

DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 151

OFFICIAL REPORT (HANSARD)

Wednesday, October 25, 2017

The Honourable GEORGE J. FUREY, Speaker

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Debates Services: D'Arcy McPherson, National P	ress Building, Room 906, Tel. 613-995-5756		

THE SENATE

Wednesday, October 25, 2017

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

Prayers.

[Translation]

[Translation]

SENATORS' STATEMENTS

INTERNATIONAL FESTIVAL OF POETRY

Hon. Paul E. McIntyre: Honourable senators, the 33rd International Poetry Festival was held in Trois-Rivières from September 28 to October 8, and I had the privilege of attending several days of events. Renowned poet Félix Leclerc declared Trois-Rivières the poetry capital. Every facet of poetry and its sounds were showcased by the festival's diverse programming, which offered plenty of opportunities to read, share and listen to extraordinarily beautiful and moving poems.

About one hundred poets from five continents gather each year to celebrate this literary art, which is funded by the Canada Council for the Arts. I applaud the Canada Council for the Arts for this initiative. The support it has provided to this world-class event every year since the festival started is a testament to the Council's commitment to keep promoting and sharing the best of this literary craft with us.

Honourable senators, poetry is the language of the heart and of the imagination. It speaks to us and teaches us to look at the world differently. Long live poetry!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Francis Jacob and Fauve Lafrenière. They are the guests of the Honourable Senator Mégie.

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

Hon. Senators: Hear, hear!

[English]

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 Michael A. Meighen.

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

Hon. Senators: Hear, hear!

AUTISM AWARENESS MONTH

Hon. Marie-Françoise Mégie: Honourable senators, on this day dedicated to raising autism awareness, I rise to add my voice to those of other members of this house who preceded me this month on Senator Munson's initiative.

Statistics show that the disorder is 123 per cent more prevalent than it was in 2002, but what I want to focus on is the distress of families with at least one member living with this condition. There are many reasons for this distress. I will address two of them.

First, diagnosis can be difficult. The time between the first medical consultation and an actual diagnosis can vary significantly. These delays are attributable to the complexity of clinical symptoms and to the shortcomings of available screening tools.

Generally speaking, some children will be quite functional, while others will require closer monitoring. These variations lead parents to compare their children with other children or to consult the list of symptoms on the Internet. This can also lead these parents to request multiple medical opinions in search of a definitive diagnosis for their child. However, the certainty they seek is difficult to find given the current state of medical knowledge.

Second, there is a glaring shortage of resources. The limited availability of appropriate treatment increases the economic and emotional burden placed on families — especially those who live outside major centres. Individuals living with autism will require lifelong medical and behavioural intervention to support their integration and enhance their social skills.

Managing behaviours and emotions can be difficult not only for the autistic person, but also for the parent-caregiver. A simple outing can generate a lot of anxiety if you have to deal with angry stares from onlookers when you are trying to calm a child who is screaming or running because he or she feels uncomfortable.

As a society, we must pay special attention to the distress of these families. Our guest today understands this.

Honourable senators, yesterday I shared with you the story of Francis "Franz" Jacob, a barber in Rouyn-Noranda. He was recently photographed lying on the floor of his shop giving a young autistic boy named Wyatt a haircut. This simple gesture, shared repeatedly on social media, has helped shed light on people who are misunderstood because they are different. Mr. Jacob's simple efforts to accommodate his client are evidence of the understanding and compassion that is somewhat unique to Canadian society.

Wyatt's mother, Fauve Lafrenière, is with us today in the Visitors' Gallery. She is one of those extraordinary parents who are dedicated to the development of their children. On her behalf and that of other extraordinary parents, I invite you to support the autism awareness campaign and to warmly applaud our guests, Mr. Jacob and Ms. Lafrenière.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Kegona, Patience, Kiniw and Elie Brazeau. They are the children of the Honourable Senator Brazeau.

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

Hon. Senators: Hear, hear!

IMMIGRATION AND REFUGEE BOARD

Hon. Betty E. Unger: Honourable senators, between March and September of this year, Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency jointly reported that approximately 30,000 people made an asylum claim in Canada.

These are people who came to Canada and then made a claim to be refugees. The number specifically excludes people outside Canada who have legally applied for refugee status.

Almost half of these 30,000 asylum seekers entered Canada illegally and were apprehended by the RCMP.

Of these illegal immigrants, 24 per cent were quickly rejected as inadmissible, leaving 11,000 new claims to be processed by the Immigration and Refugee Board.

The IRB currently has a backlog of outstanding claims, and any new claim can take up to 24 months before even being processed. This backlog has consistently grown worse under this Justin Trudeau government.

At the beginning of 2017, the IRB had a backlog of over 17,000 claims. Six months later that number had risen to more than 24,000. By the end of September, it had surpassed 40,000 claims.

With all of these refugee claimants waiting to be processed, somehow 600 of those who recently entered Canada illegally jumped the queue and were approved by the IRB.

• (1410)

It concerns me greatly that the Prime Minister has placed a great deal of stress on our immigration system that his government is clearly not equipped to handle.

As you know, Edmontonians were recently victimized by a terror attack. Abdulahi Hasan Sharif attempted vehicular homicide, stabbed a police officer and then struck four pedestrians with the truck he was driving. The Edmonton Police Service is now investigating Sharif for acts of terrorism.

Sharif was from Somalia but had travelled to Mexico and entered the United States without documentation. U.S. authorities were in the process of deporting him when he fled the country. Incredibly, he was then granted refugee status here in Canada.

Thanks to the fine work by the Edmonton Police Service, no lives were lost, but we might not be so lucky next time.

Sharif should have never been allowed in Canada, and he should not have been granted refugee status. Yet he was. Our immigration system failed to protect Canadians, and my fear is that it could fail again. It needs to be fixed.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation from the Royal Military College of Canada.

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

Hon. Senators: Hear, hear!

CANADIAN COUNCIL OF MUSLIM WOMEN

Hon. Marilou McPhedran: Today I rise to speak about an organization that is dear to my heart. I've been a pro bono counsel to this organization for a number of years, the Canadian Council of Muslim Women. Members of CCMW and the larger Muslim community from Ottawa, Toronto, Montreal and Vancouver are currently travelling to join us tonight on the Hill for the thirty-fifth anniversary celebration of CCMW and of the Canadian Charter of Rights and Freedoms.

Tonight is an opportunity for parliamentarians and Muslim community members to celebrate and recognize the long-standing involvement and civil society leadership from the CCMW.

I would like to recognize the co-host for this event with me, the Honourable Minister Maryam Monsef, as well as Senator Salma Ataullahjan, Senator Mobina Jaffer, Member of Parliament Yasmin Ratansi, Member of Parliament Ali Ehsassi, Member of Parliament Iqra Khalid, Member of Parliament Marwan Tabbara, Member of Parliament Arif Virani and Member of Parliament Salma Zahid.

I'm proud to be an ally for the CCMW. I am also proud to enable such a celebration and facilitate a larger discussion about the impact of women's and youth leadership on building a more inclusive, stronger democracy in Canada.

CCMW strives to ensure that all Canadian Muslim women are treated equitably and equally. They strive for the empowerment of Muslim women in our society to live their rights.

Not only do I wish to recognize the power of their leadership, tonight we will celebrate the power of young people. When I was appointed to the Senate in November of last year, I made a promise to bring youth to the Senate and the Senate to youth. I continue to try to fulfill that promise to the best of my abilities with events like this CCMW celebration.

Please join us. We have an excellent photography exhibit by two very talented young Muslim women photographers.

I stand before this chamber to highlight the importance of civil society leadership such as we see in the Canadian Council of Muslim Women.

Please feel welcome to stop by room 256-S between 5:00 to 7:00 to sign the giant birthday card. I wish to also acknowledge with appreciation that the first signatory on the card is Madam Sophie Grégoire-Trudeau. Join us for this milestone celebration.

ROUTINE PROCEEDINGS

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE— GOVERNMENT RESPONSE TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response to the second report of the Standing Joint Committee for the Scrutiny of Regulations, entitled Accessibility of Documents Incorporated by Reference in Federal Regulations, presented in the Senate on March 30, 2017.

(Pursuant to rule 12-24(4), the report and the response were deemed referred to the Standing Joint Committee for the Scrutiny of Regulations.)

[Translation]

THIRD REPORT OF JOINT COMMITTEE— GOVERNMENT RESPONSE TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response to the third report of the Standing Joint Committee for the Scrutiny of Regulations, entitled *Marginal Notes*, presented in the Senate on March 30, 2017.

(Pursuant to rule 12-24(4), the report and the response were deemed referred to the Standing Joint Committee for the Scrutiny of Regulations.)

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 31, 2017

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

That, 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 31, 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.

