Francophone minority communities and 91 per cent are working in their province of origin. These numbers speak volumes.

In the field of justice, I want to highlight the creation in February 2014 of the Réseau national de formation en justice, a national network for justice training made up of nine post-secondary institutions that belong to the Canadian francophonie plus other organizations. With support from the federal government, the network has dramatically increased the number of graduates from French-language post-secondary justice programs, participation in on-the-job training, and the production of and access to legal and jurilinguistic tools for jurilinguists, justice professionals, and litigants.

Building on their success in the fields of health and justice, the 21 francophone and bilingual colleges and universities joined forces in 2015 to form the Association des collèges et universités de la francophonie canadienne, the ACUFC, whose goal is to improve access to post-secondary education in French across the country, thereby offering a true continuum of French-language education from early childhood to post-secondary.

The ACUFC carries out collaborative pan-Canadian projects, shares resources, and makes significant economies of scale possible. These projects would never have happened without the ACUFC and federal government support.

It is clear that colleges and universities belonging to the Canadian francophonie play a unique and structural role as well as an essential leadership role in minority francophone communities. Nevertheless, they can accomplish their mission only by partnering with other players, including federal, provincial and territorial governments.

Esteemed colleagues, by strengthening colleges and universities that belong to Canada's francophonie, the government can achieve its goals related to bilingualism and the vitality of minority francophone communities.

To that end, I am joining the Association des collèges et universités de la francophonie canadienne in calling for the development of public policy to strengthen the capacity of these teaching institutions as they strive to fulfill their dual mandate and boost their human, social, cultural and economic development impact in the communities they serve.

This public policy can become an effective lever, a tool to align federal ministerial roles and responsibilities towards francophone minority communities and provide managers and government officials with a strategic tool to frame their actions.

Honourable senators, Canadian French-language colleges and universities play a vital role in the creation and dissemination of knowledge, two factors that contribute considerably to economic growth and social progress. Their dual mandate also assigns them the duty of ensuring the vitality and sustainability of the francophone minority communities they serve.

Thank you for your attention.

Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

• (2140)

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED 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. Paul E. McIntyre, for Senator Tardif, pursuant to notice of April 6, 2017, moved:

> 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.

He said: Honourable senators, the reason for this motion is that, since we are talking about a report on education in British Columbia, the committee would like to hold a press conference in Vancouver once the report is published.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until tomorrow at 2 p.m.)

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Tuesday, April 11, 2017

ORDERS OF THE DAY

QUESTION PERIOD

ORDERS OF THE DAY

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