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Wednesday, November 8, 2017

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, November 8, 2017

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

Prayers.

SENATORS' STATEMENTS

DECARBONIZE—DECOLONIZE 2017

Hon. Grant Mitchell: Honourable senators, I rise today to speak about Decarbonize—Decolonize 2017, a youth climate change initiative led by the Centre for Global Education in Edmonton and by an organization called TakingITGlobal.

Decarbonize—Decolonize 2017 brings together the climate change research of over 100,000 youth from around the world at the COP23 conference in Bonn, Germany this week.

[*Translation*]

Over the past few months, schools in 17 countries have shared their experiences through online discussions and webinars. These students participated in a worldwide gathering of youth who want to take action to combat climate change. The information gathered is compiled in a report that will be presented this week at COP23.

[*English*]

In Bonn, the students will be sharing their work with official COP23 delegates on Young and Future Generations Day. Decarbonize—Decolonize will also be featured on UNICEF's global youth engage panel and in UNESCO's global pavilion. The project is focused on decolonization in recognition of the devastating impact of climate change on the world's indigenous communities. In Bonn, Decarbonize—Decolonize is hosting an art exhibit created by young people to depict the effects of climate change and colonization on their environments and their vision for a sustainable future.

[*Translation*]

These youth will participate in three webinars with experts and seniors who will talk to them from the polar bear research station in Manitoba, the Vancouver Aquarium, and the Banff Gondola. These activities will help Indigenous people tell the entire world about the effect climate change is having on their lands, while providing the participants with information and empowering them to act as allies.

[*English*]

Climate change is an existential threat, and today's young people will experience the consequences of today throughout their lives. But youth can also play a powerful role in bringing attention to the issue and promoting sustainable solutions.

I think we should all be very proud to see Canadian youth collaborating with their peers from around the world to take a leadership role in addressing this challenge. I encourage all of us to read the students' white paper and learn more at Decarbonize.Tigweb.org. Thank you.

[*Translation*]

VICTIMS OF CRIME

Hon. Jean-Guy Dagenais: Honourable senators, I would like to talk to you about a very brief but very important statement that the Governor of Florida, Rick Scott, made recently when he was in Toronto.

At that time, Governor Scott reiterated his categorical refusal to grant a Canadian who was given a life sentence for murder in Florida the right to serve the rest of his sentence in Canada. Governor Scott even refused to meet with the members of the inmate's family to discuss the situation.

In short, a Canadian, William Russel Davies, who is now 49 years old, was convicted for his involvement in a murder committed in Daytona in 1986, when he was just 18 years old. Mr. Davies has been in prison in the United States for 31 years now. It will come as no surprise that the Canadian government agreed to allow Mr. Davies to be transferred to a Canadian prison to serve out his sentence, which would likely mean that he would be released soon after his transfer. Do you know many Canadians who were given a life sentence and are still being detained after 30 years in our country? I would even go so far as to ask, do you know many people in Canada who actually served 30 years in prison for murder?

In Toronto, Governor Scott shut down any questions he was asked, saying only that his state, Florida, "is very focused on our victims and their families." He refused to discuss the matter further.

Bravo, Governor Scott! His position contrasts sharply with that of the current Government of Canada, which is incapable of siding with victims and their families, as the previous government did. Former Prime Minister Harper and our colleague, Senator Boisvenu, had developed a clear plan to do just that.

This government's true intentions are pretty clear considering that it wasted no time killing Bill C-343, which would have granted independent status to the Federal Ombudsman for Victims of Crime, a status that the Correctional Investigator enjoys.

This government's priorities are crystal clear: marijuana, criminals, tax havens. Do you know what I mean?

Keep in mind that this is the government that paid $10.5 million in compensation to Omar Khadr, who killed an American soldier. Meanwhile, the victim's family did not get one red cent.

For all those reasons, today I wanted to draw your attention to the attitude of the Governor of Florida, Rick Scott, who has not fallen for the Canadian government's usual tricks. What the government really means is: "Send us the prisoner and we'll set him free."

Some Hon. Senators: Hear, hear!

[*English*]

THE HONOURABLE KELVIN KENNETH OGILVIE, C.M.

TRIBUTES

Hon. Art Eggleton: Honourable senators, I rise today to speak about now retired Senator Kelvin Kenneth Ogilvie.

During tributes last Thursday, I was in Toronto speaking to the Canadian Conference on Dementia about the Social Affairs Committee's study on that subject, which was completed a year ago under the chairmanship of Senator Ogilvie.

A number of senators talked about his science and academic backgrounds or the many awards he has deservedly received. I won't repeat all of those contributions and recognitions other than to honour them as my colleagues have.

What I do want to comment on is my working relationship with Kelvin Ogilvie in the six years he served as Chair of the Standing Senate Committee on Social Affairs, Science and Technology, when I served as deputy chair.

When it came to the major policy studies we undertook in that time, such as the health accord review, prescription pharmaceuticals, obesity, dementia and the recently completed report on integrating robotics, artificial intelligence and 3D printing into the health care system, he brought solid leadership to those issues. His scientific expertise, and his commitment to evidence-based conclusions and recommendations, was a major factor in all of these study reports. He can be proud of the fact that all of these studies received unanimous support in committee and were approved by the Senate without a dissenting voice.

• (1410)

When it came to dealing with legislation, as in the case of studies, he exhibited absolute fairness in his conduct of the meetings. Even though there was not the same degree of consensus on government legislation as in the studies, he never lost his cool approach to chairing. We served together on the steering committee of Social Affairs, along with, first, Judith Seidman and then Carolyn Stewart Olsen and, also in the past few months, Chantal Petitclerc. He was always a good listener, bringing a sense of humour to our deliberations, and, most importantly, he strove to find consensus amongst us on each decision.

I'd be remiss if I didn't also mention his enormous contribution to the Special Joint Committee on Physician-Assisted Dying and the subsequent debate on Bill C-14. Senator Harder, in his tribute, suggested that:

> Science is not something you study; science is something you apply to the broader sense of public policy.

Well, I think Kelvin Ogilvie applied that evidence-based thinking in his work, along with the studies done at Social Affairs. He also exhibited, in this particular case, much compassion for his fellow citizens who are suffering from incurable conditions.

I believe that the greatest of distinctions, Your Honour, is service to others, and, in that context, I say: Well done, Kelvin Ogilvie. You have served with distinction this chamber. You have served with distinction your country. Best wishes, my friend, to you and your family in your future endeavours.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Sophie LeVasseur, Professor Gilles LeVasseur, Ms. Valérie LeVasseur and Ms. Marie-Claude Martel. They are the guests of the Honourable Senator Duffy.

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

Hon. Senators: Hear, hear!

REMEMBRANCE DAY

Hon. Michael Duffy: Honourable senators, I rise today to look up and to ask you to look up to the magnificent paintings that line this chamber and that daily remind us that our democracy was built on the sacrifices made by our ancestors 100 years ago.

A few years back, it seemed that the crowds at Remembrance Day services were diminishing. But, thankfully, that trend has been reversed, and younger Canadians are joining their elders in remembering our veterans.