ADJOURNMENT

NOTICE OF MOTION

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

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

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATING TO CREATING A DEFINED, PROFESSIONAL AND CONSISTENT SYSTEM FOR VETERANS AS THEY LEAVE THE CANADIAN ARMED FORCES

Hon. Jean-Guy Dagenais: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the orders of the Senate adopted on Tuesday, March 7, 2017, and Tuesday, June 20, 2017, the date for the final report of the Standing Senate Committee on National Security and Defence in relation to its study of issues related to creating a defined, professional and

consistent system for veterans as they leave the Canadian Armed Forces be extended from October 31, 2017, to March 31, 2018.

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—PETITION TABLED

Hon. Murray Sinclair: Honourable senators, I have the honour to table a petition from the residents of Alberta, British Columbia, Ontario and Quebec concerning Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins).

• (1420)

[English]

QUESTION PERIOD FINANCE

GOVERNMENT SPENDING

Hon. Larry W. Smith (Leader of the Opposition): My question is for the Leader of the Government in the Senate following the Fall Economic Statement.

The NAFTA negotiations are at a precarious point. No one seems to have confidence in a successful outcome. This is already having a negative impact on our country. The Bank of Canada's *Monetary Policy Report*, which was released yesterday, shows that uncertainty about U.S. trade policy will reduce both our investment growth and our export growth for this year and next. If we add into the mix concerns over the housing market and plans under way in the United States for a more competitive tax regime, we see that there are a lot of unknowns on the horizon.

Why is the government choosing to double down on spending when it should be placing Canada in a better position to weather upcoming storms?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I appreciate the concerns that he raised, but I would suggest that the government is doubling down on success, ensuring that there is growth in the economy, which has advanced for the first time in a decade at the rate the government was able to report yesterday. It is reporting a lower-than-projected deficit. It is recognizing that a number of initiatives adopted in this chamber and in the other place are reaping their success, which is why the government is able to, in advance of the schedule that was announced, make early decisions with respect to the child benefit, allowing it to be indexed as early as next year, as well as other measures that are taken in the budget to ensure the ongoing growth and economic plan of the government continues to reap the success it has.

With respect to the NAFTA and other unknowns, it is certainly the government's view that the negotiations and engagement with our partners in the NAFTA remain a high priority with vigilant attention. It is our belief that a win-win-win solution remains within our grasp.

Senator Smith: I appreciate that answer, but I think there are a lot of factors falling into place to ask the next question. By not reigning in spending now, the government is giving our country less room to manoeuvre in the event of a shock to the system. Surely, the failure of the NAFTA talks would be such an event.

By failing to curb spending now — and I think we all understand increasing the child welfare program in terms of the benefits — we're adding another \$4 billion or \$5 billion of debt. And the forecast is, by the moves the government is taking now, they're adding \$100 billion of debt.

The government is forcing future generations to deal with more and more public debt. You pay me now or pay me later. Yesterday's economic statement projects that your government will never balance the budget. By failing to do so, isn't the government putting Canada's future in jeopardy?

Senator Harder: Again, I thank the honourable senator for his question and I would simply reiterate that the government's fiscal anchor remains the debt-to-GDP ratio in decline over the forecast cycle. I can report enhanced performance, even over the last budget, where the federal debt-to-GDP ratio is now projected to climb over the horizon, reaching 28.5 per cent in 2022-23.

This comes at a time when the forecast horizon on deficits is expected to decline significantly from \$17.3 billion in 2019-20 to \$12.5 billion in 2022-23. The fiscal anchor of this government is ongoing debt-to-GDP ratio decline. And it is working.

PRIVY COUNCIL OFFICE

SENATE APPOINTMENTS

Hon. Kelvin Kenneth Ogilvie: My question is for the Leader of the Government in the Senate. Senator Harder, as you are well aware, for over 100 years this Senate has benefited from a senator from Nova Scotia with roots deep in the Acadian tradition and culture. That's not currently the case.

As you're also aware, we currently have two Nova Scotia vacancies and are about to add a third. Senator Harder, can I ask if you will use your best efforts to convince your government to nominate to the Governor General for appointment to the Senate a Nova Scotian with deep roots in the Acadian community and its history, and to do so with limited delay?

Some Hon. Senators: Hear, hear.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. Senator, you will be aware that this question was also asked by other honourable senators earlier. I undertook at that time, as I undertake in response to this question, to do exactly that, to bring it to the attention of the appointing authorities.

I would also take the opportunity, as I hope we have more formal occasion next week, to say I would only wish you well as you leave the chamber, and I believe that your successor has a high reputation to fulfill, Acadian or non-Acadian.

[Translation]

JUSTICE

INDIAN ACT—DEFINITION OF INDIAN

Hon. Patrick Brazeau: Honourable senators, before I ask my question, I would like to draw your attention to the fact that Statistics Canada reports that young people and old people make up a higher proportion of the indigenous population. I just wanted to let you know that I have personally contributed to the higher proportion of young indigenous people: witness the four of my five children who are here in the gallery today.

My question is for the Leader of the Government in the Senate. As you know, Senator Harder, in 2016, the Supreme Court ruled in *Daniels* that Metis peoples and non-status Indians are Indians under section 91(24) of the Constitution.

[English]

The court held that this outcome is consistent with history, the reading of the Constitution and prior cases. Section 35 of the Constitution Act of 1982 affirms the rights of all Aboriginal peoples defined as Indians, Metis and Inuit peoples. The court did this to prevent the federal and provincial governments from continually passing the buck amongst each other.

On the INAC website, the government states that:

The Government of Canada respects and welcomes the Supreme Court of Canada's *Daniels* Decision . . . and the clarity it brings. We will be reviewing it closely and working with Indigenous partners and others to ensure we are following court direction as we move forward.

Senator Harder, I wanted to ask this of Minister Wilson-Raybould yesterday, but I will now ask you: What concrete practical steps has the Government of Canada taken since the *Daniels* ruling, and what are the actual effects on people's lives?

Hon. Peter Harder (Government Representative in the Senate): I want to thank the honourable senator for his question. Let me begin by congratulating him on his personal contribution to the statistics that he referenced. It's always nice to see a senator ask a question in the presence of his family. I'm sure you'll be filled with more pride with the question than I would be with my family watching if I was answering.

First of all, let me say that I will bring your question to the attention of Minister Wilson-Raybould. I think if she were here she would reference the ongoing consultations of the Government of Canada, across its ministries that are most implicated in this, with the parties that are referenced. I will seek an update and report to the honourable senator with respect to the state of those discussions and what time frames are being contemplated by the parties, including the provinces, in this matter.

FINANCE

CONFLICT OF INTEREST

Hon. Leo Housakos: Honourable senators, my question is to the government leader in the Senate. Your government continues to dismiss legitimate concerns over the conflict of interests of your finance minister continuing to hold shares in Morneau Shepell, pointing to screen set-up at the urging of the Ethics Commissioner. According to the minister's own office, that screen:

. . . protects against conflicts arising from dealings specifically with or related to Morneau Shepell, and each instance is reported directly to the Ethics commissioner.

Yet, yesterday the minister admitted to a reporter that "of course" he participated in discussions surrounding your government's \$4 million gift to Bombardier. The minister was actually indignant, believe it or not, at the suggestion that he should have recused himself from these discussions despite the fact that Bombardier, we know, is a corporate client of Morneau Shepell.

Not only does this highlight once again what we know about this loan to Bombardier, but my question to the government leader is this: You have a government giving a loan to a Crown corporation, and it has not made public any of the conditions of that loan. We don't know anything about its benchmarks. We don't know when it's going to get paid back or how much.

• (1430)

What we really need to know today more than ever is the following: Did the finance minister adhere to the screen, and is his office right when they said that Minister Morneau reported to the Ethics Commissioner his participation in these discussions, along with the fact that Bombardier is a corporate client of Morneau Shepell? If so, when did he disclose this to the ethics officer?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I would suggest that his reference to Bombardier being a Crown corporation has probably escaped in his questioning.

Let me simply say that it's the government's and certainly the minister's view that he has been and remains in complete compliance with the ethical requirements of the minister, that he himself has undertaken to enhance the ethical framework for the disposition of his assets and the management of his interests, and the Prime Minister remains completely confident in both the ethical standards and the economic performance of the Minister of Finance.

Senator Housakos: Government leader, the core of the question is very simple. A few months ago, the Minister of Finance in this cabinet gave a \$400 million gift to Bombardier Aerospace. It's a company that has also given an enormous amount of generous business to Morneau Shepell, which is a company that, today, we understand the minister did not put into any blind trust whatsoever. Clearly Canadians see a conflict of interest.

