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(HANSARD)

Tuesday, May 30, 2017

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Tuesday, May 30, 2017

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

Prayers.

SENATORS' STATEMENTS

SYMPOSIUM 150

Hon. Peter Harder (Government Representative in the Senate): Your Honour and colleagues, I rise to congratulate briefly but most sincerely the Senate for its symposium on Canada's one hundred fiftieth anniversary of Confederation. Senators will know from the report that Senator Joyal gave us in anticipation of the symposium the broad range of subject matters discussed and debated, covering the events and major currents of public policy of the last 50 years, which will propel us to the next 50.

My purpose today is to thank Senator Joyal, Senator Seidman, Senator Tardif and Senator Cormier, who also provided excellent commentary during the conference, but also you, Your Honour, for sponsoring the symposium, and the Governor General for gracing us with his opening remarks. We had former Governors General, former premiers, well-known academics, the former Governor of the Bank of Canada, Aboriginal leaders, trade union leaders and wonderful participants from the presentations, and quality documents, which I highly commend as they form a book and, as I understand it, a video recording. There were a large number of students in the audience, and it was gratifying as we celebrate 150 years to know that there are those who remain interested in the public policy issues of major debate for the country.

It would also be appropriate, I believe, to thank in particular a number of groups and those who contributed behind the scenes. I'm thinking here in particular of not only the Governor General but his staff; the Clerk of the Senate and his staff; the Usher of the Black Rod and his staff, including the Senate pages; the Communications Directorate; the International and Interparliamentary Affairs Directorate; Parliamentary Protective Service; maintenance services; installation services; committee attendants; technicians; translations; and CPAC, which covered the event. And when you have an insomniac moment in the summer I'm sure you will be kept awake by the riveting debate and commentary of the speakers and, of course, the press gallery, who gave us some press on the event.

Finally, I do want to give a special acknowledgement to Senator Joyal, who was the inspiration for conceiving the symposium and adding the force of intellectual weight behind it; and Senator Seidman, his co-conspirator in this regard.

I commend to all senators this outstanding contribution.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Saber Chowdhury, M.P., president of the Interparliamentary Union. He is accompanied by his wife, Rehana Chowdhury, and the Honourable Paddy Torsney, P.C., Permanent Observer of the IPU to the United Nations.

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

Hon. Senators: Hear, hear!

[*Translation*]

THE CONSERVATIVE PARTY OF CANADA

ELECTION OF ANDREW SHEER AS LEADER

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I rise today to welcome the new leader of the Conservative Party of Canada. Last weekend, the votes cast by party members from across the county were counted, and the membership elected Andrew Scheer from among the men and women who were running for the party leadership.

[*English*]

In the last election, nearly 6 million Canadians voted for a Conservative government. When I rise as Leader of the Opposition in the Senate and speak in this chamber, I do so humbly on behalf of those millions of Canadians who gave our party its mandate. I can tell you that all members of the Conservative caucus work hard every day to represent the people of Canada who voted and asked us to represent their interests here in this chamber.

We stand in this place as individuals, working together as the official opposition to make the voices of hard-working Canadian taxpayers heard. We stand for Conservative principles, a balanced budget, a safe country in which to raise our families and to help them prosper, efficient government that respects taxpayers' hard-earned money, and fair and just laws.

We will fight for the right of a secret ballot so that individual workers can vote as they wish, without fear of intimidation, because it is the right thing to do. We are honoured that some of our new independent senators and Liberal senators have stood up to vote for the rights of individuals as well.

Our new leader of the Conservative Party is intelligent and well-spoken in both official languages. He is principled and kind, with a good sense of humour.

[*Translation*]

In one of his first speeches, Andrew Scheer said, and I quote, "I *cannot allow* Justin Trudeau to *do* the same thing to my five children that *his father did to* my generation."

[*English*]

Canada has a national debt of $641 billion, for which we pay nearly $3 million a day in interest. The Supplementary Estimates (A) 2017-18 tabled in Parliament recently stated Budget 2017 spending at $330 billion. Colleagues, Canada cannot balance its budget with a spending plan of $330 billion. The current plan sends $80 billion of debt into the next generation. Spending money you don't have also creates inflation, and I'm sure many of you remember the high interest rates that followed Pierre Trudeau's years. It is the middle class that suffer; the middle class lose their homes because interest rates on mortgages become too high to afford.

Andrew Scheer stated his priorities as follows: first, to allow for families to prosper; second, to stand up for freedom of speech; and third, to represent ordinary Canadian taxpayers.

On behalf of our caucus, we would like to welcome Andrew warmly as our new leader.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Marsha Hanen, the first woman president and vice chancellor of the University of Winnipeg. She is accompanied by Dr. Lorraine Greaves and Dr. Nancy Poole. They are the guests of the Honourable Senator McPhedran.

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

Hon. Senators: Hear, hear!

• (1410)

[*Translation*]

SYMPOSIUM 150

Hon. Lucie Moncion: Honourable senators, I too would like to express my appreciation to two of our esteemed colleagues, Senator Seidman and Senator Joyal, for their work in organizing and running the Symposium on the 150th Anniversary of Canadian Confederation, as we know it today.

I had the privilege of attending the symposium on Thursday and Friday in this very chamber, which is so deeply symbolic of our country, and of hearing about our 150 years of existence from the perspective of eminent Canadians, all experts in their own field.

Appropriately, the first two speakers were proud First Nations representatives. With dignity, they reminded us of their peoples' contributions to the creation of Canada, and of how indigenous peoples warmly welcomed Europeans into their communities, fought alongside us, and sometimes fought alongside our enemies.

They talked about how, unfortunately, their languages, cultures and ways of life were denied a reciprocal level of respect and inclusion by our founding fathers and most governments since then. The Harper government's apology and the reconciliation process undertaken in recent years are important steps toward a better future and a more inclusive and respectful relationship with First Nations.

Experts from all quarters spoke on a range of topics: our international reputation; official languages; national unity; human rights, which are central to Canadian values; the contribution of women and gender parity; the environment and sustainable development; science and culture; the economy; and the Senate's role in the making of Canada. I was tremendously impressed by the quality of the speakers, the positive messages and lessons they shared, and their thoughts on how far we have yet to go in all of these areas of endeavour.

Those two days made me even prouder to be Canadian, to be a woman, to have contributed to Canada's economy and capital markets, to be francophone and especially to be a senator in this great, beautiful country. I applaud the enormous amount of work done by Senator Seidman and Senator Joyal in organizing this major international event, which served to illustrate just how much the Senate contributes to improving the lives of our fellow Canadians.

As a new member of the Senate, I particularly liked the fact that it was the upper chamber that organized this kind of event, this chamber of sober second thought that reflects carefully on existential and crucial questions that affect the lives of Canadians.

Thank you and congratulations to all the organizers and everyone who took part in this important event.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of insurance brokers from across Canada: Mr. Ernie Gaschler, CEO of the Insurance Brokers Association of Saskatchewan; Sheldon Wasylenko; Jaycee Turtle; Blair Andrew; Dave Pettigrew; and Jenna Dusyk. They are the guests of the Honourable Senator Greene.

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

Hon. Senators: Hear, hear!

THE CONSERVATIVE PARTY OF CANADA

ELECTION OF ANDREW SCHEER AS LEADER

Hon. Stephen Greene: Ladies and gentlemen, before I begin my prepared remarks today, I would like to thank Maxime Bernier for running for leader of my party, the Conservative Party of Canada. Maxime presented a clear policy direction that embraced freedom, fairness, respect and personal responsibility, all of which are close to my heart. And while he came up short, barely, his vision for Canada was endorsed by nearly half of the party membership.

I also want to congratulate Andrew Scheer on his well-run campaign and victory on Saturday. Yesterday, he took up the reigns of Leader of the Conservative Party and of the official opposition in the other place.

ERNIE GASCHLER

CONGRATULATIONS ON RETIREMENT

Hon. Stephen Greene: Now to the matter at hand. I rise today to recognize the importance of trade associations and professional associations in the legislative and policy-making process, both at the national and provincial levels. These groups have a real understanding of the public and consumers' interest, which can only help policy-makers make better decisions.

This week, Canada and Saskatchewan are losing a giant from the industry, Mr. Ernie Gaschler, who is retiring after 25 years of service as the CEO of the Insurance Brokers Association of Saskatchewan.

A tireless public policy advocate, Ernie is an outstanding example of a leader who not only represents his members with great pride but, more importantly, always bases his work on fact and research. I have had the privilege of working with Ernie, both during my time in government and in business.

Ernie's service to promoting independent insurance brokers and the role they play in building his province's and Canada's economy should be an example to all trade associations. He is humble, accurate and always open to listening. These are the traits to be admired and saluted on retirement.

So to Ernie I say, thank you, and congratulations, old pal, on a well-deserved retirement.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Georgia Phillips, the granddaughter of the Honourable Senator Bovey.

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

Hon. Senators: Hear, hear!

RAMADAN

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak to the month of Ramadan, a holy month that Muslims around the world observe. Ramadan is one of the five pillars or fundamental beliefs of Islam. Muslims observe Ramadan as a commemoration of the revelation of the Quran from God to our prophet, Muhammad. Peace be upon him.

During this month, Muslims abstain from food and drink from dawn until sunset, all while continuing their daily lives. Abstinence from food and drink for 18 hours a day is intended to be a literal cleansing of the body from life's physical vices, as Ramadan encourages people to break from undesirable habits.

While Ramadan is about practising self-restraint with physical action, it also promotes self-discipline with respect to our emotions, our words and our thoughts.

Just as a fast may be nullified with food and drink, it can also be nullified with foul language, anger, aggression and wishing ill towards others.

This is a month of patience and self-reflection. It is thus obligatory for all Muslims to reflect upon and give thanks through prayer for everyday blessings that have been given to them.

Charity is also an important part of this month. People incapable of fasting for various reasons are encouraged to donate a portion of their wealth. Moreover, Muslim communities across Canada will be engaging in charitable activities, including fundraising for the poor here in Canada and around the world, as well as preparing meals for the disadvantaged and homeless.

During Ramadan, there is always an increase in donations to charitable organizations, which I have witnessed first-hand over the past two years as I have helped pack food baskets for distribution at the Muslim Welfare Centre in Toronto.

Honourable senators, it is no secret that the Muslim community in Canada has been suffering from an increase in anti-Islamic sentiment in recent times, from the terrorist attack in Quebec to the tearing of the Quran and shouting of hateful comments in a public school board meeting in Ontario. We recognize the challenging times we live in. Nevertheless, this month serves as a reminder for all Muslims to demonstrate patience, seek forgiveness, forgive others and resolve conflicts.

The month of Ramadan also encourages communities to come together and neighbours to break bread with one another. Just as Muslims believe that the doors of heaven are open during this month, the doors of our mosques, community centres and even our homes are open to everyone. With this in mind, I invite Canadians from all faiths to take the opportunity to visit their local Muslim community centres or mosques.

Honourable senators, I ask that you please join me in wishing the 1.5 million Muslim Canadians a month full of blessings, peace and happiness. Ramadan Mubarak. Thank you.

ROUTINE PROCEEDINGS

INDIAN ACT

BILL TO AMEND—SIXTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Lillian Eva Dyck: Honourable senators, I have the honour to present the sixth report of the Standing Senate Committee on Aboriginal Peoples, which deals with Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration.)

(*For text of report, see today's* Journals of the Senate, *p. 2121*.)

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

Senator Dyck: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

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

• (1420)

CANADA ELECTIONS ACT

BILL TO AMEND—FIRST READING

Hon. Linda Frum introduced Bill S-239, An Act to amend the Canada Elections Act (eliminating foreign funding).

(Bill read first time.)

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

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

THE SENATE

NOTICE OF MOTION TO ENCOURAGE THE GOVERNMENT TO TAKE ACCOUNT OF THE UNITED NATIONS' SUSTAINABLE DEVELOPMENT GOALS AS IT DRAFTS LEGISLATION AND DEVELOPS POLICY RELATING TO SUSTAINABLE DEVELOPMENT

Hon. Dennis Dawson: Honourable senators, I take the opportunity of the visit of the IPU and our honourable colleague Paddy Torsney to table a motion. I give notice that, at the next sitting of the Senate, I will move:

That the Senate take note of *Agenda 2030* and the related sustainable development goals adopted by the United Nations on September 25, 2015, and encourage the Government of Canada to take account of them as it drafts legislation and develops policy relating to sustainable development.

QUESTION PERIOD

NATIONAL DEFENCE

DEFENCE POLICY REVIEW

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Recently, the Senate Defence Committee issued a two-part report on national defence, which attracted a consensus of non-partisan support from all senators serving on the committee. The report concluded that if Canada is going to be able to effectively protect our nation, then defence spending in Canada will have to be significantly increased over the coming decade.

I'm sure that the Prime Minister recently heard this same message at the G7 meeting from our NATO allies during his discussions in Europe. My question, Senator Harder, is: Can you confirm that the government has heard this message and that the many challenges identified in the Senate committee's report will be addressed in the government's pending defence policy statement?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As he and all senators will know, issues of defence were, in fact, raised in the context of the NATO ministerial heads of government meeting, and undoubtedly those issues were also raised in the broader context of the G7, which looks at the geopolitical dimensions of relations amongst the G7 on global security issues.

It won't come as a surprise to anybody that the government, in its Defence Policy Review, will be addressing the government's perspectives on these matters and will take measures in the response to the paper that will be forthcoming, and in future budgets, to assure Canadians that our defence commitments are being properly supported by the government, both in terms of personnel and equipment, for today and the longer term.

Senator Smith: The recent report by the Senate Security and Defence Committee also specifically addressed the planned purchase of the Super Hornet fighters for the Royal Canadian Air Force on an interim basis. Based on the testimony of experts, the committee recommended that this planned acquisition be cancelled and that the government instead move ahead immediately with the replacement of the air force's current fighter fleet.

Since the committee issued this report, there are indications that the government is now reconsidering the planned purchase of the Super Hornets. I'm just wondering, senator: Could you confirm

that this purchase is being reconsidered? Can you commit that the Defence Policy Review will address this issue?

Senator Harder: Again, I thank the honourable senator for his question. As he will know, the Prime Minister has made comments, as has the Minister of Foreign Affairs, that the government is reviewing its potential commitments to Boeing, and that would cover the potential purchase of the Super Hornets. The government has made no decisions in this regard, and when the government makes its decision, an announcement will be forthcoming.

LIBERAL PARTY OF CANADA

ELECTION OF ANDREW SCHEER AS LEADER OF CONSERVATIVE PARTY OF CANADA— COMMENTS OF MEMBERS

Hon. Donald Neil Plett: My question as well is for the Leader of the Government in the Senate.