Here in Ottawa, a remarkable 11-year-old, Grade 6 student has produced *Vimy: The Duty of a Soldier and of a Country*, a richly illustrated book about the battle at Vimy Ridge 100 years ago. That girl, Sophie LeVasseur, is with us here in the gallery — please rise, Sophie, and your family — along with her dad, Professor Gilles LeVasseur, her mother, Marie-Claude, and her younger sister, Valérie.

Sophie LeVasseur's great-grandfather, Leo Labonté, was an army postman, a soldier who delivered mail from home to the troops on the front lines at Vimy Ridge.

In her book, Sophie writes touchingly to her great-grandfather:

> Your experience of this war is an act of bravery and engagement toward all of us. . . . Your actions have served Canada, and you have served this country well.

Ms. LeVasseur's youthful commitment to her book project is a fitting complement to the work of senior citizens Pieter and Daria Valkenburg of North Tryon, P.E.I. The Valkenburgs are active members of the Border-Carleton Branch of the Royal Canadian

Legion, and last year they began researching the stories behind the 48 names on the cenotaph, just outside the legion hall. The Valkenburgs' stories of these brave young Islanders are reprinted by the *County Line Courier*, our weekly newspaper, and on a dedicated blog.

This year, at their own expense, the Valkenburgs travelled to four countries, where they visited war graves of the 48 young soldiers from the Borden area who made the ultimate sacrifice. They decorated each grave with Canadian, Canada 150, and P.E.I. flags, and some of the graves in Holland were also decorated with flowers.

The Valkenburgs retired to P.E.I. after Pieter's service in the Dutch diplomatic corps. Like millions of Dutch people, Pieter Valkenburg has never forgotten the Canadians who fought for the freedom of Holland 72 years ago. Lest we forget.

[*Translation*]

ABORIGINAL VETERANS DAY

Hon. Pierre-Hugues Boisvenu: Honourable senators, today, November 8, is Aboriginal Veterans Day. I would like to focus my remarks on this occasion on the Metis nation.

On November 11, we will commemorate the 99th anniversary of the end of World War I and the sacrifice of millions of soldiers who died on the battlefield. On Remembrance Day, we express our gratitude to Canadian veterans who fought to protect our country and our values.

[*English*]

Sadly, every year, World War II veterans are fewer and fewer among us at commemorations.

[*Translation*]

Today, I would like to draw special attention to the sacrifice of Metis veterans, whose ranks are also dwindling as the years go by. We often forget that thousands of them served in the Canadian Armed Forces during World War II and the Korean War.

The Metis are asking the federal government to rectify discriminatory practices affecting Metis World War II veterans. Recently, the President of the Métis National Council, Clément Chartier, again asked the federal government to take concrete action to right past injustices against Metis veterans who fought for our freedom during World War II.

[*English*]

In a letter written in March, he underlined the fact that:

> Tragically, the country they served has not served them well.

[*Translation*]

The Government of Canada must act now before it's too late. These Canadians sacrificed their youth for our freedom. They gave their lives for our democracy. In return, we must give them justice and recognition.

[*English*]

To all the Metis who fought during World War II, their families and the families of those who died, I want to say: I'm on your side, and I heard you. Thank you for giving so much for Canada.

THE LATE CHOW QUEN LEE

Hon. Lillian Eva Dyck: Honourable senators, I rise today to honour the life of the late Chow Quen Lee, who passed away earlier this year at the age of 105. Chow Quen Lee was an outspoken activist who fought for justice over Canada's Chinese Head Tax, a tax which sorely affected her life and the lives of many other Chinese immigrants who came to Canada in the late 19th and early 20th century.

Her story begins with her future husband, Guang Foo Lee, and his decision to immigrate to Canada in 1913. At that time, the Chinese Head Tax was at its highest point, an outlandish $500, which back then was the equivalent of two years' wages. Guang returned to China in 1930 to marry Chow Quen, after which he immediately returned to Canada. Unfortunately, to the newlyweds' dismay, the Exclusion Act barred her and all Chinese immigrants from immigrating to Canada until 1947.

As a result, the couple was kept separated for 14 years. Chow Quen eventually arrived in Canada in 1950, with her three children, each of whom were conceived in her husband's three restricted visits to China between 1930 and 1950.

Chow Quen Lee never forget the injustices her family had to enduring in order to immigrate to Canada. Her son, Yew Lee, said:

> I always remember being a kid that was five or six years old, and she'd open this big rusty old steamer trunk in the corner of the room in our two-bedroom apartment above a small restaurant, and she'd take out this piece of paper, dust it off and say, "This is something that remains unfinished business. This piece of paper is very important and we're going to deal with it someday."

That piece of paper was the certificate for the $500 Chinese Head Tax her husband paid to immigrate to Canada in 1913.

After spending the majority of her life travelling the country and giving speeches about Canada's discriminatory history towards Chinese immigrants, at the ripe age of 80 years old, she volunteered to become the lead plaintiff in a class-action suit against the federal government seeking redress for the Head Tax. The lawsuit was eventually dismissed, and its appeals denied. But it set in motion a path towards an official apology and reparations, which occurred in 2006, under former Prime Minister Stephen Harper.

• (1420)

Chow Quen was happy to finally see the government show its respect to the Chinese community. But like many others, she decried the symbolic settlement as too little, too late, especially since it paled in comparison to the $23 million the Canadian government collected from some 81,000 people under the Head Tax.

Chow Quen Lee was a moving mother, wife and social justice advocate who fought until her very last breath and — often times in a wheelchair — she fought for those who had suffered at the hands of the immigration process. Chow Quen Lee is an inspiration to us all. May she finally rest in peace knowing that her fight is over. My sincerest condolences to her family.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of delegates from My Canada Association, a non-profit organization committed to motivating young people from all across Canada to engage in federal and provincial politics. They are the guests of the Honourable Senator Enverga.

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

Hon. Senators: Hear, hear!

[*Translation*]

MUNICIPALITIES

Hon. Éric Forest: Honourable senators, October 31 last week was World Cities Day, the ideal opportunity to recognize the central and important role that our municipalities play.

In a globalized environment and economy, the role of municipalities is no longer confined to traditional services like water, roads, waste management and snow removal. Today's municipalities are leading the charge on issues like immigration, economic development, culture, sustainable development and the fight against climate change, to name just a few.

Most of the major challenges of our era affect our municipalities. The theme of this year's World Cities Day was "Better City, Better Life." I could not agree more with this choice of theme.

Last Sunday was voting day in hundreds of Quebec municipalities. The newly elected municipal officials face challenges that are complex but exciting, as I said earlier. The Quebec government recently passed Bill 122, which recognizes municipalities as local governments, and these men and women are now responsible for translating that recognition into concrete action.

[*English*]

However, for many aspects, the lights on the dashboard are flashing red. There is a systemic lack of involvement of our young people in municipal politics. Only a quarter of candidacies were from individuals of less than 45 years old. This is worrying.

[*Translation*]

When nominations closed on October 6, more than half of the vacancies had only one candidate running. Furthermore, voter turnout was low, often barely reaching 50 per cent. Revitalizing our municipal democracy should be a priority for our new officials.

