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(HANSARD)

Thursday, October 5, 2017

The Honourable GEORGE J. FUREY,
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 613-947-0609

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THE SENATE

Thursday, October 5, 2017

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

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE A. RAYNELL ANDREYCHUK

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, I'm going to congratulate a couple of my colleagues, and I'm not sure if they're here today, but I'd like to do it anyway.

I'd like to congratulate the Honourable Senator Raynell Andreychuk and the Honourable Senator Claude Carignan for passing Bill S-226 and Bill S-231, respectively. It is rare to see private members' bills passed unanimously, but it is evident that these laws were needed, and both were exceptionally well drafted to provide for areas not previously covered under current laws.

The successful passage of Magnitsky's law is an example of the commitment and service that Senator Andreychuk has provided to Canada for more than three decades.

Some Hon. Senators: Hear, hear!

Senator Smith: I cannot overstate how very proud I am of this brilliant work of my colleague. We all have plenty to learn from the example set by Senator Andreychuk, both in the chamber and in committee. Many may not know of the integral role she played in establishing the Standing Senate Committee on Human Rights, and she served as its chair from 2001 to 2009.

Senator Andreychuk serves as the Chair of the Standing Senate Committee on Foreign Affairs and International Trade and the chair of the Standing Committee on Ethics and Conflict of Interest for Senators. She has been involved as Co-Chair of the Canada-Africa Parliamentary Association, Vice-Chair of the Canada-Ukraine Parliamentary Friendship Group, Chair of the Ukraine-NATO Interparliamentary Council of the NATO Parliamentary Assembly.

[*Translation*]

THE HONOURABLE CLAUDE CARIGNAN, P.C.

Hon. Larry W. Smith (Leader of the Opposition): Equally, the legislation drafted by Senator Claude Carignan is an example of the important work that is achieved for Canada in this chamber. Senator Carignan has dedicated much of his time in the Senate as the former Leader of the Government in the Senate and as former Leader of the Opposition in the Senate. During his time as a leader, the significant work he accomplished to modernize several aspects of the Senate should be noted. During his leadership, he brought greater transparency through the first voluntary discloser of expenses and improved efficiency by reducing the operating budget of the Senate by about $1 million for 2014-15.

Senator Carignan, I am proud to take the time to recognize the important contributions you have made to Canada and to the Senate.

[*English*]

I'd like to wish you a heartfelt congratulations on behalf of all your Conservative colleagues and all colleagues, I would hope, within this esteemed chamber.

THE LATE HONOURABLE THELMA J. CHALIFOUX

Hon. Lillian Eva Dyck: Honourable senators, I rise today to pay tribute to the late Senator Thelma Chalifoux, who passed away at the age of 88 last week.

As many senators know, she was the first indigenous female senator appointed to the upper chamber in 1997. She was also the first indigenous female senator to chair the Standing Senate Committee on Aboriginal Peoples. Under her leadership, the committee produced a groundbreaking study on urban Aboriginal youth in 2003. Senator Chalifoux was also a member of the Standing Senate Committee on Human Rights and was a member when the committee released the first parliamentary report on matrimonial real property on reserve.

Even before she arrived here in the Senate, Thelma was a trail-blazing indigenous leader. From the time Senator Chalifoux was young, she cared for others, including elders in her family. After leaving an abusive marriage in the 1950s, she went back to school to study sociology at the Lethbridge Community College and construction estimating at the Southern Alberta Institute of Technology while working to support her seven children. From the late 1960s, Thelma Chalifoux worked extensively with rural and Aboriginal organizations and in other forums where she contributed to the betterment of the Metis and supported and initiated programs for all indigenous peoples.

Former Alberta premier Ralph Klein challenged her appointment as an unelected senator from Alberta. Thelma fired back with this response: She said she wouldn't have had a chance to win an election because she was a woman, a Metis, and she didn't have the money to run an election campaign.

In my opinion, this was an excellent response — one that shattered the illusion of equal opportunity when it comes to who gets elected.

Thelma Chalifoux served as a land claims negotiator, was a founder of the Slave Lake Native Friendship Centre, and was instrumental in developing the Métis Association of Alberta land and welfare departments. She worked tirelessly in areas that included Aboriginal communications, housing, education, suicide prevention, prisons, battered women, cross-cultural training in government departments and alcoholism.

After her retirement from the Senate in 2004, Thelma didn't slow down. She helped to found the Michif Cultural Institute, a museum and resource centre in St. Albert aimed at preserving and promoting regional Metis culture.

I attended her funeral last week to pay my respects and to offer my condolences to her family. She had seven children and numerous grandchildren and great-grandchildren. A traditional wake was held on Wednesday night. As if in response to this, the Northern Lights were dancing in the sky. Thelma's son Robert Coulter said, "That's just like mom. She had to have her own special light show."

Rest in peace, Honourable Thelma Chalifoux; it's an honour to follow in your footsteps.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague the Honourable Pana Merchant.

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

Hon. Senators: Hear, hear!

THE LATE REVEREND ELDON HAY, C.M.

Hon. Nancy Hartling: Honourable senators, I rise today to acknowledge and pay tribute to the late Reverend Dr. Eldon Hay, who passed away on September 17, 2017, in Sackville, New Brunswick.

During his career as an ordained minister, scholar, professor, author and counsellor, Eldon impacted numerous lives. Many in New Brunswick are mourning the loss of this change maker who was a social justice advocate, particularly for the LGBTQ community.

Eldon completed degrees from Carleton University and Queen's University, and then went on to complete his PhD in theology from the University of Glasgow in Scotland. In 1962 he joined the Department of Religious Studies at Mount Allison University, where he served as head of the department and retired as professor emeritus in 1997.

As an ordained minister of the United Church of Canada, Eldon served a number of congregations over the years. He also served as prison chaplain at the Dorchester Penitentiary in Dorchester, New Brunswick.

Eldon was the recipient of a number of awards, including the New Brunswick Human Rights Award in 1997 for his tireless efforts in raising awareness of gay acceptance. He was appointed as a member of the Order of Canada in 2003, and the degree of Doctor of Divinity was conferred upon him by Queen's University in 2004.

On September 15, 2017, I had the honour of awarding Eldon the Senate of Canada Sesquicentennial Medal for his social justice work. As Eldon was in the hospital and unable to attend, his wife, Anne, and sons, Ron and Donald, accepted on his behalf.

Eldon was a much-loved husband, father, grandfather, great-grandfather, friend and confidant. His sense of humour, quick wit and ability to accept others were qualities one loved about him. He met with others even when they didn't share his point of view — a very good quality.

One of my last memories of Eldon was at the Pride Parade in Moncton this past August, where he spoke to Premier Brian Gallant, reminding him about the needs of trans people.

He was loved, valued and accepted. I witnessed this not only at the parade but in our community and with his friends and family.

In May 2017, Eldon and his daughter, Nancy, were my guests in this place, and he deeply appreciated the work we did on Bill C-16, ensuring the protection of Canadians from discrimination on the basis of their gender identity or their gender expression. Eldon's life's work serves as an inspiration for all of us.

• (1340)

[*Translation*]

FRENCH LANGUAGE LEARNING IN BRITISH COLUMBIA

Hon. Mobina S. B. Jaffer (Acting Leader of the Independent Senate Liberals): Honourable senators, a few weeks ago, I had the opportunity to meet with some of the witnesses who contributed to the success of the fourth report of the Standing Senate Committee on Official Languages, entitled *Horizon 2018: Toward Stronger Support of French-language Learning in British Columbia*. These witnesses are all very grateful for this report.

That being said, they shared some of their concerns with me. In my province of British Columbia, there is a shortage of teachers in every school board. For example, the francophone school board only managed to fill 29 of its 50 teaching positions before the school year began on September 5.

At the end of August, I received an email from Ms. Baril, the principal of École des Voyageurs. She was writing to me in desperation because a teacher from Switzerland who had just been hired would not be able to get her work permit until October 12.

Robert Rothon, the executive director of the Fédération des francophones de la Colombie-Britannique, informed me of the following, and I quote:

> The federation has taken a number of steps to avoid losing francophone immigrants who are not even aware of the services available to them in French.

These immigrants are usually young parents with small children or couples who want to start a family here.

This a major opportunity to revitalize British Columbia's francophone community.

The Association francophone de Surrey also shared with me its concerns about the fact that Surrey does not offer any cultural or early childhood education resources in French.

Honourable senators, there is a major French-language and French immersion education crisis in my province. Young people, immigrants, and all Franco-Columbians have the right to be able to express themselves in the language of their choice. This is not just a matter of education. It is a matter of Canadian identity.

It therefore goes without saying that Franco-Columbian culture, which is part of Canada's heritage, must not be overlooked or forgotten.

Thank you.

Hon. Senators: Hear, hear!

[*English*]

SASKATCHEWAN

SUSTAINABLE AGRICULTURE

Hon. Pamela Wallin: Honourable senators:

There are many talented people who haven't fulfilled their dreams because they overthought it, or they were too cautious and were unwilling to make the leap of faith.

Those are the words of Canadian-born film director James Cameron, best known for movies such as *Titanic* and *Avatar*. But Mr. Cameron and his wife Suzy took that leap of faith and made a multi-million dollar investment in a pulse processing plant in Saskatchewan.

As proponents of sustainable agriculture and healthy eating, they chose my home province, they said, because of its "business-forward mentality."

The Verdient Foods Inc. fractionation plant will source Saskatchewan yellow peas and convert them into value-added protein, starch and fibre for the Canadian and global food industries. The investment will create 40 new jobs and the processing plant will soon become the largest in North America.

Sir Cameron says Verdient Foods is among his proudest accomplishments:

In my mind, movies come and go and they're relatively quickly forgotten, but this is something that's lasting.