Before I ask my question, I would also like to add my voice to congratulating the new Leader of the Official Opposition in the House of Commons and the next Prime Minister of Canada, Andrew Scheer. As a candidate, I was proud to support our next Prime Minister.

Leader, upon Andrew Scheer's win, the Liberals congratulated our leader with comments like "He's somebody who wants to be in charge of the thought police," and "Make no mistake about it, this is somebody who has voted against every civil rights advancement in the last 25 years."

Being 38 years old, I don't know what civil rights advancements he was voting against in elementary school 25 years ago, but, of course, what the Liberals are doing is taking aim at an individual because of his Catholic beliefs.

This sort of intolerant approach comes from the top, as we all remember in 2014 when Justin Trudeau declared that no candidate could run on the Liberal ticket in 2015 if they opposed abortion, but allowed for an exemption for existing MPs with those views.

As Andrew MacDougall wrote yesterday:

> One wonders if Mr. Trudeau was brave enough to scold Pope Francis today in Rome for holding the same beliefs as Mr. Scheer?

Leader, do you agree with the Liberal Party's comments, the comments I just read to you, about Andrew Scheer?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question and I congratulate him and the candidate of his choice for having won the leadership of the Conservative Party. These are always interesting times for parties when new leaders emerge, particularly after such an exciting time. It is not my intention to respond to political comments made by political leaders of any party, but rather to speak in the Senate as the Representative of the Government of Canada.

Senator Plett: Of course, these were comments made by your political party and not by any personal — these people are on record as saying it, and it was your party. But as I said before, we don't always get straight answers in this chamber.

It is fascinating, leader, that the Liberals conveniently left out the fact that Mr. Scheer promised not to reopen either the marriage or abortion debates, but will not stifle MPs for bringing forward issues that are important to them and their constituents. As Member of Parliament Erin O'Toole stated:

> Parliament is for debate, it's not for stifling it. We shouldn't be afraid of these issues coming up and I think Andrew has said he wants to lead by building consensus first and not by focusing on areas of division. I think that's a smart approach.

• (1430)

So let me ask you this, leader: Do you agree with Mr. O'Toole's comments and are the Liberal MPs, whose voting records can be attributed to their Catholic views, also far right and anti-civil rights, or do these labels apply only to Conservatives?

Senator Harder: Again, senator, I think it is appropriate for those engaged in partisan politics to respond.

FINANCE

BALANCED BUDGET

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I wish to associate myself with all the congratulatory and complimentary remarks about our new leader, Andrew Scheer.

My question to the Government Leader in the Senate is that it was recently reported that your government has the highest per capita spending in Canadian history, outside of war or recession, amounting to $8,337 per person. And there's astronomical debt because of irresponsible spending and this only puts future generations at risk of a Canada with an insecure financial future. In your the last election campaign, the Liberal Party promised a balanced budget by 2019, but Finance Canada projections suggest this will not happen until 2055.

Leader, when and how will the government honour its election pledge to balance the budget?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question and would again congratulate her in her comments with respect to the leadership changes in her party.

With respect to the economic plan of the Government of Canada, that's well enunciated most recently in Budget 2017, which is before the other place and in pre-study in this place. And

I remind honourable senators that the government has an ambitious investment plan to make smart investments in creating jobs, growing the economy and providing more opportunities for middle-class participation and those working in the economy to improve their economic well-being.

I won't enumerate all of the programs of the budget that will be both before the committee now and before this chamber very shortly. Let me just say that it is the government's view that these investments in the economy are important in the context of our global economy, in the context of where Canada finds itself, in terms of the need for a strategic investment in infrastructure and other important areas, and that the Minister of Finance has indicated the debt-to-GDP ratio is one that he is paying particular attention to, and I would note that in the plan of the Government of Canada it, too, is following.

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEE RESETTLEMENT—FRANCOPHONE MINORITY COMMUNITIES

Hon. Claudette Tardif: Honourable senators, we know that the federal government's goal is to ensure that, by 2023, French-speaking newcomers represent at least 4.4 per cent of all immigrants who settle outside Quebec. Unfortunately, the interim Commissioner of Official Languages told us on May 12, 2017, that the federal government did not take into account the impact of resettling Syrian refugees in francophone minority communities. In her opinion, the department never tried to find out the needs of francophone minority communities at any point in the process, and she gave many examples of proposals submitted by francophone settlement agencies that were rejected.

Leader, doesn't this situation call into question how serious the government is about meeting its own targets for francophone immigration outside Quebec?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. This is an important dimension of the immigration plan of the Government of Canada. I haven't read the testimony of the interim commissioner. I will do so, and also raise the matter with the Minister of Immigration to seek a response to put in the context of his plan and commitment the observations of the interim commissioner.

[*Translation*]

Senator Tardif: What does the government plan to do to meet its own targets for francophone immigration outside Quebec?

[*English*]

Senator Harder: Again, I will raise that with the minister and respond appropriately.

FINANCE

BALANCED BUDGET

Hon. Yonah Martin (Deputy Leader of the Opposition): As a supplementary to my previous question, leader, regarding when and how the government will honour their election pledge to balance the budget by 2019. I understand they've articulated a plan. It's based on deficit spending. Whether it's investment or whatever else, we are spending at an alarming rate. My question was this: When will the government honour its election pledge to balance the budget?

Senator Harder: Future budget.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that, as we proceed with Government Business, the Senate will address the items in the following order: consideration of the messages from the House of Commons concerning Bill C-7 and Bill C-4, third reading of Bill C-16, consideration of the sixth report of the Committee on Aboriginal Peoples on Bill S-3, second reading of Bill C-22, and third reading of Bill S-5, followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

BILL TO AMEND THE PUBLIC SERVICE LABOUR RELATIONS ACT, THE PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD ACT AND OTHER ACTS AND TO PROVIDE FOR CERTAIN OTHER MEASURES

MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate concur in the amendments made by the House of Commons to its amendments 1, 4(b), 4(c) and 4(d) to Bill C-7, An Act to amend the Public Service Labour

Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures;

That the Senate do not insist on its amendments 2, 3, 4(a), 4(e), 5, 6, 7, 8, 9 and 10 to which the House of Commons has disagreed; and

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

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

Some Hon. Senators: Question.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I was expecting a statement from the other side, but I know we do have senators who wish to speak, so I will adjourn at this time.

(On motion of Senator Martin, debate adjourned.)

CANADA LABOUR CODE

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE ADJOURNED

The Senate proceeded to consideration of the message from the House of Commons concerning 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:

Wednesday, May 17, 2017

ORDERED,— That a Message be sent to the Senate to acquaint Their Honours that the House has disagreed with the amendments made by the Senate to 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.

Hon. Peter Harder (Government Representative in the Senate) moved:

That the Senate do not insist on its amendments to 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, to which the House of Commons has disagreed; and

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

He said: Honourable senators, this chamber has received a message from the other place in response to the Senate's proposal to amend Bill C—4 by retaining the secret ballot provisions of Bill C—525.

That change directly contradicts the government's election commitment to Canadians to repeal Bill C-525. Consequently, the other place has rejected the amendment.

The Senate has three possible responses to this message: It can concur; it can insist on its amendment; or it can make a new proposal within the scope of the disagreement.

I rise to submit that this chamber ought to concur with the message from the other place to make Bill C-4 law upon Royal Assent. Allow me to provide some context to explain why the Senate should concur with the message it has received.

At a time of modernization in the Senate, an institutional question, as old as the chamber itself, has regained additional importance: How far can the Senate go, as an appointed and complementary body, in challenging legislation that has been approved by the elected representatives of Canada? The simple answer to this question has eluded senators for 150 years, and perhaps for good reason. Every bill sent to the Red Chamber is a unique product of policy and political context. But the circumstances of Bill C-4 point to a very clear course of action. It represents a clear-cut context where Canadians expect the Senate to respond and respect the choice they made at the ballot box, and justifiably so.

Honourable senators, in pleading for the Senate's deference in this case, I do so from the vantage point of a senator who firmly believes that this chamber, though it is appointed, ought to be robust in its contribution to Canadian public policy.

Only last Friday, on the occasion of the outstanding Symposium 150 Canada held in this chamber, Professor Smith spoke about the crucial role of the Senate in our parliamentary democracy.

For those of you who may not know Professor Smith, he is one of the foremost experts on Canadian bicameralism in general and on the Senate of Canada in particular. Professor Smith aptly referred to the Senate as "a foundational partner in the conduct of good government," adding that:

> . . . the Senate of Canada appears to be moving toward an enunciated and, perhaps, in time, robust functional bicameralism.

• (1440)

In my mind, it is crucial to the healthy bicameral partnership described by Professor Smith last Friday that the Senate identifies the circumstances that call for a very high standard of deference to the other place. The Canadian brand of bicameralism ought to be robust, but it must also be functional. That is why, when it comes to election commitments, it has been a long-standing historical practice for the Senate to defer to the House of Commons.

With Bill C-4, the government is fulfilling an election promise. The government promised Canadians that it would, if elected, repeal Bill C-525. The government was elected. It intends to follow through on its promise and it requests that the Senate allow it to do so.

Let's consider some of the factual context. On April 22, 2015, Justin Trudeau, then the leader of the third party in the other place, sent a letter to the Senate leadership, urging this chamber not to pass Bill C-377 and Bill C-525. Writing as Leader of the Liberal Party, Mr. Trudeau stated:

> . . . we have . . . committed to repeal both bills should the Liberal Party of Canada form the next government.

[*Translation*]

A few months later, the 2015 federal election was called. The repeal of Bill C-525 was a central piece of the government's election platform. In fact, in its election platform, the Liberal Party made the following promise concerning unions, and I quote:

[*English*]

> We will restore fair and balanced labour laws that acknowledge the important role of unions in Canada, and respect their importance in helping the middle class grow and prosper. This begins with repealing . . . C-525, legislation that diminishes and weakens Canada's labour movement.

And to underline his commitment to this campaign promise, Mr. Trudeau chose a speech delivered on Labour Day to once again state his intention, if elected, to repeal Bill C-525.

No one should be surprised, therefore, that once elected, the government, which received a clear mandate from the people of Canada, followed through to repeal Bill C-525. Bill C-4 does just that.

The Senate's subsequent amendment to effectively restore Bill C-525 has been rejected.

During the Senate's study of Bill C-4, many honourable senators reflected on the age—old question of how far the Senate can go as an appointed and complementary body. I will remind you that in committee study, Senator Lankin said this:

> The government is living up to a commitment they made in a campaign. Unless we have regional, constitutional or whatever grounds, I don't know why we're weighing in in this way.

During the third reading debate, Senator Pratte reiterated this very point when he said:

> . . . Bill C-4 is a fulfillment of a Liberal Party campaign promise. It is one more reason we, as unelected parliamentarians, should not oppose or amend it. . . .
>
> If we criticize the government for abandoning one of their electoral commitments, surely it would be inappropriate for us to defeat a bill that allows them to fulfill one.

Honourable senators, even more recently, in the course of our vigorous debate on Senator Lang's proposed amendment to Bill C-6, Senator Eggleton clearly outlined the long-standing tradition of this chamber:

> . . . when a party promises something in an election and then they get elected and form a government it has been traditional to respect that as being an expression of the will of the people. . . .
>
> By tradition, which has been taken to meaning if they get elected if it is part of their platform, then it should be respected as such.

[*Translation*]

I also note that, when he appeared before the Senate Modernization Committee last year, Senator Carignan, the Leader of the Opposition at the time, referred to Senator Joyal's book entitled *Protecting Canadian Democracy: The Senate You Never Knew*.

Specifically, the then leader quoted several passages of the essay written by eminent constitutionalist and former Quebec justice minister Gil Rémillard entitled *Senate Reform: Back to Basics*. I would now like to quote an excerpt from this text, which is particularly pertinent to this issue.

> . . . when a bill under study clearly derives from the electoral mandate of the government, the Senate must recognize the democratic will.

[*English*]

Honourable senators, one of the most notable academic works on the Senate is Professor Andrew Kunz's 1965 monograph entitled *The Modern Senate of Canada*. In this classic work, Professor Kunz notes that:

> It has always been a guiding principle for the Senate to respect which might be called the open and clear mandate . . . the Senate does not stand in the way of passing legislation once the people have clearly registered their verdict.

The common thread of all of these observations is an understanding that the calculus of Canadian bicameralism requires the Senate to follow some best practices. But if the words of contemporary senators and commentators fail to sway you, let me recall the words of Sir John A. Macdonald, who said the Senate should "never set itself in opposition against the deliberate and understood wishes of the people."

Having now received the message from the other place, the "deliberate and understood wishes of the people" could hardly be more explicit. The desire of the people to repeal Bill C-525 has now manifested itself three times: once directly by Canadians through the ballot box and twice indirectly through votes in the other place, where members are chosen by the electorate.

I should add that the bill received support in the other place from four parties, representing a combined 67 per cent of Canadian voters in the 2015 election. As for the message that

we received from the other place in response to the Senate's amendment, it received support from 73 per cent of voting MPs.

It is now time for this chamber to defer and allow the government to follow through on its clear and unambiguous pledge to Canadians. Were this chamber to do otherwise, it would chart, in my view, a dangerous course, departing from its role as a complementary chamber of sober second thought.

All of us share a collective institutional responsibility to foster a robust, healthy and functional form of bicameralism. I have trust in the collective wisdom and good judgment of every corner of this place, and I have trust in our joint commitment to safeguard the Senate's role as a complementary chamber of sober second thought, as a partner to the other place, not a rival.

In a case such as this one, Canadians expect us to have the good judgment to defer to the women and men they chose to empower through the ballot box. Let us meet that expectation. For that reason, honourable senators, I ask you to concur in the other place's message with respect to Bill C-4.

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for Senator Harder.

The Hon. the Speaker: Senator Harder, will you answer a question?

Senator Harder: Yes.

Senator Martin: During Question Period, I asked you when the Liberal government will fulfill its promise to balance the budget by 2019, an important election promise that would absolutely benefit Canadians. Yet you just stated, senator, that it was in the Liberal campaign promise to repeal Bill C-525, which in this chamber, in the previous Parliament, we adopted because we understand that the right to a secret ballot is a cornerstone to democracy. It is one that is very important to millions of Canadians, those who would not agree with what you have just said.

I'm trying to understand how repealing a bill that was adopted and passed in the previous Parliament would strengthen the middle class. Bill C-525 and Bill C-377, both bills being government legislation — we dealt with different things.

Senator, Bill C-525 and the right to a secret ballot is something that, in a democracy, is absolutely essential. I'm trying to understand how that strengthens the middle class.