In closing, I would like to note that many major Quebec cities elected female mayors, including Repentigny, Longueuil, Brossard, Saguenay, Rivière-du-Loup, Rouyn-Noranda, and the boroughs of Côte-des-Neiges—Notre-Dame-de-Grâce and Villeray—Saint-Michel—Parc-Extension in Montreal.

I would especially like to congratulate Valérie Plante, the new mayor of Montreal. She is the first woman to run Quebec's largest city, 375 years after Jeanne Mance founded Montreal with Paul de Chomedey de Maisonneuve. I have fought and continue to fight to get more women involved in municipal politics in particular.

[*English*]

I hope that more women and young people will get involved and put their names forward at the next municipal election in 2021. I am optimistic, and I dare to dream big. Let's aim to get to the 50 per cent level of candidacies.

[*Translation*]

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO AFFECT QUESTION PERIOD ON NOVEMBER 21, 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, November 21, 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.

[*English*]

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, November 21, 2017, at 2 p.m.

QUESTION PERIOD

FINANCE

TAX FAIRNESS

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question today is for the Leader of the Government in the Senate concerning tax fairness.

Canadians with Type 1 diabetes have been denied coverage under the Disability Tax Credit despite certification from doctors that their patients meet the eligibility criteria. By taking away the tax credit from these diabetics, the government is also blocking their access to the Registered Disability Savings Plans and the long-term support programs that provide this coverage. At the same time, the family fortunes of the Prime Minister and the Minister of Finance remain protected, and a top official in the Liberal Party is named in the Paradise Papers for avoiding paying their fair share of taxes here in Canada.

Is this the tax fairness promise to Canadians in the last election? And when will the government stop targeting vulnerable Canadians with Type 1 diabetes?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. As I've indicated when he has asked about the Disability Tax Credit in the past, I reasserted that the CRA is wholly committed to ensuring that all Canadians receive all the credits and tax benefits to which they are entitled, including the Disability Tax Credit.

There has been no change in the eligibility criteria for this tax credit. I want to assure all senators and Canadians that we expect the agency to do its due diligence to ensure that individuals who receive the benefit and credits, including the DTC, meet the requirements set out in the Income Tax Act.

We should know that the agency receives about 220,000 applications for the DTC each year, and more than 80 per cent of these applications are approved. More than 700,000 Canadians claim the credit on their annual tax return. The total approvals for the DTC related to mental functions were at an all-time high for 2016-17, so indeed this tax credit is working.

• (1430)

Senator Smith: Just as a follow-up, I read with interest this morning that the Prime Minister says "he is satisfied" with the explanation provided by the revenue chair of the Liberal Party of Canada with regard to being named in the Paradise Papers for offshore tax avoidance.

Strange. The Prime Minister's comments will certainly be heard by the officials of the Canada Revenue Agency, the same department that is currently denying tax credits to diabetics.

When will the government truly work for the middle class by closing loopholes on offshore tax havens instead of going after farmers, small-business owners, employee discounts for restaurant and retail workers, and Canadians with disabilities?

Senator Harder: Let me repeat that the Disability Tax Credit has not been altered, and it is inaccurate to suggest that the government is otherwise adjusting or targeting the use of this tax credit. It's appropriate, and it is appropriate that officials manage the applications as they are.

With respect to the other aspects of his question, let me simply reiterate that the position of this government is that tax fairness is a high priority. Tax relief for the middle class was the first action of this Parliament, including with Bill C-2, which passed this house. There have been other tax measures in budgets one and two, as well as the child benefit, which has significantly enhanced the capacity of the middle class to manage in today's difficult economy.

NATIONAL REVENUE

TAX AVOIDANCE

Hon. Tobias C. Enverga, Jr.: My question is for the Leader of the Government in the Senate.

When questioned by reporters earlier today about the response given by a top Liberal Party official who was named in the Paradise Papers for offshore tax avoidance, the Prime Minister stated, "We are satisfied with those assurances."

The Minister of National Revenue confirmed in the other place that the Canada Revenue Agency is reviewing all links to Canadian entities.

Could the Leader of the Government in the Senate please tell us why the Prime Minister believed it was appropriate for him to deliver a verdict on a file the Canada Revenue Agency is currently reviewing? Were the Prime Minister's comments a signal to CRA investigators?

Hon. Peter Harder (Government Representative in the Senate): Let me simply report to all senators that the government is fully committed to fighting tax evasion and aggressive tax avoidance. I would refer to the fact that in the course of this government's actions, 627 cases were transferred to criminal investigations, 268 search warrants were executed and 76 convictions have taken place with respect to tax evasion.

Additionally, as honourable senators know, because the budget was voted on in this place, there has been almost $1 billion of additional investment in the CRA for enhanced ability to recover what has been, as I understand it, the recuperation of $25 billion from the efforts against tax evasion and tax avoidance.

As honourable senators can see, tax evasion and tax avoidance is a high priority, and there has been a renewed effort by this government to achieve the results it has.

Senator Enverga: Middle-class farmers and local businesses were accused by this government of exploiting tax loopholes. Diabetics are denied tax relief, despite certification from their doctors. Those in the highest levels of power in the Liberal Party hide their assets from public scrutiny or seek to avoid paying taxes altogether.

Why does this government have one set of rules for middle-class Canadians and one set of rules for well-connected Liberals?

Senator Harder: Again, I thank the honourable senator for his question. I understand the politics of his question, but I would iterate that the Disability Tax Credit is unaltered; its applications continue to be adjudicated in the same process that it historically has been.

With respect to tax fairness, the consultations the Minister of Finance launched and the further proposals the minister has spoken of are entirely designed to ensure tax fairness extends itself to how Canadian corporate structures work.

Hon. Percy Downe: My question is for Senator Harder.

I'm delighted to see that the Conservatives are joining the overseas tax file. It's unfortunate they were not involved a number of years ago when they were in government, when they were completely silent on that issue when I was raising it in this chamber. Nevertheless, colleagues, you get your allies where you can, and I'm glad they have joined the fight, even if it is late.

Senator Harder, I noticed you repeated the statement from CRA, because it's the same information the Minister of National Revenue put out earlier about the $1 billion, which is over a number of years. You would know from a question answered in this chamber by CRA that, last year, they spent less than $40 million of that. So it's a little misleading for the government to keep indicating there is $1 billion. There is $1 billion, but it's a long way away from being spent.

Second, unfortunately, the 76 convictions number is nowhere on the CRA webpages. In fact, if you look, they talk about 15 convictions. When you ask the government where the convictions are, they won't tell you about any of them that are overseas tax evasions. There is not one listed. They have a host of domestic tax evasions, where the CRA does an excellent job. If you cheat on taxes in Canada, you are likely to be caught, but if you hide money overseas your chances of being caught are very low.

Could Senator Harder advise us whether the government has given any new instructions to the CRA given the recent leak of the Paradise Papers?

Senator Harder: I thank the honourable senator for his question and his ongoing devotion to these issues. I can report — and the senator may well be aware — that the CRA has under way as of the end of April 30 of this year more than 990 audits and more than 42 criminal investigations related to offshore financial structures. That work continues to this date.