Furthermore and even worse, a few months ago when this loan was made public on the side of the government, I put a motion forward to send that to a Senate committee for review. This house has a responsibility to taxpayers to hold the government to account when that government doesn't respect basic ethical guidelines.

In this particular instance, it seems that lately we are learning more and more about the minister's obvious conflicts all over the place. What else is the minister hiding from Canadian taxpayers?

Senator Harder: He is hiding nothing.

TAX FAIRNESS

Hon. Denise Batters: My question is for the Leader of the Government in the Senate.

Senator Harder, for months, Canadians have been perplexed at how Prime Minister Trudeau and Finance Minister Bill Morneau could propose such draconian tax changes. Reports indicate that the same unfair tax changes were twice proposed by Finance bureaucrats to Conservative Finance Minister Jim Flaherty, and he turned them down flat. Yet, Minister Morneau had a much more receptive ear.

The Trudeau government is broke. They brag about a \$20 billion deficit. In his desperate search for cash, perhaps the finance minister found inspiration in loopholes he's used with his own family fortune. Media reports state that not only does Minister Morneau's wife, Nancy McCain, receive employment income from his Alberta numbered company but that he also shelters millions of dollars in passive investments in his companies. Is this where Minister Morneau got the idea that small-business owners and farmers, paying income to family members and saving money in their companies, are trying to dodge the tax man?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. I cannot comment with respect to what proposals previous governments dealt with on matters of taxes.

Let me simply say that this government is committed to, open to and will continually pursue tax fairness across the system. It has put forward a number of proposals for the consideration of Parliament in this regard, and I look forward to debating those.

Senator Batters: It sounds like the Trudeau government is doubling down on hypocrisy. We're talking about a finance minister with a French villa who can't even remember all the companies he owns. He has a tax haven in Barbados, owns millions of dollars in Morneau Shepell stock, and all the while he regulates the very industry from which he benefits. This finance minister is a master of loopholes. How can you expect Canadians to trust him and this ethically challenged Trudeau government?

Senator Harder: In response to what I could hardly describe as a thoughtful question, I will only say that the minister is dedicated to ensuring the economy of Canada performs at its potential — and it is doing so — that its economy continues to provide for tax fairness — and it is doing so — and that it continues to provide for growth of the middle class and, yes,

those aspiring to join the middle class. Particularly, the government takes great pride in the child benefit, which has contributed so mightily to the real life of real Canadians.

I would encourage the honourable senator to reflect on that.

[Translation]

GOVERNMENT SPENDING

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate and has to do with the economic statement the Minister of Finance presented yesterday. During the election campaign in 2015, the Liberal Party promised to run a modest, short-term deficit of under \$10 billion over the next two fiscal years and to return to a balanced budget in 2019. In yesterday's economic statement, the Minister of Finance did not keep his promise to Canadians, and the deficit is double what the Liberals promised in their election platform. Why did your government break yet another campaign promise to Canadians?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I would simply reference that in its last two budgets, the government has committed itself to a fiscal anchor of debt-to-GDP-ratio decline. It has committed itself to investments that are important and appropriate for the state of the Canadian economy as they found it. Those investments are reaping rewards economically, where we see Canada leading the G7 in growth this year, and we are projected to continue to outperform our peer group in the global comparatives. This government is living up to its reputation and its commitment to debt-to-GDP-ratio decline over the economic cycle, while making the investments necessary so that we see more growth than we experienced in the last 10 years.

Finally, I would point out — and this may be crossing the line a bit — the last I looked, people in Lac Saint-Jean voted for this measure.

[Translation]

The Hon. the Speaker: Excuse me, Senator Dagenais, do you have a supplementary question?

Senator Dagenais: Yes, Mr. Speaker.

The honourable senator has likely heard the saying, "today's deficits are tomorrow's taxes." By refusing to control its reckless spending, the government is burdening our children and grandchildren with more and more debt. Senator Harder, if our economy is doing as well as the Minister of Finance claims, why could the government not keep its promise and keep the deficit under the \$10-billion threshold? Why does it want to impose that burden on future generations?

[English]

Senator Harder: The government has a plan. It is sticking to it and that plan is working.

I would also reference, for the edification of senators, that the previous government had deficits well beyond the deficit that the minister is projecting.

We can debate whether that budget was balanced, and let's do that.

The point of the matter is that the fiscal anchor of this government remains in ongoing debt-to-GDP decline over this cycle of the forecast. Yes, that involves deficit financing, but I should also add it's an ever-declining deficit.

CHILD TAX BENEFIT

Hon. Percy E. Downe: I heard the Government Leader in the Senate mention the child tax benefit, which is, of course, the greatest social program in a generation. I continue to hear about the positive benefits in Prince Edward Island, particularly disproportionately for women raising children alone — single mothers. I am wondering if the government leader has the statistics about how much money has gone to Prince Edward Island since that benefit has become available. If not, could he report back to us? I understand they are kept by electoral district.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I would agree with his comment with respect to the child benefit benefiting, in particular, single parents.

I don't have the numbers with me with respect to Prince Edward Island, but I will be happy to report to the honourable senator with the information as it's provided.

Hon. Art Eggleton: I have a supplementary on the Canada child benefit. The move by the government to move up the indexing is a good idea. It's certainly going to help a lot of children.

The government says the program would get 300,000 children out of poverty, but there are over 1 million children in poverty in this country. What is it going to do about the majority of children who are still in poverty?

• (1440)

Senator Harder: Again, I thank the honourable senator for his question. Let me make two comments: With respect to advancing the indexing, he's absolutely correct that that advanced indexing will have a significant effect in benefiting Canadian families, particularly, as I said earlier, those at lower income levels.

For example, by starting two years ahead of schedule for this indexing and strengthening the CCB, for a single parent of two children making \$35,000 a year, it will mean an extra \$6,500 per year, tax free. That's a significant measure.

The honourable senator is correct that this is not the end of what we must do to deal with the most disadvantaged in this society, nor is this the only program that addresses the needs of the poor. I would commend the work that the honourable senator is doing with respect to the minimum wage and a guaranteed annual income. These are all matters that the government is looking at in the broad commitment to ensure that middle-class

relief is a high priority, that dealing with poverty across the country remains a priority, and it will take every opportunity it can, as budgets allow, to address those concerns.

GOVERNMENT SPENDING

Hon. Tobias C. Enverga, Jr.: My question is for the Leader of the Government in the Senate and it concerns the Fall Economic Statement.

In addition to his failure to provide a deficit of less than \$10 billion, the Minister of Finance also failed to provide Canadians with a plan to return to budgetary balance.

By 2022-23, the deficit is forecast to stand at \$12.5 billion. A survey in *The Globe and Mail* on April 17 found:

When asked about the importance for the federal government of having a plan in place to eliminate the deficit, four in five Canadians said it was important or somewhat important.

With that in mind, my question for the government leader is this: Canadians understand the importance of having a plan to return to balance. Why doesn't the Minister of Finance?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question.

Let me repeat: The view of the government with respect to its budgetary outcome is not to single-mindedly achieve a balance but to improve the economy. To do so, it undertook, right at the start, a significant tax cut to the middle class. It undertook a number of measures, including the child benefit, and has recently doubled up on some of those, including, by the way, a tax cut for small businesses to ensure that the growth we're experiencing is growth that will continue through the economic cycle.

The view of the Government of Canada is that its fiscal anchor is ongoing reduction in the debt-to-GDP ratio over the cycle. Canada's debt-to-GDP ratio is in the lowest quartile in the world, so the plan is working. Economic performance is increasing, confidence in the economy is bounding, and Canadians are benefiting. I would be prepared to debate the honourable senator on the fiscal plan of this government any day.

Senator Enverga: In failing to bring forward a plan to pay for their spending, the current government is ensuring this work falls to today's youth and future generations.

Does the current government have any intention of ever presenting to Canadians a plan to eliminate the deficit?

Senator Harder: Again, the current government has a view that its economic plan ought to be done in the context of an economic cycle of five years. That is what the minister has tabled. Those are the projections it is working within, and those are the expectations and commitment it is making.

DISABILITY TAX CREDIT

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is for the Government Leader in the Senate.

As we know, the Fall Economic Statement announced a deficit of almost \$20 billion, and I too share the concern that we are borrowing so much from our children and grandchildren, and long into the future.

Clearly, this government is in search of new revenue streams. We have recently seen your government attempt to raise revenue through increased taxes on local businesses and farmers and the employee discounts of retail and restaurant workers, and this past weekend we learned that your government is now seeking to increase taxes for Canadians with Type 1 diabetes by denying their coverage under the Disability Tax Credit.

We know that Canadians living with Type 1 diabetes live every day with a potentially life-threatening condition and bear an immeasurable physical, emotional and mental burden, one that takes quite a toll not just on them but also on their loved ones because it is a very serious disease.