Senator Harder: I thank the honourable senator for her question. Let me make a couple of comments.

One is that in the previous Parliament, private members' bills were passed in this regard. In the interim, there was an election in which this was clearly is an item of debate, about which the Prime Minister made commitments with respect to the repeal of Bill C-525 and Bill C-377. This house now has the opportunity yet a second time to accept the vote from the other place. We must acknowledge that it is appropriate for the Senate, in its wisdom, to amend legislation, but on receipt of a message of this nature, it is also appropriate for us to accept the message from the other place.

• (1450)

With respect to the effect of this measure on growing the middle class, it is certainly the government's view — and that of a number of economists and certainly labour market specialists — that appropriate, independent, arm's-length processes for collective bargaining that achieves appropriate results in the process of potentially organizing workers and that has economic benefit for those workers who are collectively organized is needed. It is the government's view that the labour movement in Canada is an important contributor to economic well-being and the well-being of the middle class.

Hon. Donald Neil Plett: Please, if Senator Harder would take a question?

Senator Harder, just a few months ago, WestJet had a vote. Do you remember what the percentage of members was that voted and was that a secret ballot?

Senator Harder: I respect the honourable senator's question and comment with respect to WestJet. I would point out that legislation governing collective bargaining is not the result or being determined by one particular transaction, either in anticipating of the vote at WestJet, which was before us in the last round of this debate, or, frankly, now. Governments bring forward legislation for the long-term benefit of the public policy, in this case collective bargaining, and that is based on the appropriate balance between employer and employee rights.

Senator Plett: Thank you for that non-answer. Earlier today you said that you didn't want to answer a certain question I asked because it was too partisan. I don't think this is partisan at all when an airline such as WestJet has a union vote.

Let me ask again, Mr. Leader: Do you know how many people voted in a secret ballot vote and what the results of that were? I don't think that's a difficult question. I'm not trying to suggest what the government is doing. You're making those assumptions. I'm simply asking you a question. Clearly, this was the result of a secret ballot vote. We are discussing secret ballot votes here. It's an amendment that is entirely based on secret ballots and you do not want to answer a simple question. What was the percentage of people who voted, and what was the outcome of that?

Senator Harder: I presume that the honourable senator knows that a majority voted for it. I don't remember the precise amount. I believe it was a little over 60 per cent, but I could be corrected by the honourable senator in a further supplementary question. That is evidence that, obviously, the workers, in the context of a particular organizing effort, were able to win that vote.

Again, what is before us is not a particular vote but how votes ought to take place and how the appropriate balance between competing interests ought to be governed.

Senator Plett: Well, since you invited me to correct it with a supplementary question, I will. About 95 per cent of the members voted and, you're right, it was a little over 60 per cent. It was 62 per cent. A little over 62 per cent is correct.

Let me ask my final question: Do you think that the members of the union that they have now formed over there feel that this was a successful outcome?

Senator Harder: I'm sure they do.

Senator Plett: Thank you.

Hon. Lynn Beyak: May I ask Senator Harder a question?

Earlier, Senator Smith pointed out that 6 million Canadians voted for the Conservative Party; 7 million voted Liberal; 4 million voted for the Greens and the NDP. How would you reply to those 10 million, many of them union workers, who usually support the NDP and secret ballots, in our job of sober second thought here in the Senate, to question the House of Commons when it doesn't vote for the will of the people?

Senator Harder: I will leave it to the New Democratic MPs to describe their vote in the other chamber. I think it's important for this chamber, though, to know that the vote in the other place that resulted in this message being received was broadly supported by four parties representing a large majority of Canadians in the last election. It is entirely appropriate, therefore, that this house responds in not insisting on the amendments that we sent the other way.

Hon. David M. Wells: Would the honourable senator take another question on this? You mentioned the promises made by the Liberal Party in the election and, of course, their need to commit to these promises now that they're elected, with 40 per cent of the population of the voting electorate.

The Liberal Party also promised to have a $10 billion deficit. We know it's multiple times that. We also know they promised to restore home delivery at Canada Post. We know that will never happen. In fact, I have a list of so many broken promises that it has become a hallmark of this government.

Could you explain the difference between the promises that aren't kept and we know won't be kept and have already been broken and the promise to repeal the provisions of the previous bills, Bill C-525 and Bill C-377, and how that squares with the promises they have already broken?

Senator Harder: I'd like to make two points. One is that we're dealing with legislation before us with respect to a particular promise. With respect to those issues the government may or may not proceed on in the course of this particular mandate, there will be, I'm sure, in the context of the next election, ample opportunity for people to question and hold to account the government for the decisions it makes in the course of its first mandate.

(On motion of Senator Martin, debate adjourned.)

CANADIAN HUMAN RIGHTS ACT
CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Grant Mitchell moved third reading of Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code.

He said: Honourable senators, I rise today to speak at third reading of Bill C-16, An Act to amend the Canadian Human Rights Act and the Criminal Code. By now, it is of course very clear what Bill C-16 is designed to do. We have been debating this issue on the basis of now three bills passed in the House of Commons since 2009. We have heard from dozens of witnesses, held hours and hours of debate in both houses and there has importantly been much debate and evolution of thought amongst Canadians.

For the record, I will once again outline the objectives of the bill. At the legal, technical level, it will do a number of things in support of the rights of transgender and gender diverse people. First, it will add "gender identity" and "gender expression" to the Canadian Human Rights Act to prohibit within federal jurisdiction discrimination against people based upon those two grounds of employment and in the provision of goods, services, facilities and accommodation customarily available to the public.

Second, the bill will also amend the Criminal Code by adding "gender identity" and "gender expression" to the list of identifiable groups protected from hate speech. I should point out that the bar for establishing hate speech is of course extremely high.

Third, Bill C-16 will establish that hatred based upon gender identity or gender expression be considered an aggravating factor in sentencing for a criminal offence.

Passing Bill C-16 will essentially complete the national network of these protections. Already, nine provinces and territories have both these grounds included in their legislation. Yukon is about to do the same. The other three provinces include gender identity.

That's a recap of the technical elements of the legislation.

Sometimes in a debate about a bill like Bill C-16, it seems that the concepts, the principles, the theories and the intensities of debating them can overwhelm the real-life, real-time impact that the bill's provisions will actually have on people's lives. While the technical elements of this bill, those I've just listed, are in and of themselves significant, it is what they mean in a human way to trans people and their families that is the most powerful and compelling reason for supporting the bill.

As Melissa Schaettgen, a witness and the mother of Warner, a young trans girl, put it:

> For us, this is absolutely key to our children's future. We are fighting for our children's lives. It's not just some bill to us; for us it's our children's lives and future.

• (1500)

Bill C-16 provides protections and extends our society's explicit recognition, respect and embrace of trans people, one of the most vulnerable peoples in our society and a group suffering discrimination, hatred, bullying and violence of an order that most of us cannot even imagine.

The Ontario Human Rights Commission notes the following:

> There are, arguably, few groups in our society today who are as disadvantaged and disenfranchised as transgendered community.

In the course of sponsoring this bill and its predecessor, Bill C-279, I have grown to know and admire trans people who are profoundly courageous in the face of unrelenting harm and hurt; parents of trans children who, with every breath they take, literally ache for safety and fulfillment in their children's lives. In fighting for respect and for protection of their rights, trans people have in turn shown us the way to a better, more equal, more considerate and more just Canadian society. They are asking for the freedom and support to be who they are.

There are a myriad of statistics that quantify the vulnerability, alienation, rejection and harm that trans people suffer. You have heard them throughout this debate. I will list a few again.

In Ontario, the trans unemployment rate hovers at about 20 per cent. The median income is $15,000 a year, despite this group of people being highly educated; 13 per cent of trans people have been fired for being trans; 18 per cent were turned down for jobs for being trans; 20 per cent of trans people have been physically or sexually assaulted; 34 per cent verbally threatened. The stats are even higher for trans youth, 90 per cent of whom are frequently subjected to transphobic comments, even from some teachers. Forty-three per cent of trans people have attempted suicide; 77 per cent have considered it. Trans youth are more than twice as likely as their non-trans counterparts to consider suicide.

But behind these cold, hard statistics are heart-wrenching human stories: trans people whose parents disown them when they come out; grandparents who disown their 10-year-old grandchild; people who lose jobs, homes and live in constant fear; a child who is forced to use a staff washroom in a school, sending the message every time that she is different, that she is trans and being outed to potential bullying and harm each time as a result; a trans woman who has never been allowed to meet her nieces and nephews; trans people who avoid going to hospital emergency departments.

As Dr. Greta Bauer, one of our witnesses, said:

> Can you imagine feeling safer outside of the emergency department in a potential emergency?

Trans people who are so terrified of using any public washroom that to quote witness Devon MacFarlane, they hold it or avoid drinking water, resulting in frequent medical problems.

Marni Panas put it so well in her committee testimony in response to a question from Senator Joyal about the worst stereotype she experiences as a trans woman:

> . . . it's about people thinking I'm pretending to be something I'm not, that I'm trying to get away with something, that I'm a fraud, that I'm not who I say I am.
>
> I can assure everyone in this room that somebody does not come out as a transgender woman for privilege. It comes at a great cost.

In the face of this experience, Dr. Kimberley Manning, a committee witness, professor of gender studies and mother of Florence, a young trans girl, writes of the affirmation that this bill conveys:

> As a parent I want my child to be seen as who she fully is. I want her to have the dignity that should be afforded to all people who reside in Canada. While I recognize that passing Bill C-16 does not guarantee that my child will be respected, I do know that law has a powerful role to play in changing public consciousness.

Now some arguments have been made against this bill, but it is not evident that they rise to the level of reasons to vote against it. These arguments almost all contemplate hypothetical possibilities that essentially have never materialized where this kind of legislation is already in place, or these arguments are based upon certain misconceptions.

On the other hand, Bill C-16 deals not with hypotheticals debated in the abstract; it deals with protecting and embracing a group of Canadians who daily experience the reality, the hard, real-lived experience of discrimination, bullying, suicide and violence. I'm not saying that the concerns raised should not be considered. I'm saying that if those debates must go on, why would we not at least take steps to protect and recognize trans people who are being hurt and harmed every day while they do?

Let me deal with a few of the concerns. One that's been raised is freedom of speech, with a subset, compelled speech.

Those who raise a general concern with freedom of speech, alleged implications of Bill C-16, already have significant protections for freedom of speech. Speech is of course a form of expression, yet opposing Bill C-16 would deny trans people protections for their freedom of gender expression. The real beauty of our human rights experience in Canada is that it is not a zero-sum game, and we do not prioritize one person's freedom of expression over someone else's. We work it out respectfully and politely, usually with a few pleases and sorrys thrown in, habits of humility for which we are internationally renowned.

Compelled speech is a subset of the broader freedom of speech argument. Nothing in Bill C-16 states that anyone must say anything. Some people raise a concern, quite hypothetical, that they might be forced to use a pronoun that is not consistent with their values. But there is a very respectful resolution to such an impasse, if it were ever to occur: Simply use the person's first

name. Who would not be respectful enough to a colleague, a service provider or an acquaintance not to honour their request to use their first name?

Women's safety: This argument suggests that somehow a man, hiding behind the provisions of this bill, will dress as a woman to get into women's washrooms, locker rooms and shelters and then engage in some criminal offence. This is a particularly hurtful argument because it casts all trans people with criminal suspicion.

While not to diminish the everyday risks of violence that women face, trans people, in particular trans women and girls, are at very heightened risk of violence in washrooms and elsewhere. They are terrified of being outed in washrooms.

Excluding trans people from washrooms and other spaces like those will not make these spaces safer. If we want to do that, we should make them safer for all people by installing alarm systems and more privacy features.

Let's look at actual experience with this kind of legislation in other jurisdictions. Twelve provinces and territories have laws that include gender identity and/or gender expression. There simply has not been an epidemic of men pretending to be transgender in order to commit crimes. But even if there were some cases of this occurring, how could we, in a country that believes so strongly in the rule of law, hold all trans people's rights hostage to the actions of a very few criminals, which I might add will almost assuredly not include trans people?

It's important to note the level of support amongst Canadians involved in women's shelters and women's safety, including representatives of the following groups which have recently signed an open letter supporting Bill C-16: Women's Shelters Canada, Ontario Association of Interval & Transition Houses, Violence Against Women Emergency Shelter; Chatham Kent Women's Centre; St. John's Status of Women Council; Ottawa Coalition to End Violence Against Women. Canadian women's shelters have had a long history of helping all women, including trans women, who need shelter and assistance.

There's also an argument that somehow Bill C-16 will conflict with general human's rights. Some committee witnesses argued that this bill might do that. In response, Marni Panas made a point that addresses this so well:

> . . . when you create a safe environment for one marginalized population, when you improve the experiences for one group of people, society benefits. We up the bar for what we expect from each other.

• (1510)

In response to the suggestion by several witnesses that Bill C-16 might somehow threaten women's rights, over 1,000 feminists signed a petition in a 24-hour period in support of the bill. They included representatives from shelters and churches, and included women's studies professors from 12 major Canadian universities spanning the country.

To be sure, rights can and do sometimes bump up against each other, but Canadians and our institutions, courts, commissions, tribunals, support groups and other organizations, are extremely good at meshing and managing them.

For example, the Edmonton Public School Board has established a very successful program of inclusivity for trans and gender-diverse students. The City of Hamilton also recently passed unanimously the protocol for gender identity and gender expression to ensure all their employees feel welcome, safe and included.

Canadians' ability to do these things, to support human rights in the way we do, makes us a beacon to the world for the fairness, justice and acceptance that people elsewhere admire so much about this country. Any challenges in integrating rights that this bill might possibly bring will be dealt with just as effectively as we have always done.

Bill C-16 will change the lives of trans people and their families. It will extend to them significant protections against losing their jobs, being evicted from the places they live or being refused a place to live, protections against economic discrimination and brutal, ongoing, soul-destroying verbal and physical abuse and violence. And Bill C-16 will also send them an immensely powerful message, a message of embrace and inclusion in this wonderful, accepting Canadian society, the message that in Canada you can be who you are.

As Dr. Manning wrote so eloquently in her submission:

> As senators, you have an opportunity to "bend the arc of history." At this moment of rising anti-Semitism, Islamophobia, racism, sexism, and transphobia, you can offer not just my kid, but all kids in Canada a chance to expand their understanding of and appreciation for the diversity of human experience.

That's the kind of Canada that we are. I ask you to support Bill C-16.

Hon. Donald Neil Plett: Would Senator Mitchell accept a question?

Senator Mitchell: I certainly would.