The Camerons are following the lead of a homegrown success story, Murad Al-Katib, a Regina businessman who founded another pulse crop processing company, AGT Foods, with more than $1 billion in annual sales.

AGT runs 40 facilities around the world but Murad still calls Regina home. His parents, who immigrated to Canada from Turkey in 1965, taught him the value of community and giving back and that inspired him to be an entrepreneur close to home and heart.

Last spring, Mr. Al-Katib received the Oslo Business for Peace Award, along with Tesla founder Elon Musk.

On October 20, he will receive an honorary doctorate from the University of Regina. We congratulate Mr. Al-Katib for this well-deserved distinction and extend a heartfelt thank you, as well, to the Camerons for investing in the future of food and the future of Saskatchewan.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. David Tam and Ms. Teresa Woo-Paw. They are the guests of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

CHINESE CANADIANS TOGETHER FOUNDATION

Hon. Yuen Pau Woo: Honourable senators, allow me to tell you about a new organization represented by my guests who are in the viewing gallery today.

The Association for Chinese Canadians Together Foundation was set up recently with three objectives. The first is to achieve full inclusion for Chinese Canadians in all aspects of society. The second is to advance leadership in the current and next generation of Chinese Canadians. And third, they hope to inspire pride in Chinese heritage and culture.

Colleagues, this is a nonpartisan organization trying to promote greater involvement in civic life. Unfortunately, we do not have as many Chinese Canadians in civic life as we would like to see, and the number was sadly diminished a few weeks ago with the untimely passing of MP Arnold Chan.

Teresa Woo-Paw, David Tam and Mr. Woo are founders of this organization, together with other Chinese Canadians across the country, including our very own former colleague, Vivienne Poy.

Please join me in wishing this association great success so that more Chinese Canadians and, indeed, Canadians from all minority groups will be better represented in the civic life of this country. Thank you.

[*Translation*]

ROUTINE PROCEEDINGS

PARLIAMENTARY BUDGET OFFICER

2017 FISCAL SUSTAINABILITY REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Report of the Office of the Parliamentary Budget Officer entitled *Fiscal Sustainability Report 2017*, pursuant to the *Parliament of Canada Act*, R.S.C., 1985, c. P-1, sbs. 79.2(2).

TREASURY BOARD

PUBLIC ACCOUNTS OF CANADA—2016-17 REPORT TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Public Accounts of Canada for the fiscal year ended March 31, 2017, entitled *(1) Volume I — Summary Report and Consolidated Financial Statements, (2) Volume II — Details of Expenses and Revenues, (3) Volume III — Additional Information and Analyses*, pursuant to the *Financial Administration Act*, R.S.C. 1985, c. F-11, sbs. 64(1).

[*English*]

FOOD AND DRUGS ACT

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

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

Thursday, October 5, 2017

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

SIXTEENTH REPORT

Your committee, to which was referred Bill S-214, An Act to amend the Food and Drugs Act (cruelty-free cosmetics), has, in obedience to the order of reference of December 13, 2016, examined the said bill and now reports the same with the following amendments:

1. *Clause 3, page 1*: Replace lines 25 and 26 with the following:

   "cosmetic animal testing conducted more than four years after the day on which this paragraph comes into force.".

2. *Clause 5, page 2*: Replace lines 9 and 10 with the following:

   "ing conducted more than four years after the day on which this section comes into force may be submitted or used to establish".

Respectfully submitted,

KELVIN KENNETH OGILVIE
Chair

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

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

IMMIGRATION AND REFUGEE PROTECTION ACT
CIVIL MARRIAGE ACT
CRIMINAL CODE

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

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

Thursday, October 5, 2017

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

SEVENTEENTH REPORT

Your committee, to which was referred Bill S-210, An Act to amend An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts, has, in obedience to the order of reference of February 1, 2017, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN KENNETH OGILVIE
Chair

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

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

• (1350)

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES AND CONCERNS PERTAINING TO CYBER SECURITY AND CYBER FRAUD

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

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to study and report on issues and concerns pertaining to cyber security and cyber fraud, including:

- cyber threats to Canada's financial and commercial sectors;
- identity theft, privacy breach and other fraudulent activities targeting Canadian consumers and small businesses;
- the current state of cyber security technologies; and
- cyber security measures and regulations in Canada and abroad.

That the committee submit its final report no later than Friday, June 29, 2018, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES PERTAINING TO THE MANAGEMENT OF SYSTEMIC RISK IN THE FINANCIAL SYSTEM, DOMESTICALLY AND INTERNATIONALLY

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

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report, from time to time, on issues pertaining to the management of systemic risk in the financial system, domestically and internationally; and

That the committee submit its final report no later than Friday, June 29, 2018, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

QUESTION PERIOD

NATURAL RESOURCES

ENERGY EAST PIPELINE

Hon. Larry W. Smith (Leader of the Opposition): Your Honour, could I ask for your indulgence to ask the chamber to recognize the outstanding work of Senator Andreychuk and Senator Carignan for the unanimous passage of their bills, Bill S-226 and Bill S-231, respectively? I apologize, I didn't get a chance previously.

Senator Lankin: How about Bill C-210?

Senator Smith: Pardon me? I have a hearing problem. It will pass in time.

My question is for the Leader of the Government in the Senate. It concerns the news this morning that TransCanada has cancelled its proposed Energy East pipeline project. This is terrible news for our economy and our energy security. The termination of Energy East today, combined with the government's rejection of the Northern Gateway project last year, means that tens of billions of dollars' worth of private sector investment have now been cancelled along with good, well-paying jobs for thousands of middle-class Canadians.

Energy East presented an opportunity for the current federal government to get behind a nation-building project, one that would have delivered our oil out to our markets. However, all we saw from the government was more red tape and more barriers.

My question for the government leader is will today's news regarding the end of the Energy East project cause your government to rethink its energy policies? It is evident there are some problems in how they are functioning to assist this industry.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question, but before I answer the question I would like to associate myself with the comments he made with respect to our colleagues. I would commend them across the aisle for their work in ensuring that the amendments that were brought forward were ones that could allow the unanimity that both houses found when they dealt with the bills. I congratulate them for that and thank them.

With respect to question being asked, I want to assure all members of this chamber that the Government of Canada stands firmly behind its energy sector. This is a sector that's important to all regions of the country, particularly the producing regions. It does, as the honourable senator suggested, produce good-quality middle-class jobs for Canadians.

TransCanada has made a business decision. That announcement was made today in the business interests of the corporation. It's not the job of the Government of Canada to inquire behind those decisions but to respond to them. And I should point out that nothing has changed in the government's mind with respect to its decision-making process on matters of energy projects that are reviewed by the NEB.

As the minister stated this morning, the government would have used the same process to evaluate the Energy East pipeline that saw the Trans Mountain and the Line 3 projects approved. As honourable senators will know, those projects have a total investment value of about $11.6 billion — not inconsequential and much to be welcomed.

These are important projects. This is an important sector. The Government of Canada, as you will know, has offered the National Energy Board and TransCanada to undertake the upstream and downstream GHG assessments to avoid the added costs for the proponent.

I think it's important at a time like this, where a company has made a company decision, for us all to reiterate to the markets that Canada is open for business, that we are a stable and predictable source of investment in the resource sector and that our approach to establishing the climate that wins the confidence of Canada for such investments is important.

Senator Smith: I think we all recognize the fact that this is not just a short-term issue; it's been an issue that's existed over years. However, the current government had the project on its books since it came into office two years ago. Energy East would have delivered Western Canadian oil to Eastern Canada. And this is what bothers me as a citizen the most: It would have reduced our dependence on foreign oil from countries such as Venezuela, a country that's moving away from democratic values that we share in Canada. Instead of supporting the goal of greater energy security, the government has added more hurdles and regulatory obstacles that apply to domestic energy projects only.

The government did make some modifications to the program. Why did they change the rules, adding more red tape to the process for Energy East, leading to the cancellation of this nation-building project? What will they do in the future to realign and recreate a balance that will assist us to deliver these projects?

Senator Harder: It was exactly the government's balanced approach that allowed two projects to go ahead. It is important for the confidence of Canadians that the regulatory process is one in which the issues of environmental and indigenous rights are respected, and that process is one that has yielded two projects. A third is likely to go ahead. It is important for us all to take every opportunity to remind investors of the importance of this market and the stability of the Canadian marketplace.

Hon. Betty Unger: My question for the Leader of the Government in the Senate also concerns today's cancellation of the Energy East pipeline.

• (1400)

This pan-Canadian project was essential for our country's growth, long-term prosperity — nearly half a million dollars a year — and overall energy security. As an Albertan, I am profoundly disappointed that we cannot move Western Canadian oil to tidewater through that route.

The Prime Minister could have championed the Energy East pipeline, celebrated our energy sector, as it does some other sectors, and helped to share in its prosperity. Unfortunately, he did not.

Senator Harder, my question to you is simply this: Why didn't the Prime Minister and the natural resources minister lend greater support to this project?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. Let me reiterate: The Government of Canada has been, and continues to be, a strong advocate for the resource sector in Canada, the energy sector in particular. It is important for the energy sector and the export of our energy product to have predictable regulatory frameworks. Those are in place. It is also important for us to ensure that the regulatory process is transparent and is applied in a way in which confidence is engendered in all Canadians.

Senator Unger: During the current debates surrounding the tax changes for small business, the government has claimed it's standing up for the middle class. The Energy East pipeline would have generated 15,000 jobs for middle-class Canadians in every province along the route. Yet, the government did nothing to champion the project. Yes, this is what I believe was one of the factors causing TransCanada to cancel the project. Through the NEB, the government put up roadblocks and then did not apply those same standards to oil imported to Atlantic Canada from foreign countries such as Venezuela and Saudi Arabia.