Does your government need money to address the debt so much that it is cracking down on Canadians with Type 1 diabetes despite certification from doctors that their patients meet the criteria to receive the Disability Tax Credit? What is the rationale?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question.

The matter of the Disability Tax Credit is an important one, and I appreciate the honourable senator raising it.

The government is committed to ensuring that all Canadians have access to the credits and benefits to which they are entitled. That's very important, and these concerns that have been raised are worrisome to the government, and both the agency responsible and the minister's office will be meeting with the groups affected. The minister has asked the agency to improve its data collection for the Disability Tax Credit in order to better understand the portrait of Disability Tax Credit claims and the decision-making process at the agency.

I would simply reference that the previous government did reduce the agency's services to Canadians, and this government is hiring the nurses required to assess the applications professionally.

Senator Martin: There's small comfort in knowing that there will be a review. However, in a letter dated July 31, the Minister of National Revenue actually defended the Canada Revenue Agency in taking away a tax credit for those living with diabetes and who have received the tax credit for more than 10 years.

The minister wrote that advances in technology and, specifically, portable insulin pumps are the reasons why Canadians living with Type 1 diabetes no longer quality for the Disability Tax Credit.

You mentioned there will be a review, but would you tell us if the government intends to target Canadians with other medical disabilities with the same tax increase beyond those with Type 1 diabetes, and will this review include a reassessment of such individuals?

Senator Harder: The Disability Tax Credit is available to all Canadians suffering disabilities, and it is the responsibility of the appropriate agencies to ensure that those tax credits are warranted, meet the criteria and are expeditiously dealt with.

Senator Martin: If that is the case, I am curious how a group that has received the tax credit for the past 10 years and whose doctors verify that they meet the criteria are captured in the proposed change.

Senator Harder: Again, as I mentioned, the minister indicated that she was concerned about the situation and has taken steps to meet with the affected parties and with the agency responsible to ensure that the government is capturing the data appropriately so that the assessment of claims can be dealt with expeditiously and appropriately.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Donald Neil Plett: I ask for leave of the Senate to hold the vote on the subamendment on Bill C-210 at 4:15 p.m. after a 15-minute bell, rather than at 5:30 p.m. as previously ordered.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered, the vote will take place at 4:15 p.m. with bells to ring at 4 p.m.

• (1450)

CANADA BUSINESS CORPORATIONS ACT CANADA COOPERATIVES ACT CANADA NOT-FOR-PROFIT CORPORATIONS ACT COMPETITION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wetston, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill C-25, An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Not-for-profit Corporations Act, and the Competition Act.

Hon. Ratna Omidvar: Honourable senators, I rise today to speak on Bill C-25, An Act to amend the Canada Business Corporations Act, the Canada Cooperatives Act, the Canada Notfor-profit Corporations Act, and the Competition Act.

As Senator Wetston pointed out in his second reading speech, Bill C-25 includes a number of provisions to modernize processes in the governance of distributing corporations and cooperatives. However, my remarks will focus on the requirement of distributing corporations to develop a diversity policy and provide shareholders, at annual general meetings, with information about diversity among directors and senior management.

I applaud the government for bringing forward this important legislation. It is long overdue, and I believe we need to pay serious attention to it, for one, because the act is so rarely amended. This is surprising because, notwithstanding our stated commitments to diversity in Canada, we actually lag behind most other developed nations in terms of diversity in senior leadership and on corporate boards.

Our colleagues here in the Senate have already spoken at length about women on boards. Senators Moncion, Wetston, Massicotte and Wallin have all made excellent points, so I'm going to take my time to shine a fuller light on the word "diversity," which is inclusive of gender equity but also embraces other forms of diversity as we recognize them.

Otherwise, we should simply call it what it is and exchange the word "diversity" in the bill with the phrase "gender equity." Then, I would not be standing here and speaking to it. But, since the word "diversity" is used, let me unpack it a little.

It is a very big word. It technically includes all of us because we are, after all, different from each other as unique human beings. However, in the context of demographics, I believe that the terminology of diversity currently refers to a fuller spectrum than is stressed in the bill. The Employment Equity Act, for instance, refers to women, racial minorities, the disabled and Canada's indigenous peoples. I grant that the Employment Equity Act is somewhat out of date, not only in terms of who it covers but the language it uses, its terminology, but I still believe that it still provides us with a foundation or a floor that we can look at for definitions.

This brings me to my quibble with the bill. It talks about diversity without actually defining it, and although there was a lot of discussion in the other place on this point, the version of the bill in front of us still does not define it. The government proposes to define it in regulations and has published draft regulations that give us some insight into their interpretation of how this bill will be implemented.

It requires corporations to disclose the number of women directors on their boards and in senior management, but it is silent on disclosure on other expressions of diversity. The minister bases this decision on his view that definitions evolve over time and that it is easier to update these in regulations than in legislation, and I understand the logic.

But I believe that setting and changing regulations happen in a vacuum, with very little oversight from Parliament. Once we approve legislation and it is given Royal Assent, it leaves our influence. It is open to change, reinterpretation, redefinition, as the government of the day likes.

True, we may get more flexibility, but we may also get a watered down and weakened implementation. By putting the definition in legislation, I believe there is more gravitas, clarity, longevity and accountability. Any subsequent changes to the definition would then have to be debated again in both Houses of Parliament.

Colleagues, there is great concern among employment equity groups about this lack of clarity. They understand perfectly, as do I, that women include racial minority women, disabled women, and indigenous women. Yet, when one looks at the participation of women on corporate boards, one fact sings loud, and it is this: The progress of women on boards is slow, but there is progress.

But, when you disaggregate the data, you begin to understand that it is not visible minority women nor disabled women nor indigenous women who are in these positions.

Let me provide you with some evidence. A study of corporate boards by the Diversity Institute found that the percentage of women on large corporate boards in the last five years has increased from 14.8 per cent to 23.6 per cent. Now, it seems like a big increase, but given the share of the population of women, it's glacially slow. I accept that.

But look at the rate of participation by visible minorities. It has gone, in the last five years, from a mere 2.8 per cent to 3.3 per cent. The population share of visible minorities in the country is 18 per cent.

The participation of people with disabilities has risen from a mere 1.3 per cent to 1.8 per cent. Their share of the population is close to 13.7 per cent.

The participation of indigenous members has fallen from a high of 1.3 per cent to a negligible 0.6 per cent, and their share of the population is 5 per cent.

So the intersectionality of gender with other demographic factors such as race and ability does constitute a triple glass ceiling. It is no wonder, then, that women from these groups ask whether a rising tide in fact will lift all boats. Based on this evidence and on the past, they are more likely to believe that their boat will be left far behind and maybe will even sink.

I believe that the tent of inclusion must make room for all, especially those who have been traditionally excluded, and this includes women and men who are disabled, visible minorities and indigenous peoples.

We also know from research that if you leave a complex word such as "diversity" undefined, it will be interpreted variably. In 2009, the United States Securities and Exchange Commission adopted a disclosure model very similar to Bill C-25, requiring publicly traded firms to report on the diversity of directors, and, like our legislation, they left the word "diversity" undefined. Now, this legislation was brought into force in 2009, so we have

a good eight years of experience to see how it worked. Here is what Osgoode Hall Law School research found. In the U.S., in the absence of regulatory guidance, the dominant corporate discourse is experiential rather than identity based. So I believe that if you leave it undefined, it will be interpreted to include a myriad of diversities — diversity of age, diversity of region, diversity of thought, et cetera. In other words, a bit of a free for all without accountability.

So why should we care? Senator Wallin talked at length yesterday about the economic imperatives of including women on boards. I'm not going to restate those obvious and available indicators, but I think I know — and I've heard from lots of people on corporate boards — that their biggest challenge is groupthink. As Einstein famously said, "When all think alike, no one thinks very much." So let's think about that when we debate this bill.

I also believe that there is a higher argument than the simple economic one. I know that the world — and, I would hope, Canada — is not just made up of people who are economically prosperous but also countries that are truly inclusive. If we truly want the next decade to be a decade of recollection, then we must hear the voices of the indigenous peoples, not just in universities, courtrooms and, indeed, in the Senate but also in the boardrooms of our country. This is true for the expertise and experience of other excluded groups as well.

I believe that employment equity was a little tiny door in 1993 that opened a steady stream of opportunities for people, and the results are there for us to see. I believe that the time has now come for governance equity, and Bill C-25 gives us the opportunity to put forward this concept.

• (1500)

I also want to raise a question about the requirement to develop a written diversity policy and disclose the presence of such a policy at the annual general meeting of shareholders. I'm not sure what this achieves. I would much prefer to see the results of the application over time. I would like to see the government doing a roll-up of this information in aggregate form and publishing it so we can track, measure and evaluate. As we know, what gets measured gets done.