Senator Plett: Thank you. Senator Mitchell, you have said here and we have of course heard at committee the amount of abuse that there is in the transgender community. I think you mentioned the suicide rate, and we heard about that at committee. Senator Baker probably at every committee — I don't want to say every committee — referred to what you referred to in your speech, that all provinces have this legislation. The fact is that this legislation federally really doesn't — and I don't want to argue against myself here with this — include a whole lot of areas because most institutions are provincial. Schools, of course, are not federal, except on First Nations reserves, but other than those, the public schools and private schools are all provincial. Most playgrounds and daycares are run provincially. So this would be a small number of people.

Given the fact that provinces all have this provision, why is the suicide rate still where it supposedly is? Of course, when we ask the question of people who testified to this, they didn't have any

stats. Do you have any stats as to what the suicide rate is and why it is continuing? Why is there no progress being made in the suicide rate coming down? It will not affect very many people or very many institutions if Bill C-16 is passed.

Senator Mitchell: Thank you for the question, Senator Plett. The fact is that one feature of this bill covers the whole country. That's the Criminal Code feature. So it's not just a little bit of a top-up to provincial legislation. No provincial legislation covers the Criminal Code, so half of this bill is about the Criminal Code and it's about adding in aggravating elements of a crime so that that crime can be dealt with in a more harsh and definitive way.

The evidence that I've received about what this bill will do, and why it will be significant, I've received from many sources. But first I will say that this bill finishes the national network. While each of the provinces' bills is important, this bill is extremely important because it talks about a national sentiment, about a national culture, about a national message shared by all Canadians, that we will do whatever we can do to help trans children, to help trans adults, to help trans parents, to give those trans people and their families the protections and the embrace and the respect that most of us absolutely take for granted every day.

I also hear from trans families that this will save their children's lives. That's the evidence that I hear, that this bill will save their children's lives. That's why we need to support this bill. It's extremely important to people's lives, real time, real lived experiences.

Senator Plett: When we talk about children bullying, I don't think there's any law in the world that will prevent children from bullying. I said earlier today that when I was in school I was bullied until I was big enough that there were at least a few people smaller than me, and then I became the bully, so I think children will bully no matter what kind of a law we have in place. I don't think this will prevent that.

Let me ask you one final question because I will obviously be speaking to this and I will do so very shortly. Senator Mitchell, you talk about all the hypotheticals that people are raising, and clearly they aren't hypotheticals when professors of universities are threatened with their jobs if they will not use certain pronouns and so on, and the government has said that this is not supposed to compel anyone to say anything, but they have also said they will use the Ontario Human Rights Code, and the Ontario Human Rights Code has clearly come out saying that they do compel.

Let me ask you this question, not whether this will compel people to say anything, but, Senator Mitchell, do you believe that people should be compelled to use a certain pronoun? Please don't say be respectful and use the person's name. I don't disagree with you there. I think that would be the respectful thing to do, but this bill does not say if you use the person's chosen name that's acceptable. This bill will require, in my opinion, for me to use a certain pronoun if a transgender individual asks me to use that pronoun. Do you agree that that should be in the law or should this at least exempt people from using pronouns that they are not comfortable with?

Senator Mitchell: There are a lot of questions in there, honourable senators. I'll start by saying, first, Senator Plett, your premise about the Ontario Human Rights Commission is wrong. In fact, they do not require that people use any particular pronoun. They are very clear when they say generally when in doubt ask a person how they wish to be addressed. That's what they say.

Out of fundamental decency and respect, which you would offer to your neighbour, you would offer to me most times when you're not mad at me, the fact is that it will work absolutely fine.

The idea that someone will be forced to use a word is so hypothetical as to not rise to the level of being a reason not to vote for this bill. That is for certain.

Second, I want to mention with respect to the professor you suggested had his job threatened, I've read the letter. It wasn't a threat to his job. However, he had tenure, stature and resources with which to defend his job.

Trans people across this country lose their jobs, their houses, are continually and brutally harassed. And they often don't have tenure, stature or resources. What this is about is levelling the playing field, accepting and embracing and giving people who are some of the most vulnerable people in this country a fair chance to live a life like you and I take for granted.

• (1520)

Senator Plett: Clearly, Senator Mitchell, you have taken a play out of the Leader of the Government's playbook with answering your question, so I won't belabour that. I will answer the questions in due course.

[*Translation*]

Hon. Raymonde Saint-Germain: Honourable senators, let me start by saying how interesting the debate on Bill C-16 has been so far. Senators have shared many robust arguments, particularly regarding the scope of the proposed measures. Some of our colleagues have skilfully explained the purpose of
Bill C-16, which will protect people from discrimination and hate propaganda based on gender identity or expression.

[*English*]

It has been rightly pointed out that most Canadian provinces have already amended their rights and freedoms legislation to add gender identity and gender expression to the list of prohibited grounds of discrimination. Such an amendment to the Canadian Human Rights Act would complete the body of legislation by providing protection against discrimination in areas under federal jurisdiction.

In practice, Bill C-16 brings nothing new to the conception of gender identity or expression. All the bill does is make national anti-discrimination legislation more consistent, while also upholding Canada's international human rights commitments, especially with respect to trans people. That said, some have

concerns about this bill. Concerns and fears expressed by some of our constituents have been raised in the chamber by senators dutifully fulfilling their role as parliamentarians.

There are two main sources of concern: freedom of expression and safety for all.

[*Translation*]

We should not dismiss these objections out of hand. Naturally, as the former Quebec Ombudsperson, I weigh such considerations carefully. That is why I would like to share my thoughts about them with you, esteemed colleagues.

First, freedom of expression, though an integral part of life in a democracy, does not take precedence over the other Charter rights, nor is it without limits. One of those limits is, of course, hate propaganda. For example, courts have ruled that the expression of virulent criticism or offensive ideas about a particular group is not hate propaganda, and Bill C-16 changes nothing in that regard.

The law also protects good-faith expressions of a religious opinion. Robust legal consensus on this should put to rest the suggestion that we are debating anti-freedom measures. I would like to add, however, that throughout our history, the right of certain groups to be treated the same as all other Canadians has always been the subject of some debate, and that achieving true equality within society is a never-ending struggle for such groups. Since the dawn of Confederation, the rights of women, ethnic and religious minorities, and the homosexual community, to name a few, have been debated in this place.

Bill C-16 is a unique opportunity for us, as senators, to mark another important milestone in the recognition of equal rights in Canada — an opportunity that, we must admit, is long overdue. The statistics and the testimony we heard are clear, and Senator Mitchell made a brilliant reference to this a few minutes ago. Trans people experience great injustices, such as physical and verbal violence, discrimination in public and private services, and more broadly, a lack of recognition of their identity. Unfortunately, trans people currently do not enjoy as many legal protections as other groups. We cannot sincerely claim to be sensitive to their situation unless we take concrete measures to help them. Bill C-16 is a first step in that regard.

The right to safety, particularly for women, is the second objection that we often heard during our consultations. As a woman, a mother, and a former ombudsperson, I am fully aware of that consideration.

We often heard people say that they are apprehensive about the presence of trans people in public restrooms. The fear that people will pretend to have a different gender identity so they can commit criminal acts is very real. In that regard, it is important to remember that, under the rule of law, such behaviour is illegal and is subject to the appropriate sanctions, sanctions provided for in the Criminal Code. The theory that there will be an increased risk of sexual assault in restrooms used by trans people as compared to those whose access is determined on the basis of biological sex is flawed.

It is important to point out that if anyone's safety is at risk, it is that of transgender individuals. In the United States, 12 per cent of trans people have been the victim of a crime — harassment, or physical or sexual assault — in a public restroom. The addition of hate based on gender identity or gender expression to the list of aggravating factors that are taken into account in sentencing for criminal offences is a response to the violence being committed against the transgender population. Bill C-16 is also a first step in that regard.

Clearly, Bill C-16 will bring about changes within institutions under federal jurisdiction that are subject to the Canadian Human Rights Act. It is true that this will put certain constraints on public services and on some businesses that will have to comply with this new protection.

Are these administrative accommodations too onerous, enough to force us to reconsider passing this bill? I am well aware of the importance of proportionality and the reasonableness of the bill. However, after studying Bill C-16, the objectives of which are awareness, prevention and, when necessary, repression, I don't think that any of the proposed provisions include any excessive constraints. I have not heard any convincing arguments that show otherwise.

For that reason, I think people need to be very careful if they are going to challenge the fundamental rights of one segment of the population under the singular pretext that this requires accommodation. Likewise, people must not pretend that this bill says something that it doesn't really say. This is a legislative amendment that will protect Canadians against discrimination based on gender expression and identity in a more uniform manner across the country. I would like to remind the chamber that there is no minority or vulnerable group in Canada that is too small to have access to the same services as the rest of the population from coast to coast to coast. The Canadian government absolutely must recognize transgender rights. In that sense, Bill C-16 is yet another first step.

In closing, I want to recognize all the hard work done by the members of the Senate to understand the reality facing trans people. This subject remains largely misunderstood and, because of the systemic discrimination against them, it is often difficult for trans people to make their voices heard.

Honourable senators, there is one thing that has emerged from the democratic exercise of debating this bill. It is imperative that we engage in more meaningful dialogue with the transgender community. I repeat, Bill C-16 is just a first step, and it must not mean that we stop listening and reaching out.

I would now like to address my fellow citizens of any gender identity and gender expression. I want to tell you that this bill, when it is given Royal Assent, will be a law that recognizes and protects you.

Starting right now, I think that you must take advantage of this outreach and contribute to the hard-won progress being made towards greater understanding and lack of discrimination. You must continue to seize all democratic and peaceful opportunities to make yourselves understood.

• (1530)

The Ottawa Police Service sent all senators a letter inviting us to engage in a dialogue, and I think it behooves us to do so in order that we may better understand the issue and ensure that all public services and all our fellow citizens will be treated respectfully and equally. Honourable senators, for all of these reasons, I will vote in favour of Bill C-16. Thank you.

(On motion of Senator Plett, debate adjourned.)

[*English*]

INDIAN ACT

BILL TO AMEND—SIXTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Aboriginal Peoples (Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration), with amendments and observations), presented in the Senate earlier this day.

Hon. Lillian Eva Dyck moved the adoption of the report.

She said: Honourable senators, Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration) comes back from the Standing Senate Committee on Aboriginal Peoples with eight amendments.

In total, the government proposed six amendments. All six proposed government amendments were accepted. An additional two amendments were also accepted. I will now proceed to explain each amendment passed by the committee in the order they were adopted.

The first amendment amended clause 1 to include a new section 1-1 on unknown or unstated parentage. This amendment is a result of the Ontario Court of Appeal decision in *Gehl v. Attorney General (Canada)* which was decided in April 2017. This amendment ensures procedural fairness and clarifies the type of evidence the Registrar shall consider when determining parentage on applicants in situations of unknown or unstated paternity. It provides for the provisions of acceptable evidence to favour inclusion unless there's very credible contradictory evidence. This amendment was supported by the government.

The second amendment amended clause 1 by adding the following after line 7:

> (a.1) that person was born prior to April 17, 1985 and is a direct descendant of the person referred to in paragraph (a) or of a person referred to in paragraph 11 (1)(a), (b), (c), (e), or (f) as they read immediately prior to April 17, 1985.
>
> (a.2) The purpose of this provision is to entitle the registration under s. 6(1)(a) those persons who were previously not entitled to registration under s. 6(1)(a) as a result of the preferential treatment accorded to Indian men over Indian women born prior to April 17, 1985, and to patrilineal descendants over matrilineal descendants born prior to April 17, 1985.

This amendment was proposed by a number of witnesses that appeared before our committee. I'm sure Senator McPhedran, the mover of the amendment, will speak to it in more detail during the course of our chamber debate. This amendment was not supported by the government.

The third amendment amended clause 1 by including two other scenarios where sex-based inequities can occur as a result of the initial remedies to address the siblings and cousins issues included in Bill S-3. These scenarios were identified by the Indigenous Bar Association. This amendment was supported by the government.

The fourth amendment amended clause 1 to correct a drafting error. This amendment was supported by the government.

The fifth amendment amended clause 2 to allow all individuals entitled for registration under the new categories, 6(1)(c.02), 6(1)(c.5) and 6(1)(c.6), to also be entitled to have their names entered on a band list maintained by the department. This is a consequential amendment to creation of new categories of registration in sections 6(1)(c.02), 6(1)(c.5) and 6(1)(c.6) of the Indian Act that Bill S-3 will create.

The sixth amendment amended clause 7, on page 5, by adding the following after line 38:

> 7.1 The provisions of the Indian Act that are amended by this Act are to be liberally construed and interpreted so as to remedy any disadvantage to a woman or her descendants born before April 17, 1985 with respect to registration under the Indian Act as it read on April 17, 1985, and to enhance the equal treatment of women and men and their descendants under the Indian Act.

This amendment is an interpretive clause.

The seventh amendment amended clause 8 to provide that all of the new categories for eligibility for Indian registration created by the amendments proposed by the Indigenous Bar Association are referred to in the existing non-liability clause. This is a consequential amendment to the third amendment. This amendment was supported by the government.

The eighth amendment amended clause 8 to include various requirements for consultation by the minister and reports to Parliament for Phase II. Included in this amendment is the requirement for the minister to report, within five months of Royal Assent, to each House of Parliament on the design of consultations that the minister is to carry out in Phase II. Further, the minister is required to report within 12 months on progress made on Phase II. Lastly, within three years the minister must undertake a statutory review on this act, as well as section 6 of the Indian Act. The review must be tabled in each House of Parliament, including what the minister recommends in order to reduce or eliminate any persisting sex-based inequities. All reports must be published on the department's website immediately after tabling. The government supported this amendment.

Colleagues, the committee has also chosen to append observations to this report. I will now read the observations into the record because I believe that the observations provide a good context for the amendments.

These are the observations:

Bill S-3 was introduced in the Senate in October 2016 in response to the ruling of the Superior Court of Quebec in *Descheneaux v. Canada, Attorney General*. In that decision, the court declared invalid section 6(1)(a), (c) and (f) and section 6(2) of the Indian Act as being contrary to the Canadian Charter of Rights and Freedoms on the basis that they discriminated against indigenous women and their children. The court suspended its declaration of invalidity to allow the government an opportunity to amend the legislation to bring it into line with the Charter and warned the government to look at all of the gender discrimination provisions in the Indian Act and not simply those addressed in *Descheneaux*.

In November 2016, Bill S-3 was referred to the Standing Senate Committee on Aboriginal Peoples. During the initial study of Bill S-3, your committee heard from various witnesses that there had not been adequate engagement and consultation on Bill S-3. Further, the committee heard that Bill S-3 did not eliminate all sex-based inequities in Indian registration. As such, your committee decided not to proceed with Bill S-3, but instead held it in abeyance and asked the government to address these concerns.