Could the government leader please tell us if the government has plans to apply their upstream and downstream greenhouse gas emissions tests to oil being imported from foreign sources as they did to Energy East? If not, why not?

Senator Harder: Again, I thank the honourable senator for her question. Let me reiterate that the Government of Canada is committed to this sector. It is committed to an independent regulatory process through the NEB. That process has the respect of the government. It is one in which the private sector has been successful, and the private sector, in this case, has made a decision not to continue with an application. It is not for the government to determine or to question the private sector decision. It is one that we all have to deal with the consequences of, and that is what the government is doing.

Senator Unger: Senator Harder, why the double standard? Why apply these greenhouse gas emissions to a Canadian company and yet not apply them to these foreign countries that are shipping their oil to our East Coast? Why the double standard?

Senator Harder: I thank the honourable senator for her question. There's not a double standard in play. The reality is that the NEB has a jurisdiction, and it is its jurisdiction that is governed by Canadian law and processes. It's that application before the NEB that has led to, as I said earlier, successful pipeline projects and has, in the case of the Energy East, been one in which the business decision of the company has suspended indefinitely this project.

HEALTH

ADVANCE DIRECTIVES

Hon. Pamela Wallin: I have a question for Senator Harder.

Since last year's passage of Bill C-14, the assisted dying law, we've seen more than 1,500 terminally ill Canadians choose a dignified end to life. Most of these people were suffering from painful and incurable cancers, but there is another large group of people who cannot access the provisions of Bill C-14 — those with Alzheimer's and other forms of dementia. As we debated extensively in this chamber, they are denied the right, while competent, to sign advance directives to make decisions while they still can about how they will die.

Polls show strong public support for advance directives, and in a recent straw poll of 600 doctors at the CMA convention, more than 80 per cent supported the change. As you know, the government has turned over the issue to three panels of 43 experts from the Council of Canadian Academies, which will produce findings, not recommendations, next autumn, more than a year from now.

Can you tell us more about the functioning of these panels? How often have they met? What will be the difference between findings and recommendations? And are they consulting with outside groups, including Alzheimer's victims and their families?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question and her ongoing interest in this matter.

I will determine from the minister the precise answers to the question, but senators will recall that when we debated the bill, this was one of the items that was of concern to the Senate, one in which the government responded by making commitments to the consultations that the honourable senator referenced. I will be happy to update the Senate on the state of those consultations.

CANADIAN HERITAGE

NATIONAL HOLOCAUST MEMORIAL

Hon. David Tkachuk: Senator Harder, last week Prime Minister Trudeau inaugurated the national Holocaust memorial with a plaque. On that plaque were these words:

> The National Holocaust Monument commemorates the millions of men, women and children murdered during the Holocaust and honours the survivors who persevered and were able to make their way to Canada after one of the darkest chapters in history. The monument recognizes the contributions these survivors have made to Canada and serves as a reminder that we must be vigilant in standing guard against hate, intolerance and discrimination.

As our colleague Senator Frum was quick to point out, there was no mention on the plaque of the Holocaust's primary victims — the Jewish people. No mention of the evils of anti-Semitism or that, during the Holocaust, the Jews were specifically targeted or that 6 million of them were murdered by the Nazis. This was what the Holocaust was all about. It was a war against Jews.

This is no accident. Last year, on the International Day of Commemoration in Memory of the Victims of the Holocaust, the Prime Minister also issued a statement that failed to name who the victims of the Final Solution were — the Jewish people.

Senator Harder, this plaque had to have been reviewed and vetted by staff in both Minister Joly's office and the Prime Minister's Office. Can you find out and report back to us who vetted this statement on the plaque and who approved it? Can you find out and let us know if the Prime Minister actually read it before inaugurating the memorial with it, and can you do all of this with some urgency?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. I think it's also fair to point out that that plaque is being replaced as a result of the attention that has been brought to this oversight — more than an oversight in many respects, I would add. With respect to the questions being posed, I will seek to find a response.

Senator Tkachuk: Senator Harder, can you assure this chamber that if there ever is a monument dedicated to missing and murdered indigenous women and this Prime Minister inaugurates it with a plaque, you will undertake to ensure that Mr. Trudeau includes the word "indigenous" in it?

Some Hon. Senators: Hear, hear!

Senator Harder: With the additional guidance of the Honourable Senator Dyck, I'd be happy to do so.

[*Translation*]

FISHERIES AND OCEANS

ICEBREAKER FLEET

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. Just in the last few hours, we learned of a secret cabinet document that sounds the alarm regarding the status of our icebreakers.

As you know, I have already asked some questions on this matter. Canada's icebreakers are deteriorating more and more, and the need to replace them is becoming increasingly dire. The report indicates that without adequate icebreaking services — which is the term used in the document when talking about the ships — the Port of Montreal could lose its container service to American competitors. Apparently, tens of thousands of direct and indirect jobs are at stake, since container shipping generates billions of dollars in economic spinoffs and creates tens of thousands of jobs.

Any delay in replacing the icebreakers is completely unacceptable. Cabinet should consider this a red alert.

• (1410)

Does the government intend to address this urgent problem and proceed with replacing the current aging fleet of icebreakers as soon as possible?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank honourable senator for raising this issue as he has in the past. I am unaware of the particular document he referenced in his preamble. With respect to the timing and the replacement of this important icebreaker capacity, I'll make inquiries and report back. However, I want to repeat, as I have in the past, how important it is for Canada to have icebreaking capacity for our shipping industry.

[*Translation*]

Senator Carignan: Could the Leader of the Government in the Senate provide us with information or obtain information on the state of the current fleet and on the availability of icebreaker services for this coming winter?

[*English*]

Senator Harder: I will seek to do exactly that.

[*Translation*]

TREASURY BOARD

PHOENIX PAY SYSTEM

Hon. Claude Carignan: I have another question for the Leader of the Government in the Senate. I have asked questions on this topic in the past. I am talking about the Phoenix pay system.

An external report on the Phoenix pay system, which can be described as chaotic, states that there were a number of anomalies in the implementation and follow-up stages. We also learned that there is a culture in the department that discourages employees from telling the truth to senior officials, especially within the procurement branch, as well as to the government. There were a number of delays. We were told that the problem would be resolved and that public servants would be paid appropriately; paid what they were owed.

Could the Leader of the Government paint a picture of the failures of the Phoenix pay system? How many more mistakes were uncovered? Have public servants received the correct pay? What is the status of the situation for those who were not paid? Is anything being done to ensure that those responsible for the file are telling the truth?

[*English*]

Senator Harder: I thank the honourable senator for his question on this issue, which he has raised in the past. Let me state at the start that, certainly from the Government of Canada's perspective, pay problems experienced by Government of Canada employees are unacceptable, and the process has taken excessively long to deal with. That is not out of willpower as much as out of the complexity of the system that is being brought into play and the unfortunate disabling of previous systems and the capacity of previous systems that had taken place before this government came into office.

Let me simply say that the Minister of Public Services and Procurement, as the position is now called, in the mandate letter that she received consequent to her appointment, has as her first priority this problem of the Phoenix pay system. I'd be happy to make further inquiries of the specific issues that were raised in the question and to report back.

Hon. Tobias C. Enverga, Jr.: My question for the leader of the government in the Senate today also concerns the Phoenix pay system.

As of September 20, the backlog of paycheques waiting to be processed by the Public Service Pay Centre had grown from 237,000 to 257,000. October 31 will mark the one-year anniversary of the Liberal government's self-imposed deadline to eliminate the backlog of federal public service employees impacted by the broken Phoenix pay system.

On April 27, almost six months after the deadline came and went, the Prime Minister announced the creation of the Working Group of Ministers on Achieving Steady State for the Pay System.

Given that the backlog has increased by 20,000 transactions in just one month, could the government leader please tell us just what exactly has been accomplished by this working group of ministers?

Senator Harder: I thank the honourable senator for his question. Let me point to a whole series of initiatives that have been put in place: an additional investment of $142 million in both people and technology to address the problem; temporary pay offices installed in Montreal, Gatineau, Winnipeg, Shawinigan and Kingston; enhanced call centre capacity and second-level support to clients; enhanced capacity at the pay centre; satellite offices in the Public Services and Procurement Canada operations in Matane, Shediac and elsewhere; and additional training and support for all Phoenix users.

So additional and focused work is in play, but clearly the government is signalling more has to be done to achieve its objective.

Senator Enverga: Late last month, it was reported that some Canadian Coast Guard vessels have been tied to the dock, as ongoing Phoenix problems have resulted in Coast Guard members going unpaid. The Coast Guard has confirmed that the resulting unplanned crew absences have prevented vessels from setting sail as scheduled.

Could the government leader please tell us whether your government believes this situation is acceptable? What is the government doing to ensure our Coast Guard members are paid properly?

Senator Harder: Coast Guard members, as with other important public service employees, are critical to the safety and well-being of Canadians. It is for that reason the government has given the attention I've referenced to fixing the pay system, as well as its commitment to ensuring that when more needs to be done, more will be done to achieve this objective.

Senator Enverga: I have another quick question. Do you have a timeline on when this Phoenix system will be fixed?

Senator Harder: As the senator will know, the minister has not established a precise timeline exactly to ensure that the existing measures being put in place and that have been put in place are producing the kinds of response that are necessary to alleviate the backlog.