I should also report — and, again, I know the honourable senator is aware, because I know his office has been part of the discussions with the agency — that the government is studying the tax gap issue and is looking at how and whether Canada can implement an international component of the tax gap, as it hopes to be able to do in 2018.

As senators will know — particularly those who are experienced in this issue, as is the senator asking the questions — this is a particularly difficult measurement tool. A few countries are doing it, and that's to their credit. Canada is seeking to learn from that experience, so that when we introduce this capacity, it is authoritative, without question.

Senator Downe: It was quite the learning curve, because I asked five years ago for the Parliamentary Budget Officer to collect the information and assess the tax gap. Eighteen countries around the world, members of the OECD and a host of other countries do it. Three weeks ago, the British released their yearly U.K. tax gap analysis. The sky didn't fall. The British government continued, but the British public was informed about the degree of the problem.

Here in Canada, when I asked the Parliamentary Budget Officer five years ago, he contacted the CRA. They refused to cooperate.

I want to bring to the attention of Senator Harder and other senators the Parliament of Canada Act. Paragraph 79.2(1)(f) states that the PBO:

> shall, if requested to do so by a member of the Senate or of the House of Commons, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

Subsection 79.4(1) of the same act states:

> . . . the Parliamentary Budget Officer is entitled, by request made to the head of a department or of a parent Crown corporation, to free and timely access to any information under the control of the department or parent Crown corporation that is required for the performance of his or her mandate.

Why would the government not tell the CRA to obey the Parliament of Canada Act and give the PBO the information so that he can assess the tax gap and tell Canadians what is owing?

Senator Harder: Again, I thank the honourable senator for his question. I'll be happy to seek a specific answer to that question.

Let me also use this opportunity to again reference the work the CRA is doing with the Canadian Tax Foundation to come to a Canadian approach to identifying this gap. That work is under way. There was a conference in June. My understanding is the government is examining this expeditiously.

• (1440)

IMMIGRATION, REFUGEES AND CITIZENSHIP

REFUGEE PROCESSING BACKLOG

Hon. Pamela Wallin: My question is for the Government Representative in the chamber.

In the first nine months of this year, the RCMP has intercepted or welcomed more than 15,000 illegal asylum seekers; those entering Canada not at a recognized point of entry. The minister stated that up to 50 per cent will not likely qualify for an Immigration and Refugee Board hearing, but a news report in October citing IRB statistics says nearly 70 per cent have been granted asylum, so the numbers don't jive. Could you clarify how many of these 15,000 have been accepted, rejected or actually removed?

Second, anticipating growing numbers again this winter from the U.S. side, have more RCMP officers and CBSA staff been hired? There is already a backlog, so will others be hired to handle removals or the increased number of refugee hearings needed to determine outcomes?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I don't have the precise figures that she is asking for and I will seek to obtain them. There may well be in the early identified hearing process a higher level of urgent claims that were dealt with that could yield a different result. That wouldn't be unusual.

With regard to resources, the honourable senator will know that the government has expended additional resources to various locations at the border points where this issue is most dominant and is continuing to monitor the situation to ensure the appropriate resources are there.

With regard to the IRB, there have been additional resources and the government continues to monitor that.

Finally, with respect to decisions being taken by the Trump administration with respect to temporary suspension of removals of visitors in the United States from certain countries, the Government of Canada is monitoring that very closely. Citizens of Honduras and Nicaragua are of particular concern.

Spontaneous arrivals in Canada are by definition illegal in the sense they are not coming with appropriate documentation or advanced visas. Our obligations under the Geneva Convention are such that we have taken on the obligation to hear the claim. The advantage Canada has had with the United States on the Canada-U.S. Safe Third Country Agreement is that it does provide that the country which has hosted, or perhaps even with valid visas allowed the entry into the United States of people claiming refugee status in Canada, they are returned. That program operates only at the points of entry and not in between. That is a challenge of the Safe Third Country Agreement. The logical response to that isn't to withdraw from the agreement. It is a useful and helpful tool. It is to help reduce the flow of irregular movement outside of the ports of entry. That is what the government is doing by contacting and otherwise dealing with the networks of potential claimants in the United States, not just at the border point, but actually at the source. That work continues.

[*Translation*]

JUSTICE

PROSECUTION OF ELECTED AND DIPLOMATIC OFFICIALS

Hon. Raymonde Saint-Germain: My question is for the Government Representative in the Senate. As you know, some provinces, including Quebec, have to investigate cases of corruption that sometimes involve government employees or even elected officials. To conduct these investigations, the investigators need evidence that may be located abroad, for example, when investigating money laundering or identifying personal property purchased with public money. Currently, Canada's prosecution services, at both the provincial and federal levels, must submit their requests for assistance from other prosecuting agencies around the world through the International Assistance Group, the IAG, at the Department of Justice. The IAG is the central authority.

I learned that, surprisingly, the Department of Justice's central authority sometimes asks Canadian diplomats to intervene directly. Canadian diplomats act under the authority and policies of the executive branch. In an effort to respect the independence of prosecution authorities and to minimize the risk of political interference in the request process that usually occurs during the investigation phase, would it not be advisable to reinstate the central authority under the purview of the Public Prosecution Service of Canada? That is an independent and credible prosecution service with legal guarantees that limit the possibility of interference.

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question. Colleagues will recall that the honourable senator asked the

minister this question when the minister was here. That happened at the end of that Question Period. There was an inadequate opportunity for the minister to both fully understand the question and to respond so this does give me the opportunity to respond.

The Minister of Justice is accountable to Parliament for the overall operation of the Mutual Legal Assistance in Criminal Matters Act and its related treaties, but she is not personally involved in the operational review or approval of mutual assistance requests made by or to Canada.

The day-to-day review and assessment of requests have been delegated by the minister to her officials in the International Assistance Group, IAG, Canada's central authority for extradition and mutual legal assistance. Counsel in the IAG has expertise in dealing with these issues and have contact with foreign partners in order to facilitate the processing of all requests. The IAG is a non-investigative body and is completely free from political influence. It treats all requests for mutual legal assistance equally, regardless of whether they emanate from a province or federal prosecution service.

FOREIGN AFFAIRS

BILATERAL DISCUSSIONS WITH VIETNAM

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Leader of the Government in the Senate.

This week Prime Minister Trudeau, Minister Freeland and Minister Champagne are attending the APEC 2017 conference in Vietnam. Today the Prime Minister met with the Vietnamese leader and the members of the communist politburo to make a joint statement by Canada in the Social Republic of Vietnam under the establishment of a comprehensive partnership. This agreement between Canada and Vietnam covers a wide range of problems in economic exchanges, even key elements of South China Sea in line with my Senate motion. However, when it comes to human rights, point number 7 of the joint statement says:

> Canada and Vietnam recognise the importance of protection and promotion of human rights in conformity with their own constitutions and respective international commitments...

This vague agreement gives Vietnam a wide berth and Canada's blessing to the increased use of draconian measures to crack down on free expression, repressed religious freedom, criminalized dissent and have plain-clothed police officers spy and harass citizens.