I rest my argument again on the shoulders of the Employment Equity Act, which has allowed us to study over time the performance for identified groups and measure its impact.

I believe a report came out yesterday, and the study compared public service employment data from 1993 to last year, a good 20-plus years. Women now make up 54.4 per cent of federal government employees. Indigenous people have risen from 2 per cent to 5.2 per cent, and visible minorities have almost quadrupled and now account for 14.5 per cent of the workforce.

I understand that working in the public service is different from leadership in corporate governance, but I'm making the point that you need data and evidence and you need to have objectives and move toward them. Much has been said about carrots and sticks here. I think there are many miles between a carrot at this end and a stick at another, and we've talked about quotas and targets and "comply and explain." I believe we need to get expert testimony on this matter to help us sort out what will work best for a country as unique as Canada, with such a diverse population that varies dramatically from region to region.

Lastly, I would like to make a small observation about a fact that has not received much attention. The focus of this legislation is clearly on diversity for distributing corporations. But what about not-for-profits? Should they also be subject to the same diversity requirements? If not-for-profits are indeed the leadership training ground for corporate governance of the future, then it may serve us well to take a look at this pipeline of talent as well.

Honourable senators, this is an important piece of legislation. Diversity, I think, is a demographic fact, but inclusion is a deliberate choice. I would urge us to do the latter — make a deliberate choice for inclusion. I will, therefore, vote to send this bill to committee to study these questions.

(On motion of Senator Dupuis, debate adjourned.)

[Translation]

JUDICIAL ACCOUNTABILITY THROUGH SEXUAL ASSAULT LAW TRAINING BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Seidman, for the second reading of Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault).

Hon. Renée Dupuis: Honourable senators, I rise today to speak to Bill C-337, An Act to amend the Judges Act and the Criminal Code (sexual assault), at second reading. I think the most important thing about this bill is that the author took the time to include a preamble. I have a few things I would like to say about that preamble.

The first paragraph states that "survivors of sexual violence in Canada must have faith in the criminal justice system." The reason for that statement is that, right now, women — since the victims of sexual assault are almost always women — are doubly victimized. Not only were they sexually assaulted but, although their testimony is essential for ensuring that the judicial process moves forward and that perpetrators are brought to justice, too often these women face prejudice, comments and even verbal attacks as they attempt to navigate the maze that is the justice system in their role as Crown witnesses.

Women have to deal with the systemic discrimination that is deeply embedded in the criminal justice system. During the police investigation, from their interactions with the Crown prosecutor, in their role as a witnesses, to the trial, all too many

women have to deal with attitudes that are paternalistic at best and sexist at worst from law enforcement officers, Crown prosecutors, and judges, attitudes that are discriminatory against women. This situation needs to be reviewed and remedied to eliminate discrimination against women. The system that protects female witnesses during sexual assault investigations and trials needs a complete overhaul. Think of it this way: does continuing to expose women to discrimination in the criminal justice system help protect them? It is not right that those who have been accused of sexual assault have guaranteed constitutional rights while the Crown witnesses in these cases do not. Obviously, the intention is not to take away the rights of those who have been accused. Rather, we must create a framework and develop practices to ensure that these witnesses, these women who have been the victims of sexual assault, are supported in the criminal justice system.

Senators, allow me to read the first sentence of the executive summary of the Standing Senate Committee on Legal and Constitutional Affairs' recent report tabled in June 2017, entitled Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada. The sentence reads as follows: "Canada's criminal justice system is in urgent need of reform." Although it addresses the problem of delays in the penal justice system, the committee's 11th recommendation is important in the consideration of the question asked by Bill C-337. The recommendation proposes, and I quote:

- . . . that the Minister of Justice . . . develop a strategy to ensure a consistent and adequate level of services for victims across Canada, including:
 - expanding the availability of victims' integrated service and advocacy centres;

The second paragraph of the preamble refers to the importance of judicial independence and a free judiciary, a fundamental principle. Let's not confuse a free judiciary with the judiciary's non-compliance with the Canadian Human Rights Act, which prohibits sex-based discrimination among other forms of discrimination. This statute was enacted in 1978, and every lawyer, let alone judge, since then is supposed to be well versed in the act and the consequences that any person, including a judge, might incur for violating said act.

Based on my experience with judges training, I find there is cause to review the system's capacity for tolerating discriminatory behaviour, especially when we know that judges hold a privileged position in society. To begin with, their individual social and professional position is enviable, not least because of the status and economic conditions that come with their profession, which is among the best paid in our society.

• (1510)

In addition, they contribute individually and collectively to the creation of legal rules through their role in interpreting the law, particularly since the Canadian Charter of Rights and Freedoms was adopted in 1982. The impartiality requirement attached to their position means that judges need to be held to a higher standard of exemplary behaviour, and even more so during a trial they are presiding over.

The third paragraph of the preamble reminds us of our responsibilities as parliamentarians, honorable senators, and I quote:

Whereas Parliamentarians have a responsibility to ensure that Canada's democratic institutions reflect the values and principles of Canadians and respond to their needs and concerns.

Therefore, as a parliamentarian, I think it is important to point out here that the personal and social cost of discrimination against women is too high to allow judges who violate the Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms in particular to use their authority to discriminate against women in the course of the trials they preside over, especially in cases involving women who have not only been victims of sexual assault, but whose testimony is so vital that the trial hinges on their contribution to the administration of criminal justice.

I think it is also important to recall the Supreme Court decision in *Action Travail des Femmes v. C.N.R.*, handed down 30 years ago — I want to underscore — in which the justices analyzed the systemic discrimination women endured as a result of the prejudice and negative stereotypes espoused by authority figures at CN, even though the company was fully aware of it and had issued warnings. The interpretation proposed to root out all discrimination of that nature in the workplace should also apply to the very individuals who came up with it, namely, judges.

According to the fifth paragraph of the preamble, and I quote:

. . . problematic interpretations of the law may arise in sexual assault trials;

Interestingly, in both the English and French versions, the wording suggests that such cases occur purely by chance. However, we know that is not the case. What is this paragraph referring to? Judges regularly propose interpretations that are later deemed erroneous by appeal courts. However, sexual assault trials are not unique in that respect. What does the phrase "problematic interpretations" really mean, then? Is it intended as a euphemism for sexist, discriminatory remarks made in court by members of the judiciary? If so, such behaviour is more than problematic. It is a violation of the law and beyond mere questions of interpretation.

Honourable senators, I would like quote from the testimony of the Honourable Adèle Kent, executive director of the National Judicial Institute, before the House of Commons Standing Committee on the Status of Women during its study of Bill C-337. On April 11, 2017, Ms. Kent said:

First of all, when sexual assault cases come into the courtroom, myths and stereotypes risk impeding the judicial process. These risks, we know, persist despite Parliament's effort at amending the Criminal Code and the guidance we have from the Supreme Court of Canada.

This was why she had concerns about some of the methods proposed in Bill C-337. Ms. Kent said that the National Judicial Institute has been training judges about

rape myths and stereotypes and the complexity of sexual assault trials for years. To quote again from her testimony, she said:

I worry about training in the pre-appointment process being effective.

When you ask what the federal government can do, I suppose I would turn that back on us and say, what can we do to give you confidence, to give Canadians confidence, that once judges are judges, they are being trained in sexual assault training and all of the other training that is connected with gender-based violence?

... These matters have come into the public eye because of the trials that we all know about. I think we can be more transparent.

She concludes by saying:

Allow Canadians, allow the academics, who we know work so rigorously and think about these issues so much, to know what we're doing and provide whatever insights they can.

The ninth paragraph of the preamble states:

. . . written reasons for decisions in sexual assault proceedings enhance the transparency and accountability of the judiciary;

Although we may agree with that statement, it does not do anything to address the very real problem of verbal comments made during the trial. Judges will likely be put some more thought into the case between the time of the trial and when they write their decision, and that will help them to avoid including any discriminatory remarks that may have been made during the trial. It seems to me that this paragraph of the preamble, which is incorporated into section 5 of Bill C-337, is the only one that even begins to respond to the serious problems women experience when they are called as witnesses in sexual assault trials. I think we should support this amendment to the Criminal Code.

However, one of the principles of statutory interpretation holds that the legislator must not speak for the sake of speaking, and the solutions presented in the rest of Bill C-337 do not adequately address the nature and scope of the problems that have been documented when it comes to sexual assault trials. University training and bar exam preparation courses for lawyers should have a mandatory focus on federal, provincial and territorial human rights legislation and the Canadian Charter of Rights and Freedoms, whether those lawyers intend to seek a judiciary appointment or not. This should be a prerequisite for being a lawyer, and it is a matter that falls under provincial jurisdiction. As the Supreme Court of Canada indicated in its analysis of systemic discrimination, prejudice and discriminatory behaviour are another matter and require measures other than training.