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

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-226, An Act to provide for the taking of restrictive measures in respect of foreign nationals responsible for gross violations of internationally recognized human rights and to make related amendments to the Special Economic Measures Act and the Immigration and Refugee Protection Act, and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Clause 2, page 3*:

   a) replace line 6 with the following:

   "2 The following definitions apply in this Act."

   b) add after line 17 the following:

   "***foreign public official*** has the same meaning as in section 2 of the *Corruption of Foreign Public Officials Act*. (*agent public étranger*)"

   c) delete, in the French version, lines 19 and 20;

   d) replace, in the French version, line 34 with the following:

   « étranger Individu autre : »

2. *Clause 2, page 4*:

   a) delete, in the English version, lines 6 and 7;

   b) delete lines 8 to 10.

3. *Clause 4, page 4*:

   a) replace lines 13 to 15 with the following:

   "4 (1) The Governor in Council may, if the Governor in Council is of the opinion that any of the circumstances described in subsection (2) has occurred,"

   b) replace lines 18 and 19 with the following:

   "ferred to in subsection (3) in relation to a foreign national that the Governor in Council consid-"

   c) replace line 29 with the following:

   "mitted against individuals in any foreign state who"

   d) replace lines 31 and 32 with the following:

   "(i) to expose illegal activity carried out by foreign public officials, or"

4. *Clause 4, page 5*:

   a) replace lines 8 to 16 with the following:

   "(c) a foreign national, who is a foreign public official or an associate of such an official, is responsible for or complicit in ordering, controlling or otherwise directing acts of corruption — including bribery, the misappropriation of private or public assets for personal gain, the transfer of the proceeds of corruption to foreign states or any act of corruption related to expropriation, government contracts or the extraction of natural resources — which amount to acts of significant corruption when taking into consideration, among other things, their impact, the amounts involved, the foreign national's influence or position of authority or the complicity of the government of the foreign state in question in the acts; or"

   b) replace lines 21 to 24 with the following:

   "(3) Orders and regulations may be made under para-"

   c) replace lines 36 and 37 with the following:

   "an outside Canada of financial services or any other services to, for the benefit of or on the direction or order of the foreign national;

   (d) the acquisition by any person in Canada or Canadian outside Canada of financial services or any other services for the benefit of or on the direction or order of the foreign national; and

   (e) the making available by any person in Canada or Canadian outside Canada of any property, wherever situated, to the foreign national or to a person acting on behalf of the foreign national."

   d) add after line 37 the following:

   "(4) The Governor in Council may, by order, authorize the Minister to

(a) issue to any person in Canada or Canadian outside Canada a permit to carry out a specified activity or transaction, or class of activity or transaction, that is restricted or prohibited under this Act or any order or regulations made under this Act; or

(b) issue a general permit allowing any person in Canada or Canadian outside Canada to carry out a class of activity or transaction that is restricted or prohibited under this Act or any order or regulations made under this Act.

(5) The Minister may issue a permit or general permit, subject to any terms and conditions that are, in the opinion of the Minister, consistent with this Act and any order or regulations made under this Act.

(6) The Minister may amend, suspend, revoke or reinstate any permit or general permit issued by the Minister."

5. *Clause 5, pages 5 and 6*:

delete clause 5

6. *New Clause 7.1, page 7*:

add after line 5 the following new clause:

"**Disclosure**

7.1 (1) Every entity referred to in section 7 must disclose, every month, to the principal agency or body that supervises or regulates it under federal or provincial law, whether it is in possession or control of any property referred to in that section and, if so, the number of persons or dealings involved and the total value of the property.

(2) Every person in Canada and every Canadian outside Canada must disclose without delay to the Commissioner of the Royal Canadian Mounted Police or the Director of the Canadian Security Intelligence Service

(a) that they have reason to believe that property in their possession or control is owned, held or controlled by or on behalf of a foreign national who is the subject of an order or regulation made under section 4; and

(b) any information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

(3) No proceedings under this Act and no civil proceedings lie against a person for a disclosure made in good faith under subsection (1) or (2)."

7. *Clause 8, page 7*:

replace lines 6 to 18, and the heading before Clause 8, with the following:

"**Rights of Foreign Nationals Who are the Subject of an Order or Regulation**

8 (1) A foreign national who is the subject of an order or regulation made under section 4 may apply in writing to the Minister to cease being the subject of the order or regulation.

(2) On receipt of the application, the Minister must decide whether there are reasonable grounds to recommend to the Governor in Council that the order or regulation be amended or repealed, as the case may be, so that the applicant ceases to be the subject of it.

(3) The Minister must make a decision on the application within 90 days after the day on which the application is received.

(4) The Minister must give notice without delay to the applicant of any decision to reject the application.

(5) If there has been a material change in the applicant's circumstances since their last application under subsection (1) was submitted, he or she may submit another application."

8. *Clause 9, page 7*:

replace lines 19 to 25 with the following:

"9 (1) Any person in Canada or any Canadian outside Canada whose name is the same as or similar to the name of a foreign national who is the subject of an order or regulation made under section 4 may, if they claim not to be that foreign national, apply to the Minister in writing for a certificate stating that they are not that foreign national.

(2) Within 45 days after the day on which the application was received, the Minister must,

(a) if he or she is satisfied that the applicant is not the foreign national, issue the certificate to the applicant; or

(b) if he or she is not so satisfied, provide a notice to the applicant of his or her determination."

9. *Clause 10, page 7*:

replace line 26 with the following:

"10 (1) A foreign national who is the subject of an order or regula-"

10. *Clause 10, page 8*:

replace lines 5 to 8 with the following:

"(2) If the Minister determines that the property is necessary to meet the reasonable expenses of the applicant and their dependents, the Minister must issue a certificate to the applicant.

(3) The Minister must make a decision on the application and, if applicable, issue a certificate within 90 days after the day on which the application is received."

11. *New Clause 10.1, page 8*:

add after line 8 the following new clause:

"**Offences**

10.1 Every person who knowingly contravenes or fails to comply with an order or regulation made under section 4

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than five years; or

(b) is guilty of an offence punishable on summary conviction and is liable to a fine of not more than $25,000 or to imprisonment for a term of not more than one year, or to both."

12. *Clause 15, page 9*:

replace lines 10 to 17 with the following:

"(3) Committees of the Senate and the House of Commons that are designated or established by each House for that purpose may conduct a review concerning the foreign nationals who are the subject of an order or regulation made under this Act and submit a report to the appropriate House together with their recommendations as to whether those foreign nationals should remain, or no longer be, the subject of that order or regulation."

13. *Clause 16, page 9*:

replace lines 21 to 23 with the following:

"4 (1) The Governor in Council may, if the Governor in Council is of the opinion that any of the circumstances described in subsection (1.1) has occurred,"

14. *Clause 16, page 10*:

replace lines 9 to 36 with the following:

"(c) gross and systematic human rights violations have been committed in a foreign state; or

(d) a national of a foreign state who is either a *foreign public official*, within the meaning of section 2 of the *Corruption of Foreign Public Officials Act*, or an associate of such an official, is responsible for or complicit in ordering, controlling or otherwise directing acts of corruption — including bribery, the misappropriation of private or public assets for personal gain, the transfer of the proceeds of corruption to foreign states or any act of corruption related to expropriation, government contracts or the extraction of natural resources — which amount to acts of significant corruption when taking into consideration, among other things, their impact, the amounts involved, the foreign national's influence or position of authority or the complicity of the government of the foreign state in question in the acts."

15. *Clause 17, page 10*:

replace line 37 with the following:

"**17 (1) Subsection 35(1) of the *Immigration and***"

16. *Clause 17, page 11*:

a) replace lines 1 to 4 with the following:

"(d) being a person, other than a permanent resident, who is currently the subject of an order or regulation made under section 4 of the *Special Economic Measures Act* on the grounds that any of the circumstances described in paragraph 4(1.1)(c) or (d) of that Act has occurred; or

(e) being a person, other than a permanent resident, who is currently the subject of an order"

b) add after line 7 the following:

"**(2) Section 35 of the Act is amended by adding the following after subsection (1):**

(2) For greater certainty, despite section 33, a person who ceases being the subject of an order or regulation referred to in paragraph (1)(d) or (e) is no longer inadmissible under that paragraph."

ATTEST

Charles Robert
The Clerk of the House of Commons

Honourable senators, when shall the message be taken into consideration?

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

[*Translation*]

CANADA EVIDENCE ACT
CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS—AMENDMENTS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-231, An Act to amend the Canada Evidence Act and the Criminal Code (protection of journalistic sources), and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Clause 2, page 2*:

a) delete lines 1 and 2;

b) replace line 25, in the French version, with the following:

« (8) Le tribunal, l'organisme ou la personne ne peut autori- »

c) replace line 26, in the English version, with the following:

"in evidence by any other reasonable means; and"

d) replace lines 29 to 31 with the following:

"dentiality of the journalistic source, having regard to, among other things,

(i) the importance of the information or document to a central issue in the proceeding,"

2. *Clause 2, page 3*:

replace lines 2 to 5 with the following:

"source and the journalist.

(8.1) An authorization under subsection (8) may contain any conditions that the court, person or body considers appropriate to protect the identity of the journalistic source."

3. *Clause 3, page 4*:

a) replace lines 14 and 15 with the following:

"(2) Despite any other provision of this Act, if an applicant for a warrant under section 487.01, 487.1,"

b) replace line 17 with the following:

"under section 487, an au-"

c) replace lines 19 to 24 with the following:

"order under any of sections 487.014 to 487.017 knows that the application relates to a journalist's communications or an object, document or data relating to or in the possession of a journalist, they shall make an application to a judge of a superior court of criminal jurisdiction or to a judge as defined in section 552. That judge has exclusive jurisdiction to dispose of the application."

4. *Clause 3, page 5*:

a) add after line 2 the following:

"(4.1) Subsections (3) and (4) do not apply in respect of an application for a warrant, authorization or order that is made in relation to the commission of an offence by a journalist.

(4.2) If a warrant, authorization or order referred to in subsection (2) is sought in relation to the commission of an offence by a journalist and the judge considers it necessary to protect the confidentiality of journalistic sources, the judge may order that some or all documents obtained pursuant to the warrant, authorization or order are to be dealt with in accordance with section 488.02."

b) replace line 3 with the following:

"(5) The warrant, authorization or order referred to in subsection (2) may contain any"

c) replace line 8 with the following:

"rant, authorization or order referred to in subsection (2) has the same powers, with"

d) add after line 10 the following:

"(7) If an officer, acting under a warrant, authorization or order referred to in subsection (2) for which an application was not made in accordance with that subsection, becomes aware that the warrant, authorization or order relates to a journalist's communications or an object, document or data relating to or in the possession of a journalist, the officer shall, as soon as possible, make an *ex parte* application to a judge of a superior court of criminal jurisdiction or a judge as defined in section 552 and, until the judge disposes of the application,

(a) refrain from examining or reproducing, in whole or in part, any document obtained pursuant to the warrant, authorization or order; and

(b) place any document obtained pursuant to the warrant, authorization or order in a sealed packet and keep it in a place to which the public has no access.

(8) On an application under subsection (7), the judge may

(a) confirm the warrant, authorization or order if the judge is of the opinion that no additional conditions to protect the confidentiality of journalistic sources and to limit the disruption of journalistic activities should be imposed;

(b) vary the warrant, authorization or order to impose any conditions that the judge considers appropriate to protect the confidentiality of journalistic sources and to limit the disruption of journalistic activities;

(c) if the judge considers it necessary to protect the confidentiality of journalistic sources, order that some or all documents that were or will be obtained pursuant to the warrant, authorization or order are to be dealt with in accordance with section 488.02; or

(d) revoke the warrant, authorization or order if the judge is of the opinion that the applicant knew or ought reasonably to have known that the application for the warrant, authorization or order related to a journalist's communications or an object, document or data relating to or in the possession of a journalist."

e) replace lines 12 and 13 with the following:

"rant, authorization or order issued in accordance with subsection 488.01(3), or that is the subject of an order made under subsection 488.01(4.2) or paragraph 488.01(8)(c), is to be placed in a packet and sealed by the"

f) replace lines 20 and 21 with the following:

"part, a document referred to in subsection (1) without giving the journalist and relevant me-"

g) replace line 23 with the following:

"produce the document."

5. *Clause 3, page 6*:

delete lines 22 and 23.

ATTEST

Charles Robert
The Clerk of the House of Commons

Honourable senators, when shall the message be taken into consideration?

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

• (1420)

ORDERS OF THE DAY

PRECLEARANCE BILL, 2016

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Mitchell, for the second reading of Bill C-23, An Act respecting the preclearance of persons and goods in Canada and the United States.

Hon. André Pratte: Honourable senators, instead of making a long speech, I would simply like to make a few comments. As individuals who travel on a regular basis, we know how preclearance makes life easier for people travelling to the United States. Preclearance does not just have personal benefits; it obviously makes life easier for business people, tourists and companies. It has considerable economic benefits. It contributes to and is a sign of the strength of Canada-U.S. relations.

In short, we cannot help but be pleased that Canada and the United States decided to renew U.S. preclearance and even extend it to other airports in 2015 and, now, to train stations in Canada. We hope that Canadian officers will soon be providing preclearance services south of the border.

Bill C-23, which we are studying today, implements the agreement signed in 2015. I know that all manner of concerns were expressed about various aspects of this bill, but I will focus on two matters that I am most concerned about. At first glance, they run the risk of having the greatest adverse effects on the fundamental rights of Canadian travellers.

[*English*]

My first concern is with U.S. pre-clearance officers having the power to conduct a strip search if a Canadian Border Services officer is unavailable or unwilling to conduct such a search. Strip searches are a serious invasion of a person's privacy. They should be conducted only in exceptional circumstances in accordance with Canadian law and values. I find it particularly disturbing that a U.S. pre-clearance officer would be able to conduct such a search despite a Canadian officer's refusal to do so. Presumably, if a Canadian agent refuses to strip search a traveller, it would be for good reason. But according to Bill C-23, the U.S. comptroller would override that reason and proceed regardless.

When I raised my concern with officials responsible for the bill during the briefing offered to senators, they stressed that strip searches were exceptionally rare and that there were only two, I believe, during the last decade. That is reassuring. However, if those searches are so rare, why was it felt that U.S. pre-clearance officers needed to be given such power?

We will hear that under this bill, U.S. pre-clearance officers will be subject to Canadian laws including, of course, the Canadian Charter of Rights and Freedoms. While that may be true, several experts, such as the Barreau du Québec, have pointed out in the other place that pre-clearance officers, U.S. officers, will enjoy civil immunity for acts committed in the course of their duties, while the U.S. government has immunity from the jurisdiction of all Canadian courts. In other words, unless a Canadian traveller is a victim of a serious crime, such as murder, they will have no recourse against U.S. pre-clearance officers who violate their rights during a strip search — at least that is how I understand the bill as currently written. Perhaps the work of the committee that will study the bill will reassure me on this point.

Honourable senators, my other concern is with a traveller's right to withdraw from a pre-clearance area. Under the existing legislation, if you're in a pre-clearance area and for some reason you change your plans and decide to leave the pre-clearance area, you may leave without further ado. The U.S. and Canadian authorities wanted to change this in the 2015 agreement and Bill C-23 reflects that. They wanted to prevent, for good reason, bad actors from conducting reconnaissance of the pre-clearance area

and then leave undisturbed. Therefore, there is a provision that before such an individual can leave, they are to be questioned about why they are leaving the pre-clearance area. The problem is that it appears to give U.S. pre-clearance officers the power to detain a traveller for maybe an extended period.

Let's see what would happen if you decided to withdraw from pre-clearance. According to clause 30, you must answer truthfully any question asked by a pre-clearance officer for the purpose of identifying the traveller or of determining their reason for withdrawing.

As Senator Jaffer has mentioned, that can lead to a very wide array of questions. The Barreau du Québec has expressed the opinion that it allowed for "fishing expeditions."

The officer may also conduct a frisk search if he or she has reasonable grounds to suspect that the person has on their person anything that would present a danger to human life or safety. This must not lead to "unreasonable delay to the traveller's withdrawal." What does "unreasonable delay" mean in such a context? That's not very clear.

If a pre-clearance officer has reasonable grounds to suspect that a traveller who is withdrawing has committed an offence under an act of Parliament, the officer may direct the traveller to identify themselves, take a photograph of the traveller, question the traveller — no limit to the questioning — collect information from the traveller, examine, search and detain goods in the traveller's possession, conduct a frisk search of the traveller, and detain the traveller for the purpose of a strip search. Note that the officer has those powers if he or she suspects that the traveller has violated an act of Parliament — any act of Parliament, at any time.

As the BC Civil Liberties Association wrote in its brief to the other place's Committee on Public Safety and National Security:

> . . . this wording could allow a U.S. preclearance officer to exercise all of these powers if they knew that an individual had a conviction for marijuana possession from 20 years prior, had harmed fish contrary to the *Fisheries Act* . . . .

I would remind everyone that the travellers we're talking about here are on Canadian soil and, in theory, are protected under Canadian law. And lo and behold, just because they want to withdraw from an area controlled by U.S. pre-clearance officers, they are threatened with questioning, if not detention, a search and actual interrogation.

I think this should give us pause. We will hear, "Yes, but it would be a lot worse if they arrived directly in the U.S." But in my view, this is not a fair comparison because they're not in the U.S. They're in Canada. They're at home.

[*Translation*]

Here again, I will look to members of the committee responsible for studying the bill to consider this matter carefully. I hope they will be able to allay my fears and those of other people, including people here in this place. What are we to do if those fears are not allayed? Is there any chance we can amend the bill given that it implements an agreement between Canada and the United States?

[*English*]

Can we make amendments to this bill knowing that it could force the Government of Canada back to the bargaining table with the U.S., that is, of course, if the government were to eventually accept our amendments? We have to bear in mind that our government would then face a very different U.S. administration than the one that signed the agreement in 2015, an administration that may not at all be interested in future concessions and instead may very well put new demands on the table or may not even be interested in an agreement at all.

Honestly, if had I to vote today on the bill and potential amendments, I would be torn with my understanding of the bill as it is now. So I will defer to the committee, which I ask to enlighten me and perhaps other senators on the following questions: Do the clauses on strip searches really pave the way for serious violations of the fundamental rights of Canadians? Do the clauses on the right to withdraw from the pre-clearance area pave the way for serious violations of the fundamental rights of Canadians?

• (1430)

If the answer to one or both of these questions is yes, can the bill be tweaked — a very popular word these days — in a way that better protects the fundamental rights of Canadians without requiring changes in the text of the Canada-U.S. agreement on pre-clearance? I doubt that's possible, but we should ask the question.

If this is not possible, if changes to the bill would necessarily require amendments to the agreement signed in 2015 by Canada and the U.S., is it desirable for the Senate to amend the bill in order to protect Canadians' fundamental rights, or should we accept those infringements as the necessary price for increased pre-clearance privileges?

That is the dilemma we are faced with regarding Bill C-23.

(On motion of Senator Fraser, debate adjourned.)

STATISTICS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Richards, for the second reading of Bill C-36, An Act to amend the Statistics Act.

Hon. Linda Frum: Honourable senators, I rise today to speak as the official opposition critic of Bill C-36, An Act to amend the Statistics Act.

This legislation will make a number of changes to the way that statistics are gathered in Canada. First, it would entrench into law that the Chief Statistician is responsible for the methods, procedures and operations of statistics-gathering programs.

In the event that the Minister of Innovation, Science and Economic Development requested a statistical program to be done in a way that was against the advice of the Chief Statistician, the minister would be required to table a directive in both houses of Parliament which explains the rationale for the approach. This document would be subject to debate, and therefore this measure demonstrates a positive change in the relationship between Parliament and Statistics Canada with more independence given to Statistics Canada.

Second, the bill repeals the requirement for consent to transfer survey responses to Library and Archives Canada after 92 years.

Since 2006, Canadians who fill out a Statistics Canada survey have had to indicate whether they would be comfortable with sharing this information in 92 years' time. This legislation would remove the need for that consent.

Third, this legislation would fix the appointment of the Chief Statistician to a term not exceeding five years, subject to good behaviour. The Governor-in-Council can choose to reappoint the Chief Statistician for one additional term not exceeding five years. This is a departure from the current appointment process under which the Chief Statistician serves at the pleasure of the minister and is not confined to a term limit. This measure encourages independence of the office and I support it.

Bill C-36 removes the penalty of imprisonment for providing false information or failing to complete a mandatory survey. Most Canadians believe that imprisonment is an unnecessarily harsh penalty for failing to comply with a mandatory survey, which is why my former colleague Conservative Member of Parliament Joe Preston put forward a private member's bill to remove it. I am pleased to see this government include removing imprisonment from the Statistics Act.

Finally, this legislation creates a new Canadian statistics advisory council made up of 10 Governor-in-Council appointments. This is a change from the current advisory council which consists of up to 40 appointees.

The current advisory council includes stakeholders ranging from journalists to academics and business owners. These advisory members are not paid for their time and provide advice to the Chief Statistician.

Bill C-36 creates a board of 10 government appointees who will be compensated for their time and will be required to publish annual reports of their activities. Due to the number of appointees, this committee would omit representation from at least three of our provinces and territories.

If the aim of this committee is to represent the views of all Canadians in an inclusive manner, this legislation falls short, especially as it is easy to imagine that it is territorial representation which will be omitted. Further, there is nothing explicit in the legislation that each province must have representation on the committee. In other words, there is nothing to prevent overrepresentation from one region and zero representation from another.

Honourable senators, the intent of this legislation is to provide additional transparency, accountability and independence to Statistics Canada, and that is laudable. However, it can be better. I note the omission in this legislation to have both houses of Parliament approve the appointment of the Chief Statistician, as is the case with the Privacy Commissioner, Official Languages Commissioner, Auditor General and Information Commissioner.

As we witnessed during recent hearings for the position of Official Languages Commissioner, parliamentary oversight is essential to a good outcome. This position of Chief Statistician, if it is to be truly independent, should require the same scrutiny. If this government wants to demonstrate its sincere desire for a more arm's-length relationship between the agency and the government of the day, it should support such an amendment, that parliamentary approval must be required before appointing a new Chief Statistician.

While it is true that the Chief Statistician is not an officer of Parliament, given the enhanced power, authority and independence being granted by this bill to the position of Chief Statistician, it strikes me as an important and necessary safeguard.

I look forward to an in-depth and thorough study of this bill at committee and hope that any additional and useful amendments or tweaks, if you will, required to make this legislation better will be proposed and supported by senators in this chamber.

Hon. Paul J. Massicotte: Would you accept a question, Senator Frum?

Senator Frum: Yes.

Senator Massicotte: First, let's define that the objective of these amendments is to cause it to be more independent and not be subject to the government of the day in seeking some political orientation or information of such a nature. My understanding of the proposed amendments is such that the government, the minister, if he so requests a specific process, how the head of Statistics Canada is to do his job, then he must do so in writing and, most probably, the director or president would resign. But I understand the same minister can go for lunch, coerce or strongly encourage amendments or a certain orientation of a questionnaire, and there's no such indication in writing and the public would not be aware of such a demand. Is that understanding accurate and does that bother you somewhat?

Senator Frum: Senator Massicotte, I don't know that I know the answer to that question, but I understand the substance behind the question and I agree with you. It would be helpful to have clarity in the committee's study. In order to override or direct the Chief Statistician to use methods that he may not agree with, what is the benchmark? What is the threshold at which that special initiative would be required on the part of the minister?

I don't fully understand how that mechanism would work, but the way the bill is written and as I understand the objectives of the bill, it is to create greater independence and scientific authority around the Chief Statistician and that the minister is not there to direct the methodology that he uses. How exactly that will work in practice is something I hope we can discuss at committee.

(On motion of Senator Omidvar, for Senator Gagné, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 4, 2017, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 17, 2017, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1440)

[*English*]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 17, 2017, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 4, 2017, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 17, 2017, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

She said: Honourable senators, I move the motion under my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NON-NUCLEAR SANCTIONS AGAINST IRAN BILL

THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Carignan, P.C., for the third reading of Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

Hon. Yuen Pau Woo: Honourable senators, while we recessed over the summer, the world became a more dangerous place.

The testing of long-range missiles by North Korea and that regime's new-found ability to place nuclear warheads on those missiles has created a direct threat to the mainland of the United States. It has precipitated a furious response from President Trump, including the threat of a preemptive attack on the DPRK, which would have devastating consequences not only for North Korea but for the entire northeast Asian region, especially South Korea.

We can only hope that tighter coordinated sanctions on Pyongyang will bring the regime to the diplomatic table for talks on reducing tensions, enhancing regional security and, above all, managing the new reality of a rogue state that has gone nuclear. If and when such talks take place, Pyongyang will need assurance that any deal it strikes with the U.S. and others will be honoured, and that any relaxation of the tough economic sanctions faced by North Korea will not be rescinded by ideology or caprice.

Which brings me to the subject of my speech this afternoon, Bill S-219, Non-Nuclear Sanctions Against Iran. At the heart of Bill S-219 is the implicit rejection of the 2015 United Nations P5+1 deal with the Islamic Republic of Iran, also known as the Joint Comprehensive Plan of Action, JCPOA. In exchange for the lifting of tough economic sanctions, Iran agreed to halt its nuclear weapons program. To ensure that Iran is in compliance with the agreement, the International Atomic Energy Agency, IAEA, has been tasked with verifying Tehran's adherence to the provisions of the JCPOA. President Trump does not like the JCPOA and he is looking for ways to get out of the agreement. With help from a Republican House and Senate, he has already brought into law a bill that is similar to our Bill S-219, entitled Countering America's Adversaries Through Sanctions Act. His next target is the JCPOA itself. In spite of unequivocal

statements from the IAEA that Iran is complying with the agreement, Washington seems hell-bent on finding a reason to withdraw from the agreement. The U.S. is alone among the P5+1 signatories in its belief that Iran is in violation of the JCPOA and that the agreement should be abrogated. Richard Nephew, former Principal Deputy Coordinator for Sanctions Policy at the Department of State, and current Senior Research Scholar at Columbia University, has said:

> It seems there is a faction within the administration that is trying to lay the basis for getting out [of the agreement] on the basis of cooked books.

Colleagues, we all remember how badly "cooked books" turned out in the lead-up to the second Gulf War, when the U.S. and British governments were hell-bent on finding weapons of mass destruction in Iraq.

Now, the difference between Iran and North Korea is that the former is a near-nuclear state, whereas the latter has already lost its innocence. Do you think there is any chance of North Korea agreeing to some form of denuclearization if it cannot count on the other side to abide by an agreement? What lesson do you think Pyongyang is taking from legislation such as Bill S-219 that seeks to ratchet up sanctions in spite of an agreement to limit their application in exchange for important concessions on matters of national security?

I have no doubt that Bill S-219 was created out of sincere intentions to curb state-sponsored terrorism, incitement to hatred, and human rights violations on the part of the Iranian regime.

However, it contains a number of fundamental flaws, and if it is enacted, would not only fail in its intended objectives, but would also damage Canada's efforts to foster positive change in Iran through a restoration of diplomatic ties with Tehran.

The Islamic Republic of Iran is undoubtedly engaged in state-sponsored terrorism, gross human rights violations and incitement to hatred. Executions, incarceration of human rights advocates, media censorship, and support for groups such as Hezbollah, are realities that we cannot shy away from or ignore. In part because of the instability in Iraq stemming from the U.S.-led invasion of 2003, the regional influences of Iran have grown significantly in importance. Tehran is now a power broker across the Middle East and Persian Gulf, from Yemen, where it supports the Houthi rebels, to Syria, where Iran-supported militia are fighting against ISIS in support of the President Bashar al-Assad. It should be noted that Iran is not alone in its pursuit of regional hegemony and is in a bitter and I would say violent competition with the Kingdom of Saudi Arabia, which is itself not a benign regime. Many of the conflicts across the region are in fact proxy wars between Riyadh and Tehran. Foreign actors looking to do well in the region should be aware that there are not many good options to choose from.

It is important that we not view the Iranian regime or indeed the Iranian people as monolithic. President Hassan Rouhani, a relatively progressive and moderate politician in the country, won his re-election recently by approximately 57 per cent of the vote in the face of stiff opposition from far more conservative candidates. His agenda for reform and re-engagement in the international community has resulted in the signing of the nuclear agreement and the growth of investment opportunities and trade opportunities for Iranian business. Some forms of protest, such as women not wearing hijabs in their cars, attending sporting events, point to a gradual shift in societal attitudes.

These changes, which may start off small, can build and eventually lead to progressive reform. They can be supported by the international community through engagement, including diplomacy, business, education, and people-to-people exchanges.

Iranian Canadians can play a special role in this regard by building on the extensive commercial, academic and cultural networks that they already have in place throughout the country.

Now, I am not naïve about the prospects for an out-and-out reformist government in Iran, but I do believe that there is popular demand among Iranians for a more open society. Diplomatic engagement with Iran is one way in which Canada can support Iranian civil society, working especially with the diaspora community across our country.

Since the signing of the JCPOA, Iran has in fact seen sharp growth in its international engagement. The lifting of economic sanctions has led to increased foreign investment from many countries, for example, from France's Total and Russia's Gazprom in the oil and gas sector, and Italy's Ferrovie dello Stato and France's AREP in the rail and transportation industry. According to the 2017 World Investment Report, Iran has seen an increase in its foreign direct investment by 63 per cent since 2016. Increased trade and investment with the world is not a panacea for the human rights abuses and terrorist activities of the Iranian government, but isolation of the regime is worse.

Colleagues, in thinking about Canada's role in fostering positive change in Iran, the fundamental question is this: What is our leverage? On this point, expert witnesses who testified before the Standing Senate Committee on Foreign Affairs and International Trade were clear. George Lopez, Professor Emeritus of Peace Studies at the Kroc Institute for International Peace Studies said, in response to a question on the likelihood of Canadian sanctions changing the behaviour of the Iranian regime:

> I think the likelihood is very low because you don't have the volume and diversity of economic interactions, and, unless you are engaged at a secondary level with subsidiaries and others of your country that, from Europe or North Africa, are engaged with Iran, things that are not readily apparent, I think your leverage is at a relatively low level.

• (1450)

Richard Nephew from Columbia University adds:

> . . . as I read it, this bill requires Iran to make progress on such a great variety of bad acts that it removes the Canadian government's ability to respond to and reward improvement in any one particular element. . . . There is simply no incentive for a foreign government to take the potentially difficult steps necessary to address bad behaviour because they will simply expect the sanctioning state's demands to never cease.

> Put another way, this legislation could be a roadblock to the Canadian government's ability to incentivize positive changes by Iran in areas of terrorism or human rights.

Professor Nader Hashemi, Director of the Center for Middle East Studies at the University of Denver goes further:

> . . . I believe Bill S-219 is counterproductive. In my reading it represents "more of the same.'' Specifically, it continues a pattern of short-term thinking on Iran. . .

Colleagues, it's fortuitous that I'm speaking on the very day that another bill dealing with the violation of human rights has returned to the Senate; I hope for speedy passage to Royal Assent. Bill S-226, also known as the Magnitsky bill, will provide the Government of Canada with the means to sanction foreign nationals responsible for gross violations of internationally recognized human rights. This includes Iranian nationals, but not Iranians exclusively. I strongly support Bill S-226 because of its greater specificity to target individuals, on the one hand, and the greater flexibility, on the other hand, for the minister to use her discretion in applying the act.

By contrast, Bill S-219 is too blunt in its design, to the point of being counterproductive. The passage of Bill S-219 will damage Canada's efforts to re-establish diplomatic relations with Iran and to use engagement as a way to encourage positive change.

Testimony from Global Affairs Canada has made this point crystal clear. Assistant Deputy Minister for Europe, Middle East and Maghreb, Alex Bugailiskis, wrote in a letter to the Standing Senate Committee on Foreign Affairs and International Trade:

> The government believes that it is through dialogue, not withdrawal and isolation, that it can advance Canada's interests, including consular services to Canadians, and trade and foreign policy interests.
>
> . . . Bill S-219 would likely hinder the re-establishment of "normal'' diplomatic relations with Iran for two reasons: 1) It would constrain the discretion and therefore the capacity of the Government to re-engage with Iran, and, 2) Iran would likely respond negatively to its introduction.

Bill S-219 will not only be counterproductive for diplomacy but also for civil society engagement between Iran and Canada. Dr. Victoria Tahmasebi-Birgani, Assistant Professor of Women and Gender Studies at the University of Toronto Mississauga, has written:

> Bill S-219 will prevent a constructive reengagement with Iran and will destroy the hope for any positive impact on Iranian political process. My concern is that this bill will deny Canada and Canadian-Iranian diaspora of any constructive role in supporting pro-democracy movement within Iran.

She goes on:

> As an expert on the topic of women's status in Iran, I can firmly state that this bill will contribute to Iranian regime's repressive measures against women's activists and women's movement. . . . Iranian women's movement thrives on its transnational connections, particularly where Iranian diaspora is the strongest, such as in Canada.

Richard Nephew has summed it up nicely:

> . . . my concern is that, in practice, Canada would simply find itself on the margins of international relations with Iran.

It has occurred to me that being on the margins of international relations with Iran is perhaps the very goal of the proponents of Bill S-219. If that is the case, you have yet another reason to reject this bill. My vision of Canada in the world is that of a confident nation that engages with other countries, despite sharp disagreements, in order to resolve problems and advance Canadian values. It is not that of a country that throws stones at others from behind a wall in order to feel good about itself. Colleagues, Bill S-219 is well-intentioned but badly conceived and, ultimately, self-defeating. Please vote against it.

Hon. David Tkachuk: I have a question. Iran is one of the most egregious abusers of human rights. It is without a doubt the greatest exporter of terrorism in the world. But in your criticizing the bill, I was a little bit confused because the bill does not ask for any increase in sanctions by Canada. It simply asks to expand into other actors in Iran, like EIKO, which is their business group, if you can call it that, which is very corrupt, and all it requires is that before Canada removes sanctions, it present to Parliament a report from time to time asking how much improvement has been made on human rights in Iran. That's all the bill asks. It doesn't impose any new sanctions. What you said in that speech was simply not true.

Senator Woo: Thank you, Senator Tkachuk. You have yourself explained that the bill is about expanding the scope of the sanctions to include — yes, a wide range —

The Hon. the Speaker: Before you go any further, in debate in the Senate, we refrain from using language with respect to whether or not a senator's comments stray from the truth. If you want to talk about a senator's interpretation of a bill or interpretation of comments, that's one thing. But I think we should refrain from any harsh language that imports whether or not a senator believes in what he or she is saying.

Senator Woo.

Senator Woo: Thank you, Your Honour. I do not take any offence with Senator Tkachuk's comments. We have a reasonable disagreement and a strongly felt disagreement on this interpretation.

You've explained to our colleagues that the bill expands the scope of entities covered by the sanctions. I consider that an expansion of the sanctions.

Second, you've explained, correctly, that the bill requires Iran to show progress on a very long list of performance targets. I invite all of you to look at that very long list. We have heard expert testimony to say that this is, if not an impossible list, a list that gives very little incentive for Iran to improve.

So on the measure of efficacy, I think this bill fails to meet the test.

Senator Tkachuk: Just so we're clear, I apologize if I used unparliamentary language, Your Honour.

You stated in your speech that the bill imposed new sanctions on Iran. Well, all it does is add EIKO to the list of sanctions that we already have on Iran. The bill asks that before we remove sanctions there be a report to Parliament by the government stating the improvements that Iran has made on the question of human rights. That's the objective of the bill.

Senator Woo: Thank you, Senator Tkachuk. I think we are in violent agreement on this point, then. It expands the scope of entities covered.

• (1500)

My further point, to reiterate what I said previously, is that the structure of the bill does not give the incentive to the reigning government to improve on human rights and therefore is, at best, neutral, but at worst, counterproductive.

(On motion of Senator Cools, debate adjourned.)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Marina Forbister. She is the guest of the Honourable Senator Cools.

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

Hon. Senators: Hear, hear!

NATIONAL FINANCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE MINISTER OF FINANCE'S PROPOSED CHANGES TO THE INCOME TAX ACT RESPECTING THE TAXATION OF PRIVATE CORPORATIONS AND THE TAX PLANNING STRATEGIES INVOLVED—TWENTY-FIRST REPORT OF COMMITTEE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mockler, seconded by the Honourable Senator MacDonald, for the adoption of the twenty-first report of the Standing Senate Committee on National Finance (*Budget—study of the proposed changes to the Income Tax Act respecting the taxation of private corporations—power to hire staff and to travel*), presented in the Senate on October 4, 2017.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to, on division, and report adopted.)

THE SENATE

MOTION TO URGE THE GOVERNMENT TO CALL UPON THE GOVERNMENT OF MYANMAR TO END VIOLENCE AND GROSS VIOLATIONS OF HUMAN RIGHTS AGAINST ROHINGYA MUSLIMS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion, as modified, of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Tkachuk:
>
> That the Senate urge the Government of Canada to call upon the Government of Myanmar:
>
> 1. to bring an immediate end to the violence and gross violations of human rights against Rohingya Muslims;
>
> 2. to fulfill its pledge to uphold the spirit and letter of the *Universal Declaration of Human Rights*; and
>
> 3. to respond to the urgent calls of the international community and allow independent monitors entry into the country forthwith, in particular Rakhine State; and
>
> That a message be sent to the House of Commons requesting that house to unite with the Senate for the above purpose.

Hon. Ratna Omidvar: Honourable senators, I rise today with a great sense of urgency to speak to Senator Ataullahjan's motion regarding the violent persecution of the Rohingya Muslims currently under way in Myanmar.

Today we showered lots of praise on Senator Andreychuk and Senator Carignan, rightly so. I'd like to shine the light on my colleague Senator Ataullahjan. I want to applaud her efforts for holding our feet to the fire in the chamber on this issue, not just today; in fact, for many years before and certainly before I came here. So I want to applaud you, senator, for this.

Hon. Senators: Hear, hear!

Senator Omidvar: It was at Senator Ataullahjan's insistence that we have conducted a very quick but very deep study of the crisis in Myanmar. Again, thank you for that.

Sadly, this crisis, which has been in the making since 1992, is now a full-blown catastrophe.

Senator Ataullahjan's motion asks our government to urge another government — namely, the Government of Myanmar — to safeguard humanity and protect the vulnerable and persecuted from the violent campaign of ethnic cleansing currently being undertaken by its military.

I think it is hard for us to understand the scope, scale and depth of suffering. At some point, we run the risk of becoming inured to human suffering, so let me try and share the sense of urgency that we have coming out of the hearings at the Human Rights Committee.

As of this week, the International Organization for Migration has estimated that over 500,000 Rohingya refugees have crossed the border into Bangladesh, which is roughly 1,500 kilometres away from Rakhine State in Myanmar.

Just to put this into our context, imagine the entire city of Hamilton emptying out and finding its way 1,500 kilometres away to Moncton, New Brunswick, and doing this within the short period of six weeks. The speed of this crisis has been overwhelming.

Like another refugee crisis, 60 per cent of the refugees are children and many have been orphaned. We have heard stories of parents being slaughtered before the eyes of their children. There are horrific stories of gang rape, and there is a particularly ugly gendered aspect to this catastrophe.

I'll give you one example. The Government of Myanmar has household spot checks conducted by law enforcement agencies. These household spot checks lead to the perfect, if I may say, situation to commit violence against women and children behind closed doors.

In addition, we have heard that the Myanmar military is opening fire on those trying to escape. According to Human Rights Watch, photos confirm that landmines have been placed along the border of Myanmar and Bangladesh. So it seems that the Myanmar military does not want any Rohingyas in Myanmar, but they also don't want them to cross into Bangladesh.

The UNHCR has called this ethnic cleansing. The international community acknowledges that crimes against humanity are taking place, yet others are calling it genocide. It is no surprise, then, that some conclude that the Rohingya are in fact the most persecuted community in the world.

• (1510)

Thus far, Canada's response has been as follows: Strong words have been used by Minister Chrystia Freeland who has joined other international leaders in condemnation of the actions of the Government of Myanmar.

Our ambassador in Myanmar has, along with her international counterparts this week, undertaken a fact-finding mission and has called for a UN fact-finding mission to visit Rakhine.

Canada has recently announced another $3.5 million in emergency aid on top of our financial contributions of roughly $9.8 million to the region through the UN.

Finally, Global Affairs has confirmed to us in committee that Canadian arms are not entering Myanmar and that no Canadian money is entering the coffers of the corporations that are controlled by the Myanmar military.

However, it is clear to me that this is not the ceiling for Canada's action on this crisis; it is just the floor. I have followed many refugee crises, and I believe that the same three pillars should always be the foundation for our action.

The first pillar must focus on the safe and secure return of the refugees to their homes and their lives with full citizenship rights assured to them. In order to achieve this, Canada must join hands with other nations and insist on a UN fact-finding mission that is allowed to enter Myanmar and make an independent assessment of the facts and document the crimes.

Second, I agree with Senator Jaffer: We must invoke the responsibility-to-protect provisions which would see the establishment of safe zones for the Rohingya under the protection of the UN.

Third, I believe we must appoint a special envoy, much like Senator Jaffer was appointed to Sudan, to give us a first-hand view of the crisis and appropriate Canadian responses.

Most importantly, and right away, we must focus on the perpetrators. At committee hearings, we were told that military operations of the kind in Rakhine State require considerable resources and considerable planning.

There are people behind us; they have plans. They have the weapons. We need to bring these perpetrators of international crimes to justice.

Of course, with the passage of the Magnitsky law, we will have a few more tools at our disposal. But I recommend that our Prime Minister must make a statement on camera, in both official languages, condemning the actions of the military in Myanmar.

However, the second pillar is not to forget the refugees who are in camps and in this case mostly in Bangladesh under extremely difficult circumstances. This is the second pillar of action.

First of all, I think we must commend the Government of Bangladesh for its spirit of generosity and opening its borders to the Rohingya, but we must not abandon them. We must not leave them alone to deal with this crisis.

The UN has determined that the refugees are living in flimsy shacks, in sprawling, densely crowded sites that have sprung up to accommodate them, with ever-growing risks of disease outbreak and criminal activities.

Canada can airlift tents, food, medicine and personnel. I believe we must also empower our national and international NGOs to reach local communities with help and support. In moments of crisis, Canadian NGOs have sprung into action in disaster spots around the world.

We must provide technical assistance to Bangladesh to remove the land mines along its borders, and we must — and I believe we can — be more generous. The UNHCR has estimated that it requires $83 million to cover the needs until February next year. Without a substantial increase, their staff will have to make difficult decisions on who to provide help to and who to ignore.

Finally — and I say this with great caution — the numbers will be very small in scale to the problem, but we can resettle those in greatest need through our existing resettlement programs. For this, we need boots on the ground to register, screen and process the refugees most in need.

Honourable senators, the conflict between Rohingya Muslims and the Rakhine Buddhists is incredibly intricate. Their history spans centuries, not decades or years. Within these intricacies, it is easy for disagreements to form as to where peace, stability, justice and coexistence may lie.

I wish to point out that with political will, it is possible to arrive at a longer-term vision of peace. The world community has done this before. During the Kosovo crisis, Canada played a proud role in the resolution of that crisis.

So it is with great faith that I say: We have done this before; we can do this again.

Hon. Senators: Hear, hear!

(On motion of Senator Munson, debate adjourned.)

AUTISM FAMILIES IN CRISIS

TENTH ANNIVERSARY OF SENATE REPORT—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Munson, calling the attention of the Senate to the 10th anniversary of its groundbreaking report *Pay Now or Pay Later: Autism Families in Crisis*.

Hon. Mobina S. B. Jaffer (Acting Leader of the Independent Senate Liberals): Honourable senators, I rise today to speak on Senator Munson's Inquiry No. 31.

May I have permission to sit and speak, please?

The Hon. the Speaker: Yes, Senator Jaffer.

Senator Jaffer: Thank you.

I wish to act on the Standing Senate Committee on Social Affairs, Science and Technology's report named *Pay now or Pay Later: Autism Families in Crisis*.

Before beginning, I would like to thank Senator Munson for his tireless work to ensure that people with autism and their families get the support they need.

Hon. Senators: Hear, hear!

Senator Jaffer: He has, for a very long time, been truly a champion of people with autism. The subtitle of the report this inquiry deals with, *Autism Families in Crisis*, perfectly describes the situation for many families of the 1 in 68 Canadians, or approximately 530,000 Canadians, who are affected by an autism spectrum disorder.

Families are often forced to wait for unacceptable periods of time to get their children the services they need. For example, speech therapy and behavioural therapy can have wait lists that go as long as several years.

Given how children need this therapy during their youngest years, while they are still in their developmental period, this often means that the therapy is far less effective by the time it is received.

Other families struggle to pay the cost of supporting their child with autism spectrum disorders. In many cases, publicly funded health insurance only covers a fraction of the support that a child may need, meaning that parents are forced to pay the rest out of their own pockets.

Given that therapy for autism spectrum disorders can cost as much as $60,000 every year, this often means that parents must make great sacrifices to provide their children with the support that they need to learn and succeed.

Finally, many families are struggling to deal with the stigma and silence that still surrounds autism spectrum disorders, which causes many cases to go undiagnosed through those crucial first years of the developmental period.

Recognizing how serious this issue was for Canadians, the Standing Senate Committee on Social Affairs, Science and Technology conducted a study to find a solution for this issue 10 years ago, with Senator Eggleton as the committee chair and with Senator Munson, Senator Mercer and Senator Watt also participating.

This study resulted in the report that this inquiry presented to the government entitled *Pay now or Pay Later: Autism Families in Crisis*.

While the study covered a large variety of areas related to autism in Canada, there was one clear message sent by this report: Canada needs a national strategy on autism. As Senator Munson mentioned yesterday, or the day before, there have been some improvements since the report's publication.

There is now an autism spectrum disorder surveillance system that keeps track of data around the country regarding autism. Our government also spends $8 million every year on research and funding employment programs for people with autism spectrum disorders. Outside of the government, awareness about autism has also reached unprecedented levels, meaning that more voices than ever before have joined the discussion.

• (1520)

However, as Senator Munson also said yesterday, there is still a lot of work to be done. If we truly wish to help the families that are struggling to provide their children with the supports that

they need help their children succeed, we need to specifically create federal targets and programs that will accomplish that very goal. We need a national strategy on autism spectrum disorder.

If we wait, countless Canadians will continue to suffer. I have heard many stories from families who have had to make great sacrifices to support their children with autism. I've heard from parents who mortgage their homes to cover the massive costs of therapy. I've heard from parents whose physical and mental health deteriorate as they are forced to deal with the very challenging task of caring for a child with autism without any form of support. I have heard heartbreaking stories of children who face horrible bullying because they suffer from autism spectrum disorder. Finally, I have heard pleas from parents who feel helpless as their children face challenges throughout their youth and are unable to cope without the supports they need.

Honourable senators, this month is National Autism Awareness Month. This month I urge you all to support this inquiry and to urge our federal government to create a national autism strategy. Families across Canada with children suffering from autism spectrum disorder are calling for our government to show national leadership on this issue.

Honourable senators, if there was any group of children that needed our support, it is this group of children; children who suffer with autism.

Let us add our voices to this message. Thank you.

(On motion of Senator Omidvar, for Senator McPhedran, debate adjourned.)

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Anne C. Cools, pursuant to notice of October 3, 2017, moved:

> That the Standing Senate Committee on National Finance have the power to meet for the purposes of its study on the proposed changes to the *Income Tax Act* respecting the taxation of private corporations and the tax planning strategies involved, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 3:24 p.m., the Senate was continued until Tuesday, October 17, 2017, at 2 p.m.*)