The government obtained an extension of the court deadline to July 3, 2017, to allow Parliament to amend the act. In May 2017, the committee resumed its study of Bill S-3 and the government proposed a series of amendments for your committee's consideration.

• (1540)

Your committee feels that Bill S-3, even with the proposed government amendments, continues a piecemeal approach in dealing with sex-based discrimination whereby amendments to the Indian Act are introduced on a case-by-case basis in response to court decisions.

Once again, we are undertaking this work under a court-imposed deadline. If we fail to act, it could result in the inability of the government to register individuals seeking status. This approach leaves us, as legislators, in the position of deciding who is eligible for Indian status now and who will continue to wait.

Your committee heard from the government witnesses that their proposed amendment would only address known sex-based discrimination and similar scenarios of discrimination to those addressed in *Descheneaux*. Additionally, the government proposed an amendment in response to the issue of known and unstated paternity arising from the recent Ontario Court of Appeal decision in *Gehl v. Attorney General (Canada)*.

During clause-by-clause consideration, your committee accepted these proposed amendments with modifications. Nonetheless, your committee heard from legal experts and First Nation witnesses that the proposed government amendments to Bill S-3 still did not eliminate all sex-based discrimination. Your committee feels that the federal government's approach allows discrimination in the registration provisions to persist with the promise that it will be fixed in the future. To remedy this concern and to ensure that registrations can continue past the point of the new court deadline, your committee passed a broader amendment whose purpose is "to entitle to registration under section 6(1)(a) those persons who were previously not entitled to registration" due to differential treatment of Indian men and women born prior to April 17, 1985, in the registration provisions of the Indian Act.

We agree with a number of witnesses who told us that this amendment would provide the opportunity to restore rights finally to a larger number of indigenous women and their children. Regrettably, the department was not able to provide us with information on the number of people affected by this amendment. In future, we hope the department will make such information available to us.

To ensure that your committee can hold the government accountable to its Phase II commitments, we supported the proposed amendments to Bill S-3, which require publicly accessible progress reports to be tabled in Parliament. Even with these amendments, your committee is concerned about the absence of consequences should the minister fail to table a report by the deadline or fail to act on issues discussed during these consultations. Nonetheless, we are hopeful that this process can result in concrete actions to put an end to discrimination in the registration provisions of the Indian Act.

As chair of the Standing Senate Committee on Aboriginal Peoples, I recommend the report to you.

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

Some Hon. Senators: Question.

The Hon. the Speaker: Senator Lang, do you have a question?

Hon. Daniel Lang: Could the chair impart any information that the committee received during the course of its hearings, on the long-term financial implications of the question of the bill as presented, and as the bill now amended is going to have in respect to the obligations that would be taken on with the expansion of the numbers?

Perhaps she could also tell us if she has any idea of how many more Canadians would be involved, as far as being recognized, with the broadening of the definitions?

Senator Dyck: Thank you for the question, Senator Lang. Unfortunately, the government did not have the numbers that they expected. They did actually suggest it could be anywhere from — I don't remember the exact lower number — say 20,000 up to 2 million. I do, however, suspect that 2 million is an overestimate, because currently, according to Statistics Canada, there are about 700,000 or 800,000 status Indians. For there to be 2 million from the women who married out would be impossible mathematically. Even if half of the population had married out, that would still only be equal to what we have now.

So I think the numbers that they presented at committee were overinflated. A member of the committee — and I can't remember who — said they thought the numbers the government floated at the committee were, in a sense, almost fear mongering, that they were inflating the numbers. We do not know. Several of the witnesses, including Dr. Pamela Palmater, thought the number would be around 200,000.

Senator Lang, as you suggested, there are financial implications to this, in that if we were to include another 200,000 status Indians, there would have to be consideration for things like the non-insured health benefits, perhaps increased support to the post-secondary education benefits and that kind of thing.

Those are decisions that the government will have to take. However, those decisions should have been thought of for at least the last 30 years, because we have known that this is going to happen since at least 1985 when we dealt with Bill C-31 and also since we passed Bill C-3 in 2010.

So the Department of Justice, the Department of Indian and Northern Affairs and the government have known this is coming, so they should have been prepared. I hope that answered your question.

Hon. Dennis Glen Patterson: I would like to speak in support of the report. I do want to note that the committee worked hard on this very significant bill, and as our chair pointed out, this is the second time the committee has considered this bill. I would like to further note that the committee has a long tradition of working and attempting hard to work on a non-partisan basis.

I was gratified when the bill was first presented to the committee last December, and when the committee found the bill quite simply did not do what the title suggested it would do, that is, eliminate gender-based discrimination under the Indian Act; the committee did support my motion that we not report the bill and instead that we urge the minister to seek more time from the court and improve the bill. Before it was amended — and I'm referring to the bill as before the committee today — Aboriginal Legal Services of Toronto told us that Bill S-3 only stands to create "more layers, more categories and hierarchies."

The Women's Legal Education and Action Fund warned that the version of the bill, without Senator McPhedran's amendment, would:

> . . . not only fail to fulfill the title of the bill . . . but also this bill will simply require a whole new generation of Charter claimants amongst this country's most disadvantaged population to fight for their rights again in the courts. . . . it's incumbent upon us to stop the clear and persistent sex discrimination that the Indian Act perpetuates.

Dr. Pam Palmater also told the committee clearly:

> It is absolutely critical that Canada remedy all remaining gender discrimination in the registration provisions of the Indian Act before it enters Phase II of their engagement process. Phase II is intended to deal with broader discrimination and jurisdiction issues related to registration and band membership. Phase II would be tainted if Canada does not do what they promised to do in Phase I, that is, remedy all known gender discrimination. Further, by failing to address all known gender discrimination, Phase II would not be able to consider the voices of tens of thousands of indigenous women and their descendants who are currently excluded from registration. In many cases, they will be denied membership without this registration, and many risk being denied a political voice on the basis of their non-registration or their lower assignment of status.

• (1550)

I must say, honourable senators, that many witnesses were very clear that the implications of this long-standing gender discrimination against women under the Indian Act are writ large in many of the social problems that we're dealing with today: missing and murdered Aboriginal women, violence against women, homelessness, unemployment, poverty, alienation and disenfranchisement.

So with the clear arguments that the committee heard, such as those I've recited today, I feel it's important that we adopt the report and accept the amendments brought forward by the committee.

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

Some Hon. Senators: Question.

Hon. Frances Lankin: On debate.

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

Senator Lankin: I'm rising as sponsor of the bill. I intend to speak briefly. I will hold my main remarks for third reading.

I want to join with the chair and deputy chair of the committee in saying that I support the report from the committee. There are concerns with one of the amendments — the amendment that Senator Patterson was just speaking to, which deals with the pre-1951 discrimination that exists.

It is a policy issue for the Government of Canada whether that was acted on through amendments in the bill or in part of the phase 2 response to the *Descheneaux* decision in the consultations with First Nations. The government, from a policy perspective, believes that they have an obligation under government-to-government relations to speak about this broader issue, but we're prepared to proceed with the amendments that came from the court judgment with respect to *Descheneaux* and other like amendments.

That's an issue that is before the government in terms of their decision making here in this house, where normally we're reviewing a bill; in this case, the bill started in the Senate. It leaves that issue.

While there is some disagreement around whether it should be proceeded with at this point in time, I'm supporting this being reported out, being passed and going back to the House of Commons, where it will be the government's decision as to how they deal with that clause at that point.

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?

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

[*Translation*]

NATIONAL SECURITY AND INTELLIGENCE COMMITTEE OF PARLIAMENTARIANS BILL

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the second reading of Bill C-22, An Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts.

Hon. André Pratte: Honourable senators, I rise today to support Bill C-22, which establishes the national security and intelligence committee of parliamentarians.

We all agree on at least one thing, that it is high time we had such a bill. In 1981, the McDonald Commission proposed that a joint parliamentary committee have oversight of the intelligence service that it recommended be created. Here we are, 36 years later, and, for the first time, a bill to that effect has an excellent chance of being passed and given Royal Assent. We must therefore congratulate the government for introducing this bill.

[*English*]

When the Standing Committee on Public Security in the other place considered the bill, most of the experts who appeared approved of the broad strokes of Bill C-22 but criticized specific clauses. In response to these testimonies, the government introduced or agreed to a number of amendments that made significant changes to the most controversial clauses. It must be acknowledged therefore that the bill before us today is quite different from the bill that was first tabled by the government.

The question now before the Senate is the following: Can we improve Bill C-22 further, meaning, can we strengthen the committee of parliamentarians without throwing off the balance that Senator Harder was talking about the other day — a balance ". . . between the imperative of initiating parliamentary review and the need to establish a working relationship with the security agencies . . . ."?

In my opinion, the answer to this question is "yes," but we need to proceed with great caution.

Some of the concerns expressed about this bill, for example, as regards to restrictions to access to information, are based on worst-case scenarios. They imagine that the committee of parliamentarians would be unable to carry out its work because the agencies and ministers would abuse the power they have under the bill to prevent the committee from obtaining the information it needs. It is possible that things turn out that way, but the bill provides that every time a minister wants to block a review by the committee or prevent it from accessing information, he or she will have to explain why. The committee would then be in a position to put the situation to the public, and any government that is too secretive would have to pay the price politically.

As the bill calls for a review of the legislation after a period of five years, Parliament would have the opportunity to revisit the act and determine whether any of the concerns identified today were justified. In other words, I am arguing for putting the access-to-information clauses in Bill C-22 to the test. Time will tell whether they need to be improved.

One area where the government is clearly being overly cautious, in my opinion, is the requirements for parliamentarians who will be on the committee. It goes without saying that the government will hand pick the members and ensure they are trustworthy. Furthermore, the bill provides that each member must obtain and maintain a security clearance. Also, they must take an oath of confidentiality.

The question, then, is why does Bill C-22 also force them to give up their immunity, the most valuable privilege available to parliamentarians? Either we trust members of Parliament and senators, or we don't. As Senator Griffin said, "We should not agree so easily to give up our rights, especially our right of expression, simply to appease the national security community apparatus."

In my opinion, clause 12 of the bill should quite simply be removed.

[*Translation*]

In the other place, there was much discussion about the Prime Minister's power to order the committee of parliamentarians to revise its annual report if he deems that it contains information whose communication would be a threat to national security, national defence, or international relations. I believe that the amendment to the bill should allay the fears expressed in that regard. The report will clearly indicate if the Prime Minister asks the committee to revise its report, and the extent of and the reasons for the changes. Thus, if the Prime Minister were ever to abuse this power, he would have to explain himself to Canadians.

[*English*]

I turn now to the criticisms about the committee's membership. Senators Jaffer, Joyal, McIntyre and Griffin have all highlighted the important contribution that members of the upper chamber could make to the committee of parliamentarians. As Senator Joyal pointed out: "Senators will develop the expertise, the institutional memory and the capacity to understand what has been done earlier." Given that, I believe the amendment put forward by Senator Jaffer that senators must account for at least one third of the members of the committee is completely warranted.

The committee of parliamentarians that would be established under Bill C-22 is certainly not perfect. But we are living in complex times, where intelligence services have a difficult task before them. The recent attack in Manchester is a cruel reminder of this. Intelligence agencies believe that being subject to unduly close public scrutiny would render their work more difficult. It is a legitimate concern.

As parliamentarians, we should admit that we have things to learn in this area. That being said, those of us who are convinced that protecting Canadians' fundamental rights requires parliamentary oversight of intelligence and security agencies need to work to convince them that they have nothing to fear, that MPs and senators can act responsibly in this sphere.

This, I think, speaks in favour of the gradual approach that the Government Representative in the Senate, Senator Harder, outlined in his speech. Parliamentarians and the intelligence community must learn to trust each other.

In conclusion, I believe that Bill C-22 should be adopted with no more than one or two targeted amendments, as I highlighted. By passing this bill, we will be taking a major step forward in striking an appropriate balance — a balance that for many years has eluded us — between protecting the national security interests of Canadians and respecting their fundamental rights.

• (1600)

Hon. Frances Lankin: Senator Pratte, would you accept a question?

Senator Pratte: Of course.

Senator Lankin: Thank you. My apologies. I heard you outline the second area of the amendment that you would propose that the committee examine. I missed the content of the first area and I was wondering if you could tell me briefly what that was.

Senator Pratte: The first area of the amendment is about the privilege of parliamentarians. I believe the government has been overly cautious in adding all sorts of requirements for members who would be members of that committee. I think asking for parliamentarians to abandon their privilege as parliamentarians is being overly cautious.

Senator Lankin: I think, then, that you didn't speak to the issue of subpoena powers of the committee. Is that an area that you've thought about? Is it something that you would urge the committee to consider at committee stage?

Currently, the committee that would be struck is not provided with specific subpoena powers in the legislation. It is a committee of parliamentarians, as you talked about, which is a process of developing trust over a period of time. It is not a parliamentary committee which would, in fact, have powers of subpoena through a process with the Speaker, as set out in rules in the House of Commons at least.

I should know the answer in the Senate, but I don't. I haven't had that experience since I've been here yet.

An Hon. Senator: It is the same.

Senator Lankin: I have been told that it is the same. Okay, thank you very much.

One of the things that I have been wondering is whether or not the kind of wording that exists within the Rules empowers parliamentary committees to be able to subpoena witnesses might be prepared as an amendment and brought forward for consideration at committee stage to embed in this legislation so that the committee of parliamentarians might have that same power.

Senator Pratte: I would certainly be willing to consider other amendments, but I do believe in the very prudent approach. I thought about this distinction between a committee of parliamentarians and a parliamentary committee, with all that goes with it. My belief is that the prudent, gradual approach that Senator Harder alluded to was the safest way of going at it.

If you begin adding to this parliamentary committee of parliamentarians different powers, then you do end up with a parliamentary committee.

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today at second reading of Bill C-22, An Act to establish the National Security and Intelligence Committee of Parliamentarians.

Broadly speaking, Bill C-22 establishes a committee tasked with the review of national security matters from any of the departments or agencies of the federal government.

The committee established by Bill C-22 will report directly to the executive, meaning the Prime Minister, not Parliament. Members of this committee, including the chair, will also be appointed by the Prime Minister, although there is a requirement for some cursory consultation with party leaders and senators. Appointees will have extensive access to classified information, although the ultimate arbiter of what they see will be the responsible minister.

I am opposed to Bill C-22 in principle because I believe it has the potential to endanger the security of Canadians and I think it may do so in a politicized fashion.

The push for this legislation comes from the government's electoral platform which provides some context for understanding the consultation failures which have come with this bill.

The opposition parties wrote the government several times in a collegial spirit to collaborate on constructing appropriate legislation. This would match the non-partisan approach the United Kingdom, Australia and New Zealand took in creating their parliamentary oversight structures.

The government, however, not only failed to respond substantively, but during the committee proceedings in the other place, it became clear the Information Commissioner, amongst others, had not been consulted either. This is significant because, while there was some support for the bill among witnesses, many noted the concerns about what sort of information would be available to the proposed committee and how it would be handled.

Other concerns were also raised about the lack of guidance for interpreting how ministerial and prime ministerial prerogatives will be exercised within the committee. Concerns about this sort of politicization have been echoed by the Canadian Bar Association. In a submission to the House of Commons Securities Committee, the association stated:

> The CBA is concerned about the potential politicization and lack of independence [from the government] of the parliamentary committee.

More to the point, the International Civil Liberties Monitoring Group in their commission noted that:

> The government is appointing members to oversee . . . the Government. We have seen . . . [excuses] being used many times in order to hide embarrassing actions. . . .

The result of all this is a committee, with a questionable function inserting itself into the security apparatus. As Professor Forcese notes on his national security website:

> . . .the absence of a cross-party buy-in and an accrual of partisan acrimony reduces the prospect that the [Committee of Parliamentarians] will work at all.

This politicization alarms me, because it raises the spectre of ideology getting in the way of our security apparatus. Security agencies are accountable to Canadians through the government. They are limited by our laws and are held in check by our Constitution. Parliamentarians are politicians. They are accountable to Canadians through the party system, which channels the different ideologies Canadians hold into political action. Security should never be held accountable to ideology.

Michel Coulombe, until recently the director of CSIS, reflected my concerns in the House Security Committee, when he said that:

> It is said that information obtained as the result of mistreatment is often untrustworthy, and I'm not here to contradict that. . . either we try to find other sources to corroborate the information, or we determine the use we will make of it. . . . It would be irresponsible for CSIS to simply dismiss the information out of hand if there is a clear and present danger to Canadians.

It is a hard truth of the world we live in that sometimes our security agencies must do things which are politically untenable. The system works now because at present CSIS, for example, is accountable to a review committee of legal and security professionals who are supported by a secretariat of experts.

Efforts by previous governments reflected these concerns, that members should have appropriate background and experience before they serve on a committee like the one proposed in Bill C-22.

The report of the Interim Committee of Parliamentarians on National Security, from 2004, notes:

> We recognize that such access without appropriate safeguards could have a negative impact on Canada's security. . . .
>
> We recommend that the Prime Minister, when considering the perspective members, take into account their personal characteristics, their knowledge of security and intelligence issues and their capacity to work in a non-partisan way.

Even so, the idea that Parliament can really build this kind of depth of expertise is questionable. The International Civil Liberties Monitoring Group noted that:

> . . . parliamentarians are busy with their parliamentary obligations and cannot develop the expertise nor allocate the time to carry out detailed, in-depth reviews and investigations.

This view was mirrored by several other witnesses with CSIS experience who appeared before the Security Committee of the House of Commons. The suggestions arose in various instances that the proposed committee would only really be capable of doing a brief review without going in-depth.

Luc Portelance, former president of the Canadian Border Services Agency and before that a CSIS officer in charge of the counter-intelligence branch, noted:

> I cannot imagine a world where this new committee has an ability to really do detailed review on an ongoing basis. . . . I simply cannot see a world where this committee gets down in the weeds.

• (1610)

Senators, it is bewildering that the government would sink resources into a committee that unnecessarily duplicates the work of professionals without any added benefit and all the added risk.

The inclusion of parliamentarians suggests transparency, but government's intrusive role in the proposed committee suggests Canadians will be no better off.

Philippe Lagassé, Barton Chair of the Norman Paterson School of International Affairs, noted in a 2015 article:

> As we debate the need for a intelligence and security committee, therefore, it is worth acknowledging that it might lead to a select group of parliamentarians knowing more about Canada's national security affairs, but the public knowing, and perhaps caring, less.

It is not satisfactory for the government to assure us of its noble intentions. Before we pass such legislation, we need guidance and evidence to reassure Canadians that their security will be managed wisely. It is only a matter of time before attacks like the one which hit Manchester last week come to our shores, and we had best be fully prepared to meet them with everything we have when they do.

I do not envy the challenges the committee will face if Bill C-22 passes in its current form. Eleven people, many of whom will be inexperienced, will face a daunting, multi-billion-dollar array of government departments and agencies. These members will be vulnerable to political influence and perhaps subversion by foreign powers.

Richard Fadden, formerly the National Security Advisor to the Prime Minister and, before that, the Director of CSIS, noted this risk in the House Security Committee.

The threat should not be taken lightly. In 2010 Mr. Fadden indicated that cabinet ministers in two provinces and several municipal politicians have been influenced by foreign governments. We need not presume that all such acts were deliberate, like some kind of spy novel. All it really takes is a loose moment or a casual mention to someone you may have known for a long time. It can be as innocuous as plugging in a free USB stick given as a gift at a reception.

The information war is very real and has taken on more importance than ever in recent years. For example, a report was filed last week with Elections Canada suggesting there were foreign influences present in the last federal election. Down South, Americans are coping with how to deal with the influence being deployed by hostile countries like Russia and Iran.

If it seems extreme to consider such things, just consider the bill we have before us. The strict management of information within the circle of the minister and the Prime Minister and the unprecedented measures within regarding the parliamentary privilege of committee members shows that the government considers such risks.

As Professor Wark noted in a submission to the House Security Committee:

> The Canadian provisions represent a statutory piling on that suggests a degree of nervousness about the protection of secrets not evident in either the UK legislation —

— on which Bill C-22 is modelled —

> — or experience.

Given these concerns, I can't support the bill. I don't support it in principle, and I especially don't support it in the form it has been presented. I urge the government to reconsider these hasty matters and put the safety of Canadians first.

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

An Hon. Senator: Question.

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

Some Hon. Senators: On division.

Some Hon. Senators: Agreed.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Harder, bill referred to the Standing Senate Committee on National Security and Defence.)

NATIONAL ANTHEM ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—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).
>
> And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Wells:
>
> That Bill C-210 be not now read a third time, but that it be amended in the schedule, on page 2, by replacing the words "in all of" with the words "thou dost in".

Hon. Patricia Bovey: Honourable senators, I rise to join the debate on Bill C-210 and its amendment. I will not speak long. All I want to do is clarify the situation regarding copyright rights.

I will not go into a whole history of the writing of our national anthem but merely the question of the rights raised when we last met.

Honourable senators, I applauded the addition of moral rights to Canada's Copyright Act, which the Mulroney government brought into effect on June 8, 1988. Indeed, that summer I hosted a number of sessions with creators to which I invited the authors of the act and several lawyers to review the legislation to ensure that we all understood both the economic rights and the moral rights enshrined in the act.

The moral rights were the new aspect of the bill and affected work created after June 8, 1988.

Let's return to the national anthem. It was written in 1908. The author died in 1926. Canada's Copyright Act came into being in 1924. In 1929, copyright for "O Canada" was passed from its author, Weir, to Leo Feist Limited. Three years later in 1932, the copyright passed to V. Thompson Music.

In 1970, both Thompson and Weir descendants formally surrendered rights to the Canadian government for a symbolic amount of $1. In 1980, the National Anthem Act declared that the copyright of the words remain in the public domain. The rights, therefore, are not held by any one individual but by our nation. Therefore, senators, I will vote against the amendment and for the original bill.

Hon. Frances Lankin: Honourable senators, I, too, will be brief.

I had the opportunity to speak about this amendment with the mover of the amendment, Senator Plett. I appreciate the attempt at creating gender-neutral language, which is the intent of the original bill. I also appreciate, personally, the respect for heritage language. It's a proposition I personally could support.

I was interested in the possibility that Senator Plett and I might have a common cause with respect to this bill. I might be overstating it; I'm not sure.

I have to regretfully inform all senators — I've already told Senator Plett — that upon checking the rules of this place and the House of Commons, the effect of Senator Plett's amendment would be to kill the bill. If this amendment were to be adopted in the Senate, the bill would go back to the House of Commons. Sadly, with the passing of MP Bélanger, the sponsor is no longer a member of the House of Commons and, therefore, a new sponsor would have to be found. Under the rules, that would require unanimous consent. It has become clear that unanimous consent would not be given. At least 70 voted against this bill in the first place. A number of people have been spoken to and have indicated that they would block the bill there, as is the intent of some of the members here, who have been quite honest and forthright that the intent is to delay this bill until after prorogation and to see the bill die.

• (1620)

I will not be able to support this amendment, even though the language doesn't offend me and is gender-neutral, which is what we are attempting to achieve. Of course, I cannot support the tactics that are being brought forward to take this bill one more time past prorogation. I pointed out in my third reading speech that that's the intent that the members have stated, and if that were to happen, it would kill the bill as they know and this would begin again.

I pointed out that in over 30 years there has never been a vote in the Senate on the multiple number of bills that have come forward attempting to create gender-neutral language with respect to our national anthem. As we are approaching Canada Day, I think it is an absolute shame that members in this body, this institution of Canada, will not allow a proposition like this to come forward for a vote. Whether it is passed or defeated is not the question. The question is, will there be a vote? All bills deserve to be voted on. All private member bills, as well as government bills, deserve to be voted on, even a number of senators' bills and a number of private member bills that have been or will be sent to us from the House of Commons.

I urge members opposite to rethink the strategy that they have put in place to deny a vote on this. As I said, Senator Plett might have had a solution were it not for the rules that could have saved this attempt at gender neutrality for "O Canada," but, unfortunately, because the effect would kill all of us, those being the words in the motion, I will regretfully have to vote against his amendment, but I will vote in favour of the bill.

Hon. Donald Neil Plett: Would the senator accept a question?

Senator Lankin: Certainly.

Senator Plett: Thank you. I'm not sure how I'm going to ask this question because it's likely to be more of a comment, but I'll try to find a way.

Certainly, I'm with you. Senator Mitchell and I actually found some common ground a while ago, and hell hasn't frozen over yet. So I'm sure, Senator Lankin, if we can't on this we will find something else where we can find common ground.

I as well want to simply say, Senator Lankin, that I have appreciated your forthrightness with me, and I want to assure you there was no ill intent on my part to do this. I did also think that — and I wasn't too sure about how I felt about it, but I thought maybe at least there was something we could debate.

Clearly, I did not do this on my own. I did this together with the Law Clerk. I'm willing to follow up on your comments and your assertion that the bill would die.

I will simply ask the question this way: Would you accept my sincerity when I say that I will check with the Law Clerk and find out whether everything you've said is, in fact, the way we have to go?

Senator Lankin: Yes, Senator Plett, of course I accept your sincerity. I do want to comment, and it's not in any way to be critical, but I want to assert that you have a short memory. I

supported one of your amendments at Bill C-14. We found common cause on that.

(On motion of Senator Martin, debate adjourned.)

PROHIBITING CLUSTER MUNITIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Plett, for the second reading of Bill S-235, An Act to amend the Prohibiting Cluster Munitions Act (investments).

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): Honourable senators, I rise today to speak at second reading of Bill S-235, an Act to amend the Prohibiting Cluster Munitions Act. As many of you may know, my interest in land mines and cluster munitions first began when I was appointed to the Senate in 2001 and met land mine survivors through my involvement with the Canadian Landmine Foundation. I was inspired by the survivors' courage and determination to lead productive and fulfilling lives in spite of their terrible injuries. This is an issue I feel very passionately about.

On December 3, 2008, Canada signed the Convention on Cluster Munitions in Oslo, Norway. The convention entered into force on August 1, 2010. To date, 119 states have joined the convention in the form of 101 states parties and 18 signatories.

In March 2015, Bill S-10, an Act to implement the Convention on Cluster Munitions, was given Royal Assent, making Canada a state party to the convention. This legislation solidified Canada's support of the convention, which seeks to address the humanitarian consequences and irreparable harm to citizens caused by cluster munitions through categorical prohibition.

The convention prohibits all use, production, stockpiling and transfer of cluster munitions. Additionally, the convention enacts a framework to ensure adequate care and rehabilitation for survivors, clearance of contaminated areas, risk reduction, and the destruction of existing stockpiles.

As the international community has collectively worked towards the prohibition of cluster munitions, Canada has not only actively participated but also demonstrated clear leadership. Canada set a strong example for other signatories and states parties to the convention, having completely destroyed all stockpiles well before the obligatory eight years after the convention becomes law.

Canada also participated in the Oslo process that provided the Convention on Cluster Munitions and advocated for strong provisions on victim assistance and on international cooperation and assistance. Canada has participated in all of the convention's meetings and has actively advocated against the use of cluster munitions in countries such as Syria.

It is clear, however, that our current laws do not go far enough. As the official critic for Bill S-235, I believe that this bill helps to bring the Prohibiting Cluster Munitions Act in line with the spirit of the convention. Although the convention does not explicitly ban the investment of cluster munitions, Article 1 of the convention reads:

> 1. Each State Party undertakes never under any circumstances to . . .
>
> (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.

This has been widely interpreted to include investment in any entity that has breached a prohibition within the convention. Bill S-235 bridges this gap.

Explicitly prohibiting investment in cluster munitions manufacturing would set clear guidelines for Canadian financial institutions. In fact, during a meeting on this subject with Mines Action Canada in February of 2010, Canadian financial institutions welcomed the idea of clear legislation that would help them to craft their policies.

Our financial institutions have recognized the problem of cluster munitions and are moving towards disinvestment. By amending our current legislation to include a strict prohibition on investment through Bill S-235, we can ease this process.

Last week PAX, a Dutch peace group, released a report that noted clearly that Canada is one of seven states that have joined the convention with financial institutions that continue to invest in cluster munition producers. This report listed three Canadian financial institutions. As stated in their report:

> Fortunately, more and more financial institutions have acknowledged that cluster munitions producers are not ethical or viable long-term business partners and have installed a public policy to end investments in these companies.

As mentioned by Senator Ataullahjan, these weapons cause two problems for non-combatants. First, at the time of use, the large area — up to a square kilometre — covered by these weapons puts nearby civilians at risk.

Second, although these munitions are designed to explode on impact, not all do. This leaves a significant number of unexploded munitions after the military action has finished, threatening civilians when they return to the area at a later date; 98 per cent of all known cluster-munition casualties have been civilian.

• (1630)

I mentioned that Canada's current legislation does not go far enough. Colleagues, even though this bill brings us one step closer, I wanted to take this opportunity to highlight the gaps in our current legislation, which have received international criticism.

On the Standing Senate Committee on Foreign Affairs and International Trade, when it studied Bill S-10 for four weeks in 2014, we heard from almost 30 witnesses, including the Minister of Foreign Affairs and International Trade; department officials from DFAIT, DND and Justice Canada; NGOs; independent legal experts; and individuals involved with the negotiation of the convention.

By and large, the witnesses all agreed on these main points: Cluster munitions are terrible weapons that harm civilians. The Convention on Cluster Munitions is an important international treaty. Canada supports the convention and international efforts to discourage the use of cluster munitions and support victims. Canada has never itself produced or used cluster munitions. Canada has no intention of ever using cluster munitions in the future. Finally, Canada strives to be a world leader in the humanitarian protection of civilians.

Where they differed was in their interpretation of Bill S-10 and whether or not they felt it adequately reflected Canada's professed values and intentions when it comes to cluster munitions and the convention. In other words, does the bill do what we want it to? Is it good enough as is, or can it be improved?

Here we discussed the issue being addressed by this legislation: the need for an explicit prohibition of investment in cluster munitions producers. We also discussed the issue of interoperability: the joining of our military or equipment for operations with other states.

Canada's Prohibiting Cluster Munitions Act contains a section on joint military operations that raises many concerns. As noted by the *Landmine and Cluster Munition Monitor*, during joint military operations with states not party to the Convention, the Act permits Canadian Armed Forces and public officials to undertake the following activities, arguably violating the prohibition on assistance:

- "Transporting" cluster munitions in the possession or under the control of the state not party;
- "Aiding, abetting or counselling" another person with a prohibited activity if that activity is not prohibited to the other person;
- "Conspiring" with another person to perform a prohibited activity if that activity is not prohibited to the other person; and
- "Receiving, comforting, or assisting" someone who has committed a prohibited act if that act was not prohibited to the other person.

Finally, colleagues, I would like to note that the Prohibiting Cluster Munitions Act, in its current form, does not explicitly prohibit the transit or foreign stockpiling of cluster munitions. If we are determined to never use cluster munitions and to work toward their eventual elimination, then we certainly should not be allowing our Canadian Forces to use them while on a combined mission.

Land mines are no longer widely used, and the few countries that still do use them face global condemnation. We have successfully stigmatized this weapon, and that is precisely what we hope will eventually happen with cluster munitions.

Furthermore, as cluster bombs are imprecise and designed to cover large areas, they can wreak havoc on a community's economic livelihood. Unexploded cluster bombs can instantly turn what was once a productive orchard into no man's land and render roads impassable, stifling trade and commerce.

They are also an impediment to post-conflict rehabilitation and reconstruction, as they can prevent the return of refugees and can undermine peace building and humanitarian assistance programs. Ultimately, cluster bombs cause horrendous human suffering and, in the age of modern warfare, are becoming increasingly obsolete.

Senators, Canada is currently one of 28 states to have not yet passed legislation against investment in cluster munition production. Our current legislation does not go far enough, but Bill S-235 will bring us closer to fully fulfilling the full intention of the Convention on Cluster Munitions. I hope that you will join me in supporting the timely and successful passage of this legislation.

(On motion of Senator Harder, debate adjourned.)

STUDY ON THE STEPS BEING TAKEN TO FACILITATE THE INTEGRATION OF NEWLY-ARRIVED SYRIAN REFUGEES AND TO ADDRESS THE CHALLENGES THEY ARE FACING

FIFTH REPORT OF HUMAN RIGHTS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Cordy:
>
> That the fifth report, *Finding Refuge in Canada: A Syrian Resettlement Story*, of the Standing Senate Committee on Human Rights, deposited with the Clerk of the Senate on Tuesday, December 6, 2016, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Immigration, Refugees and Citizenship being identified as minister responsible for responding to the report, in consultation with the Minister of National Revenue.

Hon. Yonah Martin (Deputy Leader of the Opposition): I'd like to adjourn this debate at this time. It's at day 14. Senator Andreychuk will speak. Since she hasn't spoken, I will take the adjournment for now.

(On motion of Senator Martin, debate adjourned.)

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

SIXTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Patterson:
>
> That the sixth report of the Standing Senate Committee on Transport and Communications, entitled *Pipelines for Oil: Protecting our Economy, Respecting our Environment*, deposited with the Clerk of the Senate on December 7, 2016 be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Natural Resources being identified as minister responsible for responding to the report, in consultation with the Ministers of Transport and Fisheries, Oceans and the Canadian Coast Guard.

Hon. Elizabeth Hubley (Deputy Leader of the Senate Liberals): I would like to reset the clock. This is also on day 14. I know that Senator Mercer is anxious to speak, but he's not available today. Could I reset the clock for the remainder of his time? And I'll take the adjournment.

(On motion of Senator Hubley, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Day for the adoption of the fifth report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Dividing Bills*, presented in the Senate on April 6, 2017.

Hon. André Pratte: I understand that honourable senators were ready to vote. Therefore, I just have a few remarks on omnibus bills and the role of the Senate. I usually, like all honourable senators, prepare my remarks long in advance, which is not the case today, so please bear with me. I'll try to be as coherent as I can.

The Rules Committee concluded that, as far as dividing bills, the Senate has all the tools that it needs to divide omnibus bills but that they are used very rarely. I want to remind senators what the Modernization Committee reported about omnibus bills, saying that those bills compromise the ability of a legislative chamber to hold governments accountable, and that they are a challenge for parliamentarians to properly scrutinize legislation. The Special Committee on Modernization expressed its strong desire to see the Senate be more assertive in using its powers to more effectively scrutinize omnibus bills.

• (1640)

Now, of course, both the Modernization Committee and the Rules Committee are not the first to express concerns about omnibus bills and also to wish that Parliament would do something about it. In the last electoral campaign, the Liberal Party of Canada mentioned, and promised, that it will not resort to legislative tricks to avoid scrutiny. The Liberal Party of Canada said:

> Stephen Harper has used omnibus bills to prevent Parliament from properly reviewing and debating his proposals. We will change the House of Commons standing orders to bring an end to this undemocratic practice.

I certainly share this view, and I want to give an example of a recent omnibus bill which is currently under pre-study in this chamber, which is Bill C-44. The government would argue, and I agree, that Bill C-44, although it would qualify as being an omnibus bill, is very different from the types of omnibus bills that were presented by the previous government in that all the measures that are included in this bill were announced in the budget.

However, there is a wide variety of measures in that bill, some of them which are not budgetary or financial and would certainly not qualify as money bills. But more important in my mind, there are certainly measures in that bill that would qualify as stand-alone bills and that should be stand-alone bills; that is, that are so important that they necessitate independent, stand-alone scrutiny and that certainly should not be rushed through just before the summer because it's a budget bill and it has to be passed because it's a budget bill.

I'm thinking in particular of the creation of the infrastructure bank. I'm not against the infrastructure bank; in fact, I'm quite sympathetic with the creation of the infrastructure bank. I'm familiar with the arguments put forward by Michael Sabia, the CEO of La Caisse de depôts in Quebec, one of the initiators of the infrastructure bank. I've heard him speak eloquently about the advantages of using public money to leverage large amounts of private capital to build much-needed infrastructure in Canada.

Therefore, I'm not against the infrastructure bank. But I think the bill, in its present form, raises a lot of important questions and concerns regarding, for instance, governance; risk for taxpayers; the amount of money, which is $35 billion, and possibly more; loan guarantees; and regarding access to information. I think those are important questions that parliamentarians in the other place had very little time to raise and to look at.

During the pre-study, thanks to the efforts of the government and, certainly, Senator Woo, we will have more time in the Banking Committee to look at it, but most senators will have very

little time to look at it. Parliamentary debate is not only about parliamentarians having the time to look at it.

[*Translation*]

It is also an opportunity to educate the public on issues that are debated in Parliament. In a democracy, we use the time that is available. In Parliament, we use that time, and not just one or two weeks, to ensure that the general public can also get more information and take part in the debate.

That is why I am suggesting to senators here today that we consider splitting Bill C-44. This is an example of an omnibus bill. Obviously, we can split the bill for parliamentary purposes so that the committees can study the various parts of the bill, but we could also split it simply to make it two separate bills.

[*English*]

I'm not saying this is something we have to do. I'm just putting the idea forward so that you reflect upon this idea. It's something that can be done and that has been done, and it's actually quite simple: You take Bill C-44 and you take out — I don't know if you call it a division or a section; I'm not too sure, because in French and English it's different — Division 18 of Part 4, which is the infrastructure bank, and that's 12 pages out of the 300 pages. You take it out and you call it Bill C-44B and the rest is Bill C-44A. These are now two bills.

The advantage of that, of course, is that you take the whole rest of the budget bill and you study it and vote on it. You can have it voted on before the summer and you can take a little more time to study the Canada infrastructure bank if you believe that it does deserve to be studied more carefully than it would be if we rush it through before the summer.

The government will say that it's impossible and that it can't be done procedurally because this is a money bill. Money bills have the Royal Recommendation and therefore it can't be done. I am certainly not a procedural expert and I'm very new to this, so I will leave it to the experts. I do know that in 1988 it was done. There was a money bill — a budget bill — and senators believed that it should be divided into two different bills. There was a ruling by the Speaker, who believed that it could not be done, and the Senate reversed the Speaker's ruling. The bill was divided and it was sent back to the house.

Now, I can understand why senators were reluctant to accept the Speaker's ruling, with all due respect to the Speaker, because to accept this idea that any budget bill, because it has the Royal Recommendation, cannot be divided would be a very dangerous precedent for the Senate, because that would mean any budget omnibus bill could not be divided.

POINT OF ORDER

Hon. Anne C. Cools: Your Honour, I rise on a point of order. I'm looking at the Order Paper, and I believe that Senator Pratte is speaking to number 19 and number 19 is a debate on the motion of Senator Fraser, seconded by the Honourable Senator Day, for the adoption of the Fifth Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled Dividing Bills, presented in the Senate on April 26, 2017.

If I am listening correctly and hearing accurately, I believe that Senator Pratte is debating a bill which is not before us at this moment. I believe that he's mentioned Bill C-44, —which would be the Budget Implementation Act.

There is nothing in this that allows Senator Pratte to rise to speak to Bill C-44. He should wait until Bill C-44 is before us, and then speak on the issues that he thinks are of some importance. But a senator simply cannot pirate a debate on Bill C-44 on to another senator's motion to adopt a report, on a total process for dividing bills. If I remember correctly, it was Senator Fraser's motion.

• (1650)

Colleagues, I think this debate on Senator Fraser's motion has been a little hijacked, as we are speaking. Bill C-44, if Senator Pratte wishes to address it has to be before us. It is very unusual for senators to speak to questions that are not before the Senate. A senator cannot simply manipulate or adopt the position that, "Well, we can debate Bill C-44." Many of us have ideas on Bill C-44, but we have to express those when the bill is before us. The bill is not currently before us or even in this chamber.

Senator Pratte has acted very improperly. Your Honour would remember, we have divided bills before in this place, and you were a part of the process at the time. We were quite expert then in what we did and how we did it. But no decision of this Senate has been made to divide Bill C-44, and in this Senate, at this moment, we are not capable to take any decisions on Bill C-44 because Bill C-44 is not a question which is before us.

The Hon. the Speaker: My understanding is that the intervention was really addressing the process involved in dividing a bill and was referencing Bill C-44. However, I do take the point that when senators are speaking to the report, although there is some latitude with respect to examples, we should try to stick as closely as we can to the report itself.

Senator Cools: There would be nothing wrong with discussing the procedure of dividing a bill, but Senator Pratte is not on a discussion to divide a bill. This is a debate that the honourable senators is making before us on dividing Bill C-44.

The Hon. the Speaker: Senator Cools, I have ruled on this matter.

Senator Pratte: Thank you, Your Honour.

My point is that both the Committee on Modernization and the Standing Senate Committee on Rules have invited the Senate to look closely at omnibus bills by saying to the Senate that we have all the tools necessary to deal with those bills. We actually have in front of us, in pre-study — and we will soon have the study — an example of an omnibus bill, and therefore we should look closely at the tools we have at hand to deal with that bill.

[*Translation*]

Hon. Claude Carignan: Senator Pratte, I agree with most of your speech, particularly the last bit. However, in your introduction, you claimed that, when the Conservatives used this approach, they did so in order to cut short debate and to be undemocratic, but when the Liberals use the same approach, they are doing so in order to make our democracy more effective. I have a bit of a problem with that statement, particularly when you justify your position by saying that all of the measures set out in omnibus Bill C-44 are also found in the budget. I would like to know where in the budget you saw the provisions regarding the curbing of the Parliamentary Budget Officer's powers.

Senator Pratte: You are right about that. I think that, in previous years, omnibus bills contained provisions regarding the environment or the Criminal Code that had absolutely nothing to do with the budget. However, Senator Carignan, I think that you simplified my idea, which may have been a bit too muddled to understand.

That being said, I do not want to appear to be defending Bill C-44 because I believe that it is indeed an omnibus bill and that some aspects of it are reprehensible, as is the case with omnibus bills in general. As I was trying to say, that is true of the provisions regarding the Parliamentary Budget Officer. I understand from what happened in the other place that most of those provisions have been corrected, which is why I did not talk very much about them and why I am now focusing more on the provisions regarding the Canada Infrastructure Bank.

[*English*]

Hon. Nicole Eaton: Senator Pratte, if the bill is divided, and I'm speaking in the abstract, especially if one of the divisions is more interesting and controversial than the other, would you ever consider trying to move to a Committee of the Whole so all honourable senators could be part of a debate about a division of this bill?

Senator Pratte: If that's possible. The Senate is master of its own affairs, so I suppose the Senate would decide that. I would certainly be agreeable to that, if it's possible.

Hon. Yuen Pau Woo: Thank you, Your Honour. Notwithstanding your ruling on the digression on Bill C-44, I will take my colleague's admonition not to stray into Bill C-44 and speak about the report of the Rules Committee specifically.

I thank Senator Pratte for his impromptu discourse on the role of omnibus bills and his interpretation of what the report said, but I would like to bring to your attention that it's a somewhat selective interpretation of the report. I encourage all of you to look at it. It's not very long at all. It's very well done, very balanced, very thoughtful. It essentially preserves the status quo in this chamber to deal with omnibus bills, as has been dealt with in the past. I would stress, for example, that the report mentions the need for the House of Commons, the other place, to give its consent to splitting a bill, either prior to the intent of splitting the bill or at third reading. That's an important nuance that Senator Pratte did not include and which we should all take into careful account.

The other tool in the toolbox, as Senator Pratte has alluded to, is that we already have a toolbox to deal with complex bills; let's call it that, rather than omnibus bills at this stage. That tool is clearly mentioned in the report of the Rules Committee. If you'll indulge me, I will read the specific paragraph. It says:

> . . . your committee notes that the Senate has developed a practice whereby, in the case of complex bills, different committees may be authorized to pre-study specific parts of the bill, in addition to one committee being authorized to study the entire bill.

I'm not saying anything that's new to you. We're doing exactly that on a particular bill that shall remain unmentioned. But that's precisely the kind of tool that we have in our toolbox to work on complex bills. If senators feel that they need time to study a particular division or section of that bill properly, I implore you, take the time. This afternoon, as we were meeting in this chamber, the Banking Committee, under the leadership of Senator Tkachuk, was in fact discussing an item on a bill that shall be unmentioned. And there are other committees doing the same work and they will be doing that for days and days ahead.

So I encourage all honourable senators to participate actively so that, when the bill eventually comes to this chamber, we will feel that we have had the time to do the scrutiny that the bills deserve and that we have the confidence to vote as we think we should. Thank you very much.

Some Hon. Senators: Hear, hear!

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?

(Motion agreed to and report adopted.)

• (1700)

THE SENATE

MOTION TO STRIKE A SPECIAL COMMITTEE ON THE ARCTIC—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Watt, seconded by the Honourable Senator Cordy:
>
> That a Special Committee on the Arctic be appointed to consider the significant and rapid changes to the Arctic, and impacts on original inhabitants;

That the committee be composed of ten members, to be nominated by the Committee of Selection, and that five members constitute a quorum;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to hire outside experts;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than December 10, 2018, and retain all powers necessary to publicize its findings until 60 days after the tabling of the final report.

Hon. Dennis Glen Patterson: Honourable senators, I am eager to support my colleague and long-time friend Senator Charlie Watt in his motion to establish a special committee on the Arctic. Senator Watt is the only Inuk in the Senate, though not the first, and he has devoted his career to representing Inuit in his home region of Nunavik, which borders on and shares many of the same demographic and geographic challenges as my home region of Nunavut.

We have worked together on many issues respecting Aboriginal peoples in the Standing Senate Committee on Aboriginal Peoples and even on some issues which touch on the Arctic regions, such as our recent study on housing in *We Can Do Better: Housing in Inuit Nunangat*.

However, First Nations and Metis outnumber Inuit by a factor of five to one, appropriately drawing the attention of the Aboriginal Peoples Committee to southern-based issues. The striking of this special committee on the Arctic will allow a focus on a region that is sparsely inhabited but that occupies a huge part of our great northern country, the "true north strong and free."

Three northern territories of Canada that form Canada's longest coastline, longer than the East and West Coasts of Canada combined, alone constitute 40 per cent of the landmass of Canada. For the purposes of this proposed committee to study recent significant and rapid changes to the Arctic, Senator Watt and I both agree that the Arctic is much more than the lands and waters north of the 60th parallel. So it should also include Senator Watt's home region of Nunavik, known elsewhere as Ungava, Quebec, and Nunatsiavut, otherwise known as Labrador.

The Arctic is also more than just the Canadian Arctic. As Senator Watt pointed out in speaking to this motion, we are part of a circumpolar Arctic world in which Canadian Inuit are involved as indigenous permanent participants through the Inuit Circumpolar Council. Canada is also involved as a member of the Arctic Council, a regional forum dedicated to the Arctic regions of the circumpolar world, which was formed at the insistence of Canada and has led to significant examples of cooperation and collaboration.

Honourable senators, I believe there is a current danger of Canada falling behind other nations with Arctic interests. Within the last seven years, 11 countries, including those well-known polar nations Japan and Singapore, have realized the need to appoint their own Arctic ambassadors. These ambassadors are used for analysis and situational assessments in the emerging "grand Arctic game," as it is described in some quarters, with the ultimate aim of exploiting mineral resources, using the Arctic route for shipping cargo from Europe to Asia.

Should Canada, a great Arctic nation, consider re-establishing an Arctic ambassador position?

According to the publication *The Diplomat*, China has stepped up Arctic and Antarctic research. Between 1985 and 2012, Beijing initiated five Arctic and 28 Antarctic expeditions. It has also built in the Arctic the state-owned Yellow River Station and entered into an agreement with Finnish company Aker Arctic to construct a second icebreaker in 2014. Last year, China released a 365-page publication entitled *Arctic Navigation Guide (Northwest Passage)*, comprised of charts and detailed information on sea ice decline and weather.

Meanwhile, Russia has built three nuclear icebreakers, including the world's largest, to bolster its fleet of around 40 breakers, six of which are nuclear. No other country has a nuclear breaker fleet, used to clear channels for military and civilian ships. Russia's Northern Fleet, based near Murmansk, in the Kola Bay's icy waters, is also due to get its own icebreaker — its first — and two ice-capable corvettes, armed with cruise missiles.

Russia has also reopened or constructed six military facilities. They include an island base on Alexandra Land to house 150 troops able to survive autonomously for 18 months. Moscow's biggest Arctic base, dubbed "Northern Shamrock," is meanwhile taking shape on the remote Kotelny Island, some 2,700 miles east of Moscow. It will be manned by 250 personnel and equipped with air defence missiles. Soviet-era radar stations and airstrips on four other Arctic islands are being overhauled, and new ground-to-air missile and anti-ship missile systems have been moved into the region, with the Kremlin heavily investing in the winterizing of military hardware.

On February 27, 2015, in the U.K., the House of Lords Arctic Committee tabled their report, responding to a changing Arctic. In it, they put forward recommendations that touch on a number areas, including Arctic fisheries, oil and gas exploration, shifting sea ice levels, scientific exploration and geopolitical considerations.

Since the inauguration of President Donald Trump, there have been indications that the United States may counter the agreement for a joint approach to Arctic policy reached last year with Canada. The United States Department of the Interior is in a position to evaluate a request from oil and gas company Eni SpA to drill an exploration well in the Beaufort Sea, off Alaska. Since the area in question was previously leased from the federal government, it is exempt from the directive put in place by President Obama. This is bringing attention to ways in which the United States is pulling away from the agreement.

In March 2017, President Trump met with Senator Lisa Murkowski, head of the Senate Energy and Natural Resources Committee; Senator Dan Sullivan, senator for Alaska; and Ryan Zinke, the Secretary of the Interior, to discuss energy development in the Beaufort and Chukchi seas. Regarding the talks with the President, Senator Murkowski said:

> What was very clear was a recognition that what Alaska has to offer is considerable, important and we need to be working to undo much of what the Obama administration did in terms of locking up these resources.

Where is Canada in all of this?

The federal government has announced that they are developing a new Arctic policy. Having been involved in the former government's Arctic policy, with its four pillars of Arctic sovereignty — social and economic development, environmental heritage and devolving northern governance — I hope that the new Arctic policy framework will build on those strong pillars. I believe that the special committee on the Arctic can contribute to the development of that new framework.

In this connection, I wish to commend the Minister's Special Representative Mary Simon for the work she has done and the report entitled *Shared Arctic Leadership Model Engagement* she has recently submitted in support of this new framework. Her report underscored the importance of involving Inuit and the indigenous peoples of the North in every step of the process, ensuring that the end result was based on traditional knowledge and was culturally appropriate to the original inhabitants of the North. Among her recommendations is the proposed "indigenous protected area" that would enable indigenous peoples the opportunity to determine for themselves what would constitute the appropriate use of lands and waters that are of cultural significance and importance to them.

This raises another important issue on which Senator Watt has been champion: What is the appropriate role for Inuit as rights holders in managing the offshore in the Arctic and being consulted on Arctic issues?

• (1710)

Our input as parliamentarians from Arctic regions is important, as the government has already unilaterally imposed policy changes that have major implications for northerners. In December last year, an oil and gas moratorium in the Canadian Arctic, for instance, was announced to the shock and disappointment of northern leaders. I myself received a call two hours in advance of the announcement. This decision directly contravenes two devolution agreements: one devolution-agreement-in-principle and at least two comprehensive land claim agreements in that region.

We must also pay attention to the pressing issue of our Northwest Passage and the UN Convention on the Law of the Sea process now under way. Many countries reject our claim over this area using the straight baseline method of claiming the Northwest Passage as internal waters and are insisting that the Northwest Passage is an international strait. Without proper search and rescue capabilities, infrastructure and personnel in the North, our ability to assert our sovereignty in that region and force foreign flags to comply with the requirement that they seek our permission before traversing the passage is severely hampered. If we cannot control who goes through the passage, we cannot mitigate the potential harm they could cause to our waters, and we are failing our northern communities.

In conclusion, honourable senators, I believe it is time for the Senate to focus its attention on current issues affecting the Arctic through the establishment of a special committee. I am eager to support Senator Watt's motion, and I am gratified to learn, as I understand, that other honourable senators — as am I — from Newfoundland and Labrador and Quebec are interested in participating. This is a special committee which will have a limited time frame and mandate. We need to take full advantage of the experience of Senator Watt in the final years of his distinguished Senate career. Thank you.

Hon. Nicole Eaton: Senator Patterson, thank you for that. I agree with you 100 per cent, but why limit it? Why wouldn't you make it an ongoing committee? It seems to me that the problems and challenges of the Arctic will continue long after Senator Watt has departed this chamber, so it would be a shame if we limited it. That's the first part.

Second, is there a Commons committee that looks after the Arctic or focuses on the Arctic in any special way?

Senator Patterson: I thank the honourable senator for her question and good suggestion. I defer to the mover of the motion, who's established this committee as a special committee with a time frame designed around the life of this Parliament, but perhaps he and we should reconsider the time frame, as the honourable senator has suggested. I'm certainly open to that, because I don't think the problems of the Arctic will be dealt with in the coming two years.

And your second question?

Senator Eaton: Is there a Commons committee?

Senator Patterson: That's a good question as well. I believe that there is no equivalent committee in the House of Commons. There is a Standing Committee on Indigenous and Northern Affairs that would include the Arctic within its mandate, but again, as I've said about our Aboriginal Peoples Committee, without diminishing the work of that committee, it has tended to focus on southern-based issues reflecting the majority population of indigenous peoples in Canada, many of whom live in southern Canada.

I would not say that there is an equivalent committee in the House of Commons, and that would be another reason why we should consider doing that work in the Senate. Thank you.

Hon. Frances Lankin: Senator Patterson, will you accept a question?

Senator Patterson: Yes.

Senator Lankin: Thank you very much.

I appreciate the remarks you've made. I, too, am very supportive of what you have said and I am very supportive of the initiative of Senator Watt.

With respect to the timeline and the status of this committee, whether it is a special committee or a standing committee, I wonder whether we might make note of the fact that the Modernization Committee currently has a subcommittee struck to examine committee structures and to look at whether or not there needs to be a refresh of mandates of existing committees or new committees added. We may also ask that subcommittee to take a look at this issue and to take a look at making a recommendation with respect to a longer term standing committee for the Arctic.

Senator Patterson: I welcome that observation and the willingness of that subcommittee of the Senate Modernization Committee to consider this issue. Thank you.

(On motion of Senator Omidvar, debate adjourned.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE DEVELOPMENT OF A NATIONAL CORRIDOR IN CANADA AS A MEANS OF ENHANCING AND FACILITATING COMMERCE AND INTERNAL TRADE

Hon. David Tkachuk, pursuant to notice of May 18, 2017, moved:

> That, notwithstanding the orders of the Senate adopted on Wednesday, September 28, 2016 and Tuesday, December 6, 2016, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its study on the development of a national corridor in Canada as a means of enhancing and facilitating commerce and internal trade be extended from May 31, 2017 to June 27, 2017.

He said: Honourable senators, just to provide an explanation, this motion moves the date of the committee report to give a little extra time.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

POLICIES AND MECHANISMS FOR RESPONDING TO HARASSMENT COMPLAINTS AGAINST SENATORS—INQUIRY—DEBATE ADJOURNED

Hon. Marilou McPhedran rose pursuant to notice of May 11, 2017:

> That she will call the attention of the Senate to the important opportunity we have to review our principles and procedures with a view to ensuring that the Senate has the strongest most effective policies and mechanisms possible to respond to complaints against senators of sexual or other kinds of harassment.

She said: Honourable senators, I wish to express my appreciation to the Senate Ethics Committee and our Senate Ethics Officer and her staff for undertaking the recent thorough investigation that other institutions did not do. Recently, I responded to an invitation to offer analysis of Ontario's Bill 87 in committee at Queen's Park in Toronto on the subject of what actually constitutes "zero tolerance" of sexual exploitation by patients by those in whom they must trust. That is to say, self-regulated health professionals like doctors, nurses, psychologists, dentists and more than 20 other self-regulated health professions.

We are all patients. The public trust invested is of the highest order recognized in law, that of fiduciary trust. This concept has been confirmed by the Supreme Court of Canada. It comes out of a task force that I chaired in 1991 that was commissioned by the College of Physicians and Surgeons of Ontario which also introduced to the world the term "zero tolerance of sexual abuse." By 1994, under the leadership that was commenced by our now colleague Senator Lankin, who was then Ontario's Minister of Health, new legislation named for the very first time this breach of trust, this exploitation of power and privilege.

Ontario's legislation and this concept of zero tolerance of sexual abuse is recognized now by major international institutions, at least in word. The Vatican, the UN peacekeeping unit of the UN and the RCMP are three examples.

• (1720)

As I mentioned, the Supreme Court of Canada identified that sexual exploitation by those who hold positions of power and trust has to be held to the highest possible standard of trust. The Senate is also a self-regulating institution and holds the highest degree of public trust. At the core of this public trust is what is earned by an institution through its accountability mechanisms that work in the public interest.

We have had some discussion of this in looking at some of the modernization options for our self-regulation. I would say that one aspect of this inquiry is to invite all of us to bring to this information a paradigm of sustainable transparency and accountability in our self-governance.

Promises are kept as distinct from words that are held to be promises. Promises are kept when a self-regulating institution keeps its word by accountability, and such accountability provides remedies along with those mechanisms for transgressions by those appointed to public service with related privileges and responsibilities.

As a self-regulating professional organization, the Senate must look beyond any case, because while I respect the process and content of the recent case of Mr. Meredith, we have an obligation and an opportunity to learn from this experience, to consider how we modernize accountability mechanisms in responding to allegations of dishonourable conduct, be they from persons within or outside of this institution.

I urge action on this opportunity to design a new inclusive review process to learn and to improve our words and actions so as to be worthy of public trust in this institution, with the guiding principles of gender parity and dedicated resources in the architecture of such Senate processes. Thank you. Merci. *Meegwetch.*

(On motion of Senator Bernard, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)

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