For these reasons, honourable senators, I believe that Bill C-337 should not be passed, at least not as it now stands.

Some Hon. Senators: Hear, hear!

(On motion of Senator Mercer, debate adjourned.)

• (1520)

RELEVANCE OF FULL EMPLOYMENT

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bellemare, calling the attention of the Senate to the relevance of full employment in the 21st century in a Globalized economy.

Hon. René Cormier: Honourable senators, I would like to begin by thanking Senator Bellemare for inviting me to speak to the relevance of full employment in the 21st century in a globalized economy. When I adjourned debate in my name, I had no idea of the scope, diversity and depth of the concept's many dimensions.

Last summer, to get ready for the fall session and to get a better sense of labour market issues in Canada and particularly in New Brunswick, I travelled around my province meeting with a large number of citizens, elected officials, unions, business people's associations, and people heading up organizations and institutions in various sectors: post-secondary institutions, the business community, the arts and culture community, municipal government, and youth and political organizations.

[English]

These productive meetings and the materials I read during that time led me to reflect on issues involving the economic, social and cultural development of my home province in general, but more specifically the issues involving access to employment, working conditions, training needs and the evolving labour market in Canada in the context of globalization.

I must say that during my career as an artist and cultural worker, I was always interested and spent a great deal of time working with my former colleagues to develop public policy models that would ensure artists and cultural workers would be recognized as full participants in the labour force. After I was appointed to the Senate, I came to realize that many other Canadian workers also face similar issues.

[Translation]

In talking to my fellow Acadians, I came to realize that they saw the concept of full employment more as a long-term ideal for a community than as a short-term economic development strategy. Issues related to status and conditions of employment were foremost in people's minds. That is why, in my speech, I will start with a macroscopic analysis of full employment and proceed to a microscopic analysis focused on workers whose world has been transformed by labour market laws. I will address issues related to the recognition, status, and working conditions of artists and cultural workers.

However, let's work on better understanding what full employment means. At the risk of repeating some of the definitions that have already been stated in this chamber, allow me to share a few. According to the International Labour Organization, and I quote:

...full employment ensures that there is work for all persons who are willing to work and look for work.

The International Labour Organization also specifies that those persons must have the opportunity to choose employment where they can use the skills and qualifications that they possess.

[English]

Other people view full employment as an economic state where only two types of unemployment exist: transitional unemployment, involving the transition phase and the time it takes someone without a job to find work; and voluntary unemployment, where someone decides to remove themselves from the labour market in order to pursue other activities, for example, to start a family.

According to this definition of full employment, everyone who wants to work in a good job in their chosen field is able to do so without difficulty.

[Translation]

In public policy, the most common definition seems to define full employment as a situation where the unemployment rate is roughly 3 per cent.

The concept of full employment is multifaceted. There is the economic aspect, of course, but also the social aspect and that is the one that speaks to me most in this context. Full employment is a driver of social mobility and all the advantages that entails. Senator Bellemare's statements in this chamber provide us with clarification on the matter. In October 2016, with the conviction she is known for, she said:

[English]

. . . . full employment is about individual economic independence, freedom and opportunity. It's about economic security. It's about professional and social mobility, and it's about social inclusion. It is also about adaptation, flexibility and security.

In a free and peaceful world, individuals need to be gainfully employed so that they can participate in the creation of wealth

[Translation]

Full employment is above all a long-term objective that a society or government gives itself to support the economic, social, and cultural development of its people. It is a matter of economic prosperity and social justice. It is a call for dignified living conditions so that everyone, women, young people, immigrants, minorities, and all those who are far too often left out of our public policies, can earn a decent living.

My reflections on full employment were therefore intended to help better understand the challenges faced by certain categories of workers and how they relate to the rapidly changing labour market.

[English]

If the needs of the market are rapidly evolving, the demands on workers and the tools at their disposal are also changing at an increasingly rapid pace. The accelerating process of market transformation due in large part to new technologies, the need for creative workers, the mobility of the work force and some of the important social changes that occurred in the last decades, such as demographic decline in rural communities, the aging population and the appetite for more flexibility at work, have created a whole new category of workers — the autonomous worker.

Since autonomous work is becoming more and more ingrained in our economy, it is important that we address the current issues affecting this category of workers.

[Translation]

Autonomous work seems like a logical starting point for reflecting on the issue of full employment in the 21st century, which raises the following question: how can the macroeconomic environment support and create favourable conditions for autonomous workers?

[English]

To answer this question, we must first better understand who these self-employed workers are. However, today there has not been an exhaustive study carried out on the subject in Canada, despite the fact that self-employed workers represent 16 per cent of the labour force in the country and almost 20 per cent of the labour force in rural areas.

People are self-employed in every sector of the economy, from agriculture to artificial intelligence, from arts and culture to the community sector and more.

Beyond being in all sectors of the economy, self-employed workers are also from every age category and walk of life.

[Translation]

I am using the term "self-employed worker" to mean a person who works for themselves. There is one challenge faced by all self-employed workers, whether they are contractors, owners of small or medium-sized businesses, artists, graphic designers, journalists, consultants, or other types of professionals. That challenge is the huge financial risk they take when they embrace autonomous status.

According to a study conducted by LaRochelle-Côté and Uppal on behalf of Statistics Canada, the self-employed can be divided into two main types: the incorporated self-employed, and the unincorporated self-employed. The incorporated self-employed tend to have paid employees and own small or medium-sized businesses. They have an average annual income of about \$57,800 and a median annual income of \$39,900, while paid employees earn an average of \$52,400 a year, with a median salary of \$43,100. These figures show that the incorporated self-employed are fairly well off. Their average net worth is about 2.7 times that of paid employees, and they are more confident in their financial preparations for retirement than paid employees are

[English]

The reality is very different for unincorporated self-employed people who work for their own account, such as freelance workers, cultural workers and many others. Their average annual income is \$38,900, with a median salary of \$21,400. That means that half of the unincorporated self-employed are making less than \$21,400 a year. Artists who are included in this category have an average salary of around \$22,700 a year.

• (1530)

[Translation]

To put these figures in perspective, the low-income cut-off, commonly called the "poverty line," in Canada is roughly \$23,647. This means that over half of all unincorporated self-employed workers, which includes artists, are living below the poverty line in Canada.

Given that we need skilled, creative and innovative workers now more than ever, how is it, honourable senators, that one of the most creative categories of Canada's workforce is made up of workers who are the least recognized, the lowest paid and the least protected? This raises some serious questions about the future of our economy and our capacity to fulfill the ambitions of the full employment project, when we are already failing to provide a large proportion of our workers with a decent income.

[English]

It must be said that the socio-economic situations and working conditions of artists in Canada are mostly unknown. Artists do what is referred to as "atypical work." They do not occupy full-time positions for a single employer. Rather, they live in precarious situations linked to the absence of the conditions of their status as workers and to difficult living conditions. Many of them do not have social protections, and the nature of their atypical work is synonymous with important economic and social risk.

[Translation]

For instance, the economic risks they take include the following: fluctuating incomes, that is, alternating periods of too much work, so a surplus of income, and periods of work shortages; under-employment, so possibly not enough contracts; business risk, that is, the risk of working on developing a piece of work, product, or service without knowing whether it will sell or

at what price; the risk of obsolescence of knowledge, that is, possibly seeing one's employability diminish if skills or knowledge are not kept up to date.

In addition to these economic risks, there are also a number of social risks, such as possible loss of income because of a physical or mental incapacity to take on the usual workload as a result of sickness or partial or full disability; a possible loss of income related to pregnancy, child care, or caring for other dependents, or because of a workplace accident or professional illness; or finally, possible loss of revenue related to a diminished work capacity or professional income as a result of aging, and the need to face the transition from working career to retirement.

In light of these challenges, it is no surprise that the General Conference of UNESCO made this significant recommendation regarding the status of the artist in 1980, in Belgrade:

Endeavour to take the necessary steps to see that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.

As proposed in the Report on the Forum on the Professional Status of Artists in New Brunswick, organized by the Association acadienne des artistes professionnels du Nouveau-Brunswick, it is necessary to introduce legal measures and government measures, which include the reduction of economic risks and social risks for artists, most of whom are independent workers and are not covered by the majority of existing social programs.

The objective of full employment is for all Canadians to have access to decent, meaningful employment. This must start today with greater consideration of the status of self-employed workers, and particularly the status of unincorporated self-employed workers, which include many artists and cultural workers. These questions should also lead to reflection on other types of social economy measures, such as guaranteed basic income, which would also provide all Canadians with a life of dignity. This concept could be the subject of another inquiry.

Honourable colleagues, I am appealing to your imagination and to the depth of your knowledge, so that we can work together to address this issue. Canada has a category of workers who are real engines of innovation and creativity and who are in precarious financial situations. Would it not be relevant and timely to conduct a study on this important topic?

In conclusion, today I am urging you create more opportunities to reflect and do more on this topic in the coming years, since the precarious situations I discussed in my speech affect each of our regions, each of our communities and each of our professional groups. Thank you.

(On motion of Senator Bellemare, debate adjourned.)

[English]

PRINCE EDWARD ISLAND LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to the current state of literacy and literacy programs on Prince Edward Island, including the need for federal support of the PEI Literacy Alliance.

Hon. Jane Cordy: Honourable senators, I am pleased to speak today to our former colleague Senator Elizabeth Hubley's inquiry calling our attention to the state of literacy and literacy programs in her home province of Prince Edward Island and the need for federal support for these programs. I will focus my remarks today on the state of literacy in my province of Nova Scotia.

The importance of supporting those groups that are working hard to help Nova Scotians who are struggling with literacy and numeracy skills cannot be overstated. Literacy skills are not only essential for a robust labour force; strong literacy skills allow Canadians to break the cycle of poverty and to participate fully within our communities and even within their own families.

As a former elementary school teacher, I am acutely aware of the importance of literacy and numeracy skills. Over the 30 years I spent teaching in Nova Scotia, I experienced first-hand the challenges that some students face. The elementary school level is where all students begin to lay the foundations upon which their learning journey will be built.

I was fortunate to meet with representatives from the Canadian Teachers Federation yesterday. Our discussion focused on the challenges facing school systems, and the effects that poverty and poor mental health can have on learning, which can result in poor literacy skills. Even at a very young age, warning signs and red flags can become apparent. Warning signs can include learning disabilities, behaviour family issues, not having enough to eat, not having enough sleep or needing glasses. A lot of the time, teachers will pick up on these warning signs early and with the support of parents and the school the issues can be addressed.

However, no system is perfect, and for any number of reasons, some students can fall behind academically. The challenge then is that the child is always trying to catch up. The end result is that too many students either drop out of school or make it through high school with inadequate literacy and numeracy stills. For those students, it often results in a future of low-income employment, and for the local economy, it means a less robust labour market, one that is not prepared to compete in today's world economy.

To quote Frontier College's National Forum on Literacy and Poverty:

Statistics Canada confirms that "literacy skill level and household income are positively related."

In an information-based economy, people who struggle with literacy have a hard time getting a job or making more than minimum wage. Likewise, higher literacy and numeracy skills are associated with greater employment levels and higher earnings.

In Canada, as many as 4.3 million people are living with poverty. Though evidence suggests that raising literacy rates is one of the best ways to change this, literacy often plays a limited role in coordinated strategies to alleviate poverty.

Unfortunately, the previous government cut core funding to all literacy programs across the country and moved instead to a short-term, project-based funding model. We know that investment in programs to alleviate poverty is better for families and, of course, the children in those families.

• (1540)

The current government has unfortunately not changed the project-based funding model instituted by the previous government. In a response letter to Senator Hubley in June, Minister Hajdu said in relation to the possibility of restoring core funding:

Given the magnitude of the skills challenge that needs to be addressed, we have prioritized working closely with provincial and territorial governments to support the integration of literacy and essential skills into employment and training programs. This includes the almost \$3 billion in federal labour market transfers, such as the Labour Market Development Agreements and the Canada Job Fund.

The minister went on to say:

Organizations are encouraged to work with their provincial and territorial governments to see how they might support literacy and essential skills projects that are being funded by federal transfers.

I would like to congratulate the Government of Prince Edward Island, which recognized the importance of literacy to the labour market. It was announced that the Prince Edward Island government would provide core funding of \$150,000 for the next two years to allow the PEI Literacy Alliance to continue operating.

I would like to thank Senator Hubley, Senator Griffin and, before them, Senator Callbeck for continuing to be strong voices for literacy in Prince Edward Island.

Honourable senators, we know that 48 per cent of Canadian adults are considered to have inadequate literacy skills. This is unacceptable in a country like Canada. As Senator Hubley pointed out in her speech, some of the lowest literacy rates of working-age Canadians are found in Atlantic Canada, with 54 per cent in New Brunswick, 56 per cent in Newfoundland and Labrador, 46 per cent in Prince Edward Island and 50 per cent in Nova Scotia. Of course, these are provincial averages, and when you look at typically disadvantaged groups, the numbers are much higher.

For school-aged children in Nova Scotia, 34 per cent have inadequate reading skills. Though these numbers are lower than the average working-age Nova Scotian, 34 per cent is still significant and unacceptable.

Honourable senators, as core funding for literacy programs was cut across the country, literacy organizations have had to adapt or close their doors, as was the case in 2015 with Literacy Newfoundland and Labrador. It is unfortunate that the previous government funding for literacy was cut as poor literacy rates were rising. The demand for literacy programs has grown over the years, and provincial and territorial programs and not-for-profit community literacy organizations continue to work hard. I would like to recognize one of these small programs in my own community: the Dartmouth Learning Network Society.

Established in 1985 under the leadership of Dr. John Savage, who was the Mayor of Dartmouth and a strong advocate for literacy, the Dartmouth Learning Network Society provides opportunities for adults and their families to improve their reading, writing and math skills.

The society offers programs for adults who are looking to learn new skills or to gain their adult high school diploma to help them find meaningful employment. The society also helps adults with learning challenges to develop their skills and provides assistance to parents and caregivers, child care centres and community members who ensure that children achieve success in school. The Dartmouth Learning Network Society does all of this with only four full-time and three part-time staff members. They rely heavily on volunteers to deliver their programs. They estimate that the 40-plus trained volunteers who make all of this possible contribute over \$100,000 in unpaid service to the society each year.

The mission of the Dartmouth Learning Network Community Learning Team is "dedicated to helping raise the aspirations and abilities of Nova Scotians looking to improve opportunities in life for themselves and their children."

Honourable senators, the Dartmouth Learning Network Society is not unique, because small literacy organizations just like this one continue to do great work every day in all of our communities with the help of hundreds of volunteers.

Honourable senators, with a project-based funding model, applications for these small programs divert precious resources to an almost continual application process for funding. I believe that reversing the poor literacy rate trends will require a focused and forward-thinking policy. Literacy is a cornerstone building block in Canadians' lives. Literacy helps Canadians to get out of

poverty and to live healthier lives. When Canadians are equipped with the essential skills to enter the workforce, this helps not only the individuals but also their families and their communities.

Honourable senators, I want to again thank Senator Hubley for bringing this inquiry to the Senate and the good work that senators Callbeck, Fairbairn, Griffin and Demers have done in elevating the issue of literacy in Canada. And lastly, I would like to thank the hundreds of volunteers across the country for the time that they spend in their communities helping Canadians to improve their literacy skills.

Hon. Senators: Hear, hear.

Hon. Michael Duffy: Honourable colleagues, I want to thank Senator Cordy for her thoughtful and eloquent speech on a very important subject. It has been a concern of the Senate of Canada for a number of years, and we hope to carry on the torch and keep the public focused on this issue.

I again thank her for her remarks, and I would like to take the adjournment in my name.

(On motion of Senator Duffy, 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. Daniel Christmas: Honourable senators, I rise today to speak to Senator Munson's inquiry marking the tenth anniversary of the release of the Standing Senate Committee on Social Affairs, Science and Technology's report on autism entitled *Pay Now or Pay Later: Autism Families in Crisis.*

As I begin, I would like to thank my honourable colleagues Senators Munson, Housakos and Bernard for embarking on this debate on autism. As has been cited by many both here in this chamber and across the domain of public discourse, the impact of autism continues to be a matter of crisis for many Canadian families.

I'm thankful for this effort to keep the need for action on autism top of mind. I am determined to join the chorus of voices that have been calling upon successive governments in both federal and provincial jurisdictions to enact more programs to aid families struggling to get more care for their loved ones. And in earnest, I want to alert the machinery of government to the need to determine the full extent, depth and breadth of autism suffering in indigenous communities across Canada. I will speak to this important aspect in few moments.

I must tell you that as we conducted our research into autism, we came away sobered by the numbers and concerned that we may not yet know the full extent of the crisis in autism in respect of the true numbers of those afflicted in our country.

As you know, autism spectrum disorder is the most common neurodevelopmental disorder diagnosed among Canadian children. We also know that it's a growing concern. The prevalence of ASD has increased over 100 per cent in the last 10 years. Autism is now the fastest-growing and the most commonly diagnosed neurological disorder in Canada. I'm sure you've heard the statistics. One in 68 children are affected by autism. But did you know that that figure is actually based on an American statistic? The 1-in-68 ratio was cited from research from the U.S. Autism and Developmental Disabilities Monitoring Network at the Centers for Disease Control and Prevention. According to a story published in 2015 in the Institute for Research on Public Policy's journal, *Policy Options*, rates in Canada of autism affliction are in the range of one in 94 children aged six to nine years, according to Dr. Hélène Ouellette-Kuntz, a professor in the Department of Public Health Sciences at Queen's University and a director of the National Epidemiologic Database for the Study of Autism in Canada.

• (1550)

While some decry the lower rates as being reflective of fewer numbers of autism services in regions where data is collected, Dr. Ouellette-Kuntz says we cannot rule out the possibility of a true increase in incidence in Canada.

In the face of this, it must also be acknowledged that health care support for services required by families living with autism are widely uneven across our country. Proper diagnoses can sometimes take years to be realized and required services such as behavioural, occupational and speech therapies can often face wait times stretching from months to years in some cases.

This information is, for the most part, not new. It was amply highlighted in the March 2007 report by the Standing Senate Committee on Social Affairs, Science and Technology cited earlier. Specifically, that report noted that autism treatment requires the participation of a multidisciplinary team including, but by no means limited to, medical practitioners, psychologists, psychiatrists, speech-language pathologists, occupational therapists and special education providers, all of which were deemed vital and critical for effective ASD therapy.

In the face of this, and as someone still relatively new to the Senate of Canada, I heartily endorse the findings and recommendations of the report. As I have mentioned, I emphatically endorse the positions of Senators Munson and Housakos in their repeated calls to action for federal effort in remedying the autism crisis in families across the country, and I'm thankful that Senator Bernard has joined in these advocacy efforts.

Honourable colleagues, as I mentioned earlier, there is an additional aspect to the suffering on which I feel very compelled to speak to you today. We noted that the numbers of those likely to suffer are either 1 in 68 or 1 in 94, with boys four times more likely to be afflicted than girls. But we also know that the fastest-growing segment in Canadian society is indigenous youth. I wish

I could share with you statistics, hard numbers and insights into the extent of autism effects on indigenous families and communities, but there are barely any at all. Honourable colleagues, it dismays me to note there is an absolute dearth of information relating to rates of autism among indigenous persons.

Also of note is the fact that there is currently no publicly available provincial breakdown of autism statistics. The lack of data related to First Nations has been acknowledged in academic papers, and we must take steps to ensure that any federal strategy to combat autism includes evidence-based policy on the nature and extent of autism within the indigenous community, especially since First Nations healthcare is a federal responsibility for those living on reserve.

We know that healthcare and health outcomes on reserves fall below the care afforded for non-indigenous persons. We know the myriad challenges facing First Nations in remote and rural communities and the numerous challenges there are in addressing them. We note a disparity between funding for education on reserves compared to everywhere else as well. The specialized elements of care deemed vitally critical to effective autism care and treatment are difficult to source in urban centres, let alone in First Nation communities.

The issues I have just enumerated confront my home community of Membertou every day. Membertou currently has 15 community members with autism.

Provincially, in 12 of 13 Nova Scotia First Nations, we are currently dealing with 92 confirmed autism diagnoses, with another 56 children awaiting assessment. We're faced with premium charges for many services for our community. We don't have adequate INAC funding in our schools to provide costly special education programs so crucial to autism care. Even if and when we get service providers to render care, they are not sensitized and aware of our community's rich culture and our many distinctions requiring recognition and accommodation.

In my community of Membertou, Madelaine O'Reilly was faced with a heartbreaking choice. Would her daughter, Hallie, who was diagnosed with autism, be able to go to school in her home community with her peers and continue to learn her culture and language? Or would she have to be sent to another school off reserve where she could access services needed for a child with autism spectrum disorder?

Sadly, the reality of the situation did away with any matter of choice: In order to receive the care that is critical to her well-being, she had to move to a school in Sydney. While this is indeed a sad reality, it sure hasn't deterred Hallie's emphatic dedication to sharing her journey of autism with her peers through visits to the Membertou school and her local radio appearances.

What courage and what determination this young girl has. Hallie O'Reilly, who is now nine years of age, and her mother Madelaine are two more of the many heroes helping to lead the crusade toward greater understanding and acceptance of autism and of the need for better access to assistance and services in the growing autism community.

Sharing Hallie and Madelaine's story with you is the reason I have risen today, and I am hoping that it compels you all to join in the chorus of those advocating for a national autism strategy.

Honourable colleagues, I'm sure many of you are aware of Jordan's Principle. Jordan's Principle is a child-first principle named in memory of Jordan River Anderson, a First Nations child from Norway House Cree Nation in Manitoba. Jordan's Principle's aim is to make sure First Nations children can access all public services in a way that is reflective of their distinct cultural needs, takes full account of historical disadvantages linked to colonialism, and without experiencing any service denials, delays or disruptions relating to their First Nation status.

It's really all about ensuring that no First Nations child suffers while governments or departments within governments argue over jurisdiction and responsibility for care.

We must acknowledge that many communities including my own still do not have the necessary tools for proper support. In light of this I'm issuing a call to action today — a rallying cry — to ensure that First Nations youth and their families are not forgotten in any strategy to mitigate the myriad challenges of autism diagnoses in indigenous communities.

Hon. Senators: Hear, hear.

Senator Christmas: Let us investigate what it will take to assure First Nations families that the means for care of their children with autism will be available to them locally in the full spirit of Jordan's Principle.

Let us be sure and certain to illuminate the full extent of autism impacts on indigenous youth.

And let us be clear on one thing: A national autism spectrum disorder strategy isn't just good and necessary public policy; it is a moral obligation to the parents and caregivers of those dealing with the realities of autism.

As our honourable colleague Senator Black would remind us all, it's a matter that matters. We need to learn as much as we can about these realities in the context of First Nations and to ensure such a moral obligation, when acted upon by the federal government, leaves no child behind regardless of ancestry, geography or jurisdiction. Our children — all children in Canada — deserve no less than this.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Patrick O'Donovan, Minister of State, Republic of Ireland; and His Excellency James Kelly, Ambassador of Ireland to Canada.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Senator Eggleton, it being almost four o'clock, you will have only about two minutes to get into your remarks. If you want to speak now, you can, but if not, I would ask for leave of the Senate that we commence ringing the bells two minutes early. Still, the vote won't take place until 4:15. It's entirely up to you.

Hon. Art Eggleton: I will take the adjournment. I will speak next week on the matter, but if other senators want to speak tomorrow, that's fine.

(On motion of Senator Eggleton, debate adjourned.)

The Hon. the Speaker: Pursuant to the order adopted earlier today, I interrupt proceedings now to call in the senators for a vote at 4:15.

• (1610)

NATIONAL ANTHEM ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT— MOTION IN SUBAMENDMENT NEGATIVED

On the Order:

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

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

That Bill C-210 be not now read a third time, but that it be amended, on page 1, by adding the following after line 6:

"2 This Act comes into force on the later of July 1, 2017 and the day on which it receives royal assent.".

And on the subamendment of the Honourable Senator Plett, seconded by the Honourable Senator Wells:

That the motion in amendment moved by the Honourable Senator Beyak be amended by replacing the words "the later of July 1, 2017 and the day on which it receives royal assent" with the words "November 1, 2017".

The Hon. the Speaker: The question is as follows: It was moved by the Honourable Senator Plett, seconded by Honourable Senator Wells:

That the motion in amendment moved by the Honourable Senator Beyak be amended by replacing the words "the later of July 1, 2017 and the day on which it receives royal assent" with the words "November 1, 2017".

All those in favour of the subamendment will please rise.

Subamendment negatived on the following division:

Campbell Christmas Cools

Massicotte McPhedran Mégie Mercer

Mitchell

YEAS THE HONOURABLE SENATORS

Mockler Neufeld Ngo Oh Plett Poirier Seidman Smith

Cordy Cormier Dawson Day Downe Duffy Dupuis Dvck Eggleton Forest Gagné Galvez

Moncion Munson Omidvar Pate Petitclerc Pratte Richards Ringuette Saint-Germain

Verner

Watt

Stewart Olsen Housakos MacDonald Tkachuk Maltais Unger Marshall Wells—25 Martin

Ataullahjan

Batters

Boisvenu

Dagenais

Enverga

Doyle

Eaton

Frum

Greene Wetston Griffin Woo-47

Harder

Gold

NAYS THE HONOURABLE SENATORS

ABSTENTION THE HONOURABLE SENATOR

Bellemare Hartling Joyal Bernard Black Kenny Lankin Bovey Brazeau Marwah

(At 4:24 p.m., pursuant to the order adopted by the Senate on February 4, 2016, the Senate adjourned until 1:30 p.m., tomorrow.)

Patterson—1