The Canadian government should know that article 4 in the Vietnamese Constitution gives supreme power to the ruling Vietnam's Communist Party allowing them to crack down on any form of dissent or opposition which betrays the UN chapter of the Universal Declaration of Human Rights. Human rights observers keep signalling that Vietnam's human rights record keeps getting worse.

My question to the leader: Why is the Government of Canada endorsing such a contradictory agreement?

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, the agreement is not contradictory at all. The view of the Government of Canada is that it is better to engage with countries such as Vietnam. There has been a litany of subject areas of exchange; they are broad and wide and do include the issue of human rights. Successive governments of Canada have never been shy in raising this issue with partners in a bilateral relationship.

Canada has benefited significantly from a growing economic, cultural and secure political relationship with Asia. Vietnam plays an important role in those bilateral and multilateral organizations that sustain Canada's participation. It is entirely appropriate that the Government of Canada signals a desire to deepen and strengthen our relationships, both bilaterally and multilaterally.

• (1450)

Senator Ngo: Before meeting with the Vietnam leadership, the Prime Minister also hosted a round table with the civil society group, even though independent organizations are illegal under Vietnamese law.

Could you inquire about which specific group the Prime Minister met with and if any were kept by the Vietnamese authorities from attending? Could you also tell this chamber if the Prime Minister requested the release of any specific political prisoners during his bilateral meetings with the Vietnamese authorities?

Senator Harder: I will take the question under advisement. Without knowledge on my part as to what the answer might be, let me simply say that from my experience it is not always in the best interests of the organizations that the Prime Minister meets with or the individual consultations he would have with regard to specific people for this to become public, but I will make that inquiry.

HEALTH

LEGALIZATION OF CANNABIS

Hon. Judith Seidman: My question is for the Leader of the Government in the Senate.

The dangers of smoking are well known. Honourable senators will recall the important work done in this chamber on Bill S-5 to reduce the harms associated with tobacco use. We've heard repeatedly from academics, health care representatives and the government's very own appointed task force that Canada should take a public health approach to cannabis legalization, as they did with Bill S-5.

If the government's goal is to reduce the harms associated with marijuana use, why are they ignoring the evidence of public health advocates by treating cannabis and tobacco differently? Why the double standard?

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for her question. She references Bill S-5. I thank her for her work on that bill when it was before us. It is a reflection of a science-based

approach to the issue of tobacco in Canada, one that I look forward to the other chamber dealing with in the legislation we have sent it.

With regard to cannabis, I think it's fair to say that this is an issue that is under debate in the other chamber as it considers the legislation before it, and I look forward to a vigorous debate here when that legislation reaches us so that we can have a full understanding of the basis of the science that is guiding the government's position.

Senator Seidman: The Canadian Medical Association, the Canadian Public Health Association, chief medical officers from across the country and the government's own task force all recommend that cannabis should be forced to come in plain packaging to discourage its use, just like tobacco. Yet in rushing to meet its arbitrary political deadline, the government is ignoring expert advice from health professionals that it should take the same approach. According to this government's logic, plain packaging for tobacco won't encourage a black market. But plain packaging for marijuana will?

The government accepts that advertising tobacco to adults is harmful. But they think that promoting marijuana is okay? Which one is it? Will the Leader of the Government in the Senate commit to addressing these inconsistencies with the government's approach to cannabis when it is dealt with in committee?

Senator Harder: Again, let me respond by saying the government welcomes the Senate review of the legislation when it is before us.

With respect to the rushed deadlines, this legislation was tabled in the other place, I believe, in April of this year. The government is saying that it wishes to have the provisions of the bill implemented by July 1 of next year. The Senate has before it now Bill C-46, which we have begun to debate, which is a companion piece of legislation necessary for law enforcement awareness of and ability to train law enforcement networks in Canada for the eventual passage and implementation of Bill C-45.

Let me simply say that I look forward to participating in those debates here on the floor and in committee when the bill comes. I hope the Senate can address all of these issues in a timely and robust fashion. The sponsoring senator has suggested, in conversations with representatives of all of the interests in this chamber, that we have a more deliberative approach to our consideration of this bill because of its significance. I hope the leadership undertakes to work with Senator Dean to ensure that this chamber has a robust engagement on the subject matter.

[*Translation*]

CANADA HEALTH GUIDE

Hon. Chantal Petitclerc: My question is for the Government Representative in the Senate. As you can imagine, I am following the comprehensive revision of Canada's Food Guide with great interest. Health Canada has already laid out the guiding principles of the revision, and one is that the guide should recommend greater consumption of plant-based sources of protein and de-emphasize meat and dairy.

I was therefore quite shocked to read in the *Globe and Mail* that officials from Agriculture and Agri-Food Canada used a variety of means, including memos and meetings, to lobby Health Canada not to encourage a shift to plant-based sources of protein, because of the negative repercussions this could have on demand for meat and dairy products.

Naturally, I found this report extremely troubling. We can all agree that agriculture is a priority, but the new food guide will serve as a reference for millions of citizens, teachers, health stakeholders, and parents for years to come. In my opinion, it is vital that its recommendations be science-based and have no other object but to promote health.

Can you reassure me and my fellow citizens that the development of this food guide will not be interfered with or influenced in any way and that economic interests will not take precedence over the health of Canadians?

[*English*]

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

I have not seen the report to which the honourable senator refers, but I do know that Health Canada will work on the basis of the science and the health issues that are inherent in developing the guidelines. I cannot comment on what interests are being applied to the department from other officials or other interests in civil society, but I am confident that Health Canada will operate on the basis of the science and what is in the best health interests of Canadians.

ORDERS OF THE DAY

INDIAN ACT

BILL TO AMEND—AMENDMENTS FROM COMMONS—MOTION TO CONCUR IN FIRST AND THIRD AMENDMENTS AND AMEND SECOND AMENDMENT—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare:
>
> That the Senate concur in the amendments 1 and 3 made by the House of Commons to Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration);
>
> That, in lieu of amendment 2, Bill S-3 be amended

(*a*) on page 2, in clause 2, by deleting lines 5 to 16;

(*b*) on page 5, by adding after line 40 the following:

"**2.1 (1) Paragraphs 6(1)(c.01) to (c.2) of the Act are repealed.**

(2) Paragraphs 6(1)(c.4) to (c.6) of the Act are repealed.

(3) Paragraph 6(1)(c) of the Act is renumbered as paragraph (a.1) and is repositioned accordingly.

(4) Paragraph 6(1)(c.3) of the Act is renumbered as paragraph (a.2) and is repositioned accordingly.

(5) Subsection 6(1) of the Act is amended by adding the following after paragraph (a.2):

(a.3) that person is a direct descendant of a person who is, was or would have been entitled to be registered under paragraph (a.1) or (a.2) and

(i) they were born before April 17, 1985, whether or not their parents were married to each other at the time of the birth, or

(ii) they were born after April 16, 1985 and their parents were married to each other at any time before April 17, 1985;

(6) The portion of subsection 6(3) of the Act before paragraph (a) is replaced by the following:

(3) For the purposes of paragraphs (1)(a.3) and (f) and subsection (2),

(7) Paragraph 6(3)(b) of the Act is replaced by the following:

(b) a person who is described in paragraph (1)(a.1), (d), (e) or (f) or subsection (2) and who was no longer living on April 17, 1985 is deemed to be entitled to be registered under that paragraph or subsection; and

(8) Paragraph 6(3)(c) of the Act is repealed.

(9) Paragraph 6(3)(d) of the Act is replaced by the following:

(d) a person who is described in paragraph (1)(a.2) or (a.3) and who was no longer living on the day on which that paragraph came into force is deemed to be entitled to be registered under that paragraph.";

(*c*) on page 7,

(i) by adding after line 26 the following:

"**3.1 (1) Paragraph 11(1)(c) of the Act is replaced by the following:**

(c) that person is entitled to be registered under paragraph 6(1)(a.1) and ceased to be a member of that band by reason of the circumstances set out in that paragraph; or

(2) Paragraphs 11(3)(a) and (a.1) of the Act are replaced by the following:

(a) a person whose name was omitted or deleted from the Indian Register or a Band List in the circumstances set out in paragraph 6(1)(a.1), (d) or (e) and who was no longer living on the first day on which the person would otherwise be entitled to have the person's name entered in the Band List of the band of which the person ceased to be a member is deemed to be entitled to have the person's name so entered;

(a.1) a person who would have been entitled to be registered under paragraph 6(1)(a.2) or (a.3), had they been living on the day on which that paragraph came into force, and who would otherwise have been entitled, on that day, to have their name entered in a Band List, is deemed to be entitled to have their name so entered; and

(3) Paragraphs 11(3.1)(a) to (i) of the Act are replaced by the following:

(a) they are entitled to be registered under paragraph 6(1)(a.2) and their father is entitled to have his name entered in the Band List or, if their father is no longer living, was so entitled at the time of death; or

(b) they are entitled to be registered under paragraph 6(1)(a.3) and one of their parents, grandparents or other ancestors

(i) ceased to be entitled to be a member of that band by reason of the circumstances set out in paragraph 6(1)(a.1), or

(ii) was not entitled to be a member of that band immediately before April 17, 1985.

3.2 Subsections 64.1(1) and (2) of the Act are replaced by the following:

64.1 (1) A person who has received an amount that exceeds $1,000 under paragraph 15(1)(a), as it read immediately before April 17, 1985, or under any former provision of this Act relating to the same subject matter as that paragraph, by reason of ceasing to be a member of a band in the circumstances set out in paragraph 6(1)(a.1), (d) or (e) is not entitled to receive an amount under paragraph 64(1)(a) until such time as the aggregate of all amounts that the person would, but for this subsection, have received under paragraph 64(1)(a) is equal to the amount by which the amount that the person received under paragraph 15(1)(a), as it

read immediately before April 17, 1985, or under any former provision of this Act relating to the same subject matter as that paragraph, exceeds $1,000, together with any interest.

(2) If the council of a band makes a by-law under paragraph 81(1)(p.4) bringing this subsection into effect, a person who has received an amount that exceeds $1,000 under paragraph 15(1)(a), as it read immediately before April 17, 1985, or under any former provision of this Act relating to the same subject matter as that paragraph, by reason of ceasing to be a member of the band in the circumstances set out in paragraph 6(1)(a.1), (d) or (e) is not entitled to receive any benefit afforded to members of the band as individuals as a result of the expenditure of Indian moneys under paragraphs 64(1)(b) to (k), subsection 66(1) or subsection 69(1) until the amount by which the amount so received exceeds $1,000, together with any interest, has been repaid to the band.",

(ii) in clause 4, by replacing line 34 with the following:

"**10.1 have the same meaning as in the *Indian Act.***", and

(iii) in clause 5, by replacing lines 37 and 38 with the following:

"**order referred to in subsection 15(1) is made.**";

(*d*) on page 8, in clause 7, by replacing lines 13 and 14 with the following:

"**which the order referred to in subsection 15(1) is made, recognize any entitle-**";

(*e*) on page 9,

(i) in clause 10, by replacing line 3 with the following:

"**ly before the day on which this section comes into**", and

(ii) by adding after line 8 the following:

"**10.1 For greater certainty, no person or body has a right to claim or receive any compensation, damages or indemnity from Her Majesty in right of Canada, any employee or agent of Her Majesty in right of Canada, or a council of a band, for anything done or omitted to be done in good faith in the exercise of their powers or the performance of their duties, only because**

(a) a person was not registered, or did not have their name entered in a Band List, immediately before the day on which this section comes into force; and

(b) that person or one of the person's parents, grandparents or other ancestors is entitled to be registered under paragraph 6(1)(a.1), (a.2) or (a.3) of the *Indian Act.*"; and

(*f*) on page 11, in clause 15,

(i) by replacing line 26 with the following:

"**15 (1) This Act, other than sections 2.1, 3.1, 3.2 and 10.1, comes into force or is deemed to**", and

(ii) by adding after line 30 the following:

(2) Sections 2.1, 3.1, 3.2 and 10.1 come into force on a day to be fixed by order of the Governor in Council, but that day must be after the day fixed under subsection (1)."; and

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

Hon. Dennis Glen Patterson: Honourable senators, on November 17, 2016, I stood before this chamber at second reading of this bill. As critic, I described the bill as it had been described to me at a Senate briefing. I believed then that this bill would eliminate the residual gender-based inequities enshrined in the Indian Act that pertained to registration.

But when the bill was referred to the Standing Senate Committee on Aboriginal Peoples, it became immediately apparent that this was not a simple case of eliminating gender-based discrimination once and for all. Indeed, witnesses told our committee there were several circumstances identified under which discrimination would persist.

Colleagues, I know you agree that some of the best work of this great institution is done in committee. As Senator Dyck pointed out yesterday, I believe our scrutiny of Bill S-3 was carried out in a non-partisan and rigorous manner. Every senator sought to discharge their duty to honour and respect the Constitution and human rights of indigenous people, especially First Nations women and their descendants. As Senator Joyal urged us in his statement on the occasion of the Senate's one hundred and fiftieth anniversary earlier this week:

> . . . we should never forget the oath of office that each of us subscribed to before taking our seat, that is, speaking on behalf of its regions and the linguistic and cultural minorities that characterize our national social fabric.

Under the experienced leadership of Senator Dyck, our committee was able to effectively examine the deficiencies of this bill and bring to light issues surrounding consultation and scope that would have left many First Nation women and their descendants without a means to claim their rightful status.

• (1500)

Our committee's combined knowledge, experience and expertise enabled us to exercise every mechanism that parliamentary procedure afforded us to bring about the bill we have before us today in the amended message. I am grateful and honoured to have had a part in that committee's leadership.

As a father of four Inuit beneficiaries, I cannot help but reflect on what my children's lives would have been like had they not qualified to be beneficiaries due to my non-Inuit parentage. What would it have been like for them to exist between two worlds — an Inuit and a non-Inuit world — never quite belonging to either? The federal government has allowed Inuit to determine their membership in modern treaties and has also endorsed the Inuit approach that if one parent — either parent, whether a man or woman — is a beneficiary, then their children are also considered to be Inuit, with all the rights that are their entitlement. These modern treaties were afforded the highest protection in the law by being entrenched under the Constitution of Canada. It is unfair, discriminatory and hypocritical that Canada should allow different rules to prevail, by a long-standing federal statute, for First Nations.

Senators, while I am supportive of the message before us as amended, I would be remiss in my duty as a member of Her Majesty's Loyal Opposition if I did not speak to three areas of concern that I still have with this bill.

The first pertains to the consultation period on how the government will remove the 1951 cut-off. Both times our committee studied this bill, witnesses described the consultation as lacking. National Chief Perry Bellegarde of the Assembly of First Nations told us that First Nations impacted by the bill were not properly resourced or given enough time to adequately review the proposed amendments to the Indian Act. We were astonished to find out that the plaintiffs in *Descheneaux* — the case that forced the writing of this bill — and their counsel were not consulted in the first round. Additionally, Aboriginal women's groups such as the Native Women's Association of Canada, the Assembly of First Nations Women's Council and Quebec Native Women Inc., legal associations that specialize in Aboriginal law such as the Canadian Bar Association, the Indigenous Bar Association, and the Women's Legal Education and Action Fund, as well as key individuals such as Sharon McIvor and Dr. Pam Palmater, were not consulted to ensure that the bill achieved its stated intent and that there were no negative legal implications of this bill.

Ms. Francyne Joe, President of NWAC, told us very clearly that engagement — and that is what the department called it — ". . . does not mean consultation, and consultation does not mean consent. Indigenous women need to lead these discussions."

It is my fervent hope that the government will take the lessons learned from this experience and ensure that the co-developed process outlined in the bill will satisfy the demands of indigenous women, both status and non-status, to be a main driver of this consultation period.

Second, I must admit that I would prefer a firm date for the coming into force of the provisions that would remove the 1951 cut-off. I understand that time is being given to launch a co-developed consultation process and to develop a proper implementation plan. However, it is unusual for me to see the coming into force of any part of a bill left so open-ended. It will be of the utmost importance, therefore, that we continue to remain vigilant and hold the government to account to ensure that the consultation period and the creation of an implementation plan are done in a timely manner.

My final concern is related to the less-than-firm numbers provided to us in the recently released Clatworthy report. I appreciate that there was little time, from when the second court extension was granted to now, to generate an accurate report; however, having to pass this provision without being sure of the potential impacts is difficult for me.

Justice Chantal Masse, who presided over the *Descheneaux* case, said in her decision that "It also goes without saying that the issue of the costs that more inclusive provisions would incur is one element among many that Parliament may consider," and she is right. I believe that any responsible government, at any level, should know what the potential impacts of their policies would be — ethically, socially and financially. The public deserves to know the costs and the implementation plan before this bill is fully proclaimed.

That said, human rights cannot be legislated based on costs alone. That is why I continue to be supportive of this message as amended. I look forward to the opportunity to give this process the proper scrutiny it deserves when the government reports back to this chamber through our committee at the 5- and 12-month marks, as they have committed to do in this bill. The issues of no set timeline to end the consultation period and a lack of accurate cost projections on the impact of this bill are two instances where we can, and will, hold the government to account. We have done this rigorously in the past in considering this bill, and we will do that again.

Honourable senators, I believe it is our duty as legislators to seize this opportunity to eliminate the persistent inequity between descendants of the matrilineal and patrilineal lines. Many women and their descendants, as Senator Dyck so eloquently expressed in this chamber yesterday, have waited for decades for their rights to be re-established, and some of their descendants have waited their whole lives to have their rights acknowledged.

The path from the introduction of Bill S-3 to today has been long, hard fought and fraught with high emotion. The *Descheneaux* decision was rendered on August 3, 2015; and in light of the election, Parliament was given until February 3, 2017, to rectify the issues with registration that were brought to light by the case. In December 2016, after pressure from our committee, which refused to report the bill back to the Senate, the government agreed to seek an extension. One was granted in January 2017, moving the deadline for legislation to July 3, 2017. After this chamber again made clear that it would not support anything short of the total elimination of gender-based inequality in registration, the government once again sought an extension, bringing us to the third and final deadline we are now facing of December 22, 2017.

I believe that by supporting this message — and it is a bit of an act of faith — we are doing right by indigenous women and their descendants. I believe that by supporting this message, we are showing that we are listening to the words of Justice Masse, who stated:

> When Parliament chooses not to consider the broader implications of judicial decisions by limiting their scope to the bare minimum, a certain abdication of legislative power in favour of the judiciary will likely take place. . . .
>
> From the perspective of Canadian citizens, all of whom are potential litigants, the failure to perform this legislative duty and the abdication of power that may result are obviously not desirable.

This from a judge.

Honourable senators, the exclusion of women and their descendants from their rightful status and entitlements, I believe, has been a factor and will be shown to be a factor in the disproportionally high number of indigenous women and girls who have suffered from homelessness, poverty, unemployment, health issues, and who have tragically, in too many cases, gone missing or been murdered.

I join Senator Dyck in calling this a truly transformative moment. We stand at the brink of a significant paradigm shift that seeks to move away from decades of previous policies of legislated limitations on the status of Indian women and toward policies that foster reconciliation and inclusion.

In closing, I would like to thank Senators Dyck, Lovelace Nicholas, Watt, Christmas and Sinclair, who, as indigenous senators, have led the charge for change. I would also like to thank all the members of the Aboriginal Peoples Committee and their capable staff, and in particular, my Conservative Senate colleagues for their dedication to ensuring that the resulting legislation addresses the desires and needs of indigenous women and their descendants. Thank you to Senator Lankin and all those who have worked hard on this bill.

• (1510)

In conclusion, I hope that all senators will join me in supporting this message, as amended. Thank you.

Hon. Daniel Christmas: Honourable senators, I rise today to speak to consideration of the amendments by the House of Commons to Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration).

As I begin, I must confess that I have yet to become a scholar in the vast intricacies of parliamentary procedure. I am still a senator of new vintage, but I trust that you will agree with me that with the tabling of this amendment, we are seeing an effective, dedicated and determined Senate of Canada at work — improving legislation, effecting real change in public policy and helping to bring about equity and justice for First Nations women that has been denied them for generations.

While I don't profess to yet have the procedural acuity of some of my more seasoned honourable colleagues to tell you why supporting this amendment represents sufficient parliamentary remedy to this situation, I know more than a thing or two about doing what is right, what is moral and what is fair.

Women of the Mi'kmaw Nation, like all those affected by the inherent discrimination of the Indian Act, have had to endure the injustice of sexual inequality for nearly three generations.

I'm compelled to share with you that which I offered to members of the Standing Senate Committee on Aboriginal Peoples nearly six months ago. At that time, like now, I did so as a means of reminding them of our solemn responsibility and duty to our people to do the right thing.

At that time I reminded our committee that the whole issue of gender inequality within the Indian Act is a very old issue, one whose genesis was long before my time. Courts have ruled on it, and many pieces of legislative remedies have been proposed. But the reality remains that until now, with the introduction of Senator Harder's amendment, we still have gender inequality within the Indian Act.

Honourable senators, I've always been stymied by this notion. The last time I checked, it was the Charter of "all" rights and freedoms not "some" rights and freedoms.

Let me emphasize now, as I did then, that in my mind the principle most paramount in my thinking is that we need to be able to propose and improve legislation that has the highest form of gender equality. For me, that's the highest duty I can perform as a senator.

I reminded my honourable colleagues on your committee, as I do now, that despite any presumed imperfections in whatever remedy might be determined, the one solution I would always choose is to maintain the principle of gender equality in the highest form possible and to live with any unintended consequences rather than to accept an amendment that perpetuates inequality with all its other unintended consequences.

Honourable colleagues, in my view, the remedy moved by Senator Harder represents not just compromise but concession — a recognition of an agreement to the ways this chamber has recommended be undertaken to eliminate sexual discrimination and bring about gender equality. There appear to be no imperfections of any serious consequence. It is an amendment that is, in my opinion, most worthy of our support.

For those who might suggest the lack of a firm date for coming-into-force provisions is a weakness or flaw in this undertaking, I would assert otherwise. The reporting-to-Parliament provisions in the bill more than adequately deal with this, in my mind.

I believe it's also essential to recognize that the consultation with First Nation communities that will flow from the bill's requirements on consultation and reporting back to Parliament reflect the basis of the *Principles respecting the Government of Canada's relationship with Indigenous peoples* announced in July of 2017.

In doing so:

> The Government recognizes that Indigenous self-government and laws are critical to Canada's future, and that Indigenous perspectives and rights must be incorporated in all aspects of this relationship. In doing so, we will continue the process of decolonization and hasten the end of its legacy wherever it remains in our laws and policies.

Anyone who knows me will tell you that I am absolutely no fan of the Indian Act. My personal story and my history are based on the notion of moving away as far from this statute as is possible, but I have to concede that this amendment is a good if only first step in reversing decolonization and ending the legacy of gender discrimination in the Indian Act.

I note, though, that throughout the consultation that is to occur, the government will need to be attendant to the voices of these communities. There will be a myriad of factors impacting the communities flowing from the numbers of those who will receive status dealing with issues going beyond the matter of gender.

I recall the last time efforts were made to address gender discrimination of the Indian Act in 1985. I can tell you with absolute certainty that my community experienced confusion, felt concern and had a great deal of questions about the process and its impacts, both short term and long term.

It's a complicated matter for First Nation bands. It will take time, cooperation and assistance in enhancing capacity to make the significant transition both manageable and sustainable. Effective consultation in this regard is critical. The government needs to be certain it's prepared to go before our First Nation band councils to explain this bill's provisions to leadership, to band members and to those who will ultimately receive status as a consequence of the bill's passage.

I highlight as well the notion that pursuing a parallel path to a renewed fiscal relationship with First Nations on the basis of informed consultation at the same time as eliminating sexual discrimination will help ensure that communities are adequately prepared for the increased numbers on their band lists.

It's more than just important to this endeavour that this occurs — it is absolutely fundamental if a successful transition to a new regime is to be achieved.

However, to the matter at hand, as Senator Harder affirmed yesterday, the amendment would enshrine in law the removal of all gender discrimination in the Indian Act. I completely agree with him when he says, "listening is good, but listening and acting is better."

I believe this to be true not just for the adoption of this amendment but also for the voices of First Nation communities from whom the government will hear during these consultations, as I just mentioned.

I encourage the government to listen closely and to act accordingly on the basis of what it hears. To this end, I reiterate that this amendment is worthy of our support and should be adopted without delay, before we rise this week.

We have heard the chorus of voices emphatically calling for action to eliminate gender inequality and gender discrimination. In fact, we are the ones who led the cry from this place, echoing the voice of First Nations women and other supporters who tirelessly championed the cause.

We have been heard. We have been accommodated. We must now act and bring full equality between First Nations women and men for the first time in 141 years, since the imposition in 1876 of the Indian Act.

You heard Senator Dyck affirm yesterday that your Standing Senate Committee on Aboriginal Peoples will hold the feet of the government of the day to the fire and ensure that all legislative provisions are delivered upon. As a member, I will be there to do so, time and again, without fail.

The committee has certainly done its job in rendering concise and cooperative counsel in the study of this bill. Senator Harder has certainly done his job and rendered an effective legislative solution to an issue that's been at play for well over a century.

The government did its job — in listening and in acting. Now it is time for all of us to do our job and adopt this amendment without delay.

Equality means granting the same rights, the same freedoms and the same status for all women.

Robert Kennedy once said:

> The glory of justice and the majesty of law are created not just by the Constitution — nor by the courts — nor by the officers of the law — nor by the lawyers — but by the men and women who constitute our society — who are the protectors of the law as they are themselves protected by the law.

There can be no glory of justice nor majesty of any law that forbids or prevents protection under it on the basis of sex and gender — and we who serve in this place as protectors of the law have a responsibility to First Nations women across this land to offer them just that, by the adoption of this amendment without delay. *Wela'lioq*. Thank you.

• (1520)

Hon. Murray Sinclair: Having had a chance to listen to Senator Christmas's words, I wish I had said that.

I want to applaud Senator Christmas for those fine words. I would like to add my support for this motion and indicate that I intend to vote for it, to support it and move it on its way for the reasons I will expand upon in a moment. I also want to add my voice of support to Senator Dyck and Senator Lovelace Nicholas for all of the efforts that they have made.

Today is a significant day in Canada, not only because of this bill. This is important, of course, but also because it is November 8, Aboriginal Veterans Day.

Honourable senators, Aboriginal veterans went to war on behalf of this country to fight for the rights of Canadians and to protect the freedoms that we all enjoy. Over 12,000 indigenous men and women served in World War I, World War II and the Korean War. In this one hundred fiftieth year of Confederation, we have a lot to be thankful for — for the efforts of all of our veterans, but in the indigenous community, we want to acknowledge especially the work of our indigenous veterans.

Few people know that the League of Indian Nations of Canada actively opposed assimilationist policies such as are reflected in the amendments that we are putting forward today to change the Indian Act because they experienced assimilationist policies not only as victims of the Indian Act but also by virtue of the fact that, by signing up to go to war, they were forced to give up their rights as indigenous people under the Indian Act. So, as veterans, they were well aware of what would happen to them.

I would like to hope that as we stand and debate and talk about this bill, we would also enjoy the support of those thousands of veterans who would be standing here with us to support our effort to ensure that indigenous women are afforded the constitutional rights that indigenous men are afforded as well. I would like us to keep that in mind as we go forward.

The last time I spoke to this bill in the Senate at second reading, I told you that it was crucial as legislators to recognize the importance of this legislation to the indigenous community. Since 1867, Aboriginal women and their descendants have been separated from their families and their communities on the basis of sex discrimination. An act for the gradual enfranchisement of Indians was passed shortly after Confederation in 1867. It was used as a political tool to do away with Aboriginal people and their status and rights under law and under treaties.

The Indian Act, which was interestingly and perhaps ironically subtitled "An Act respecting Indians" — because I don't think it had any respect for Indians — was the primary instrument for the assimilation of First Nations people in order to eliminate them. Amendments to the Indian Act that were passed in 1985 and in 2010 were meant to address sex-based discrimination in registration, but they didn't do that.

The amendments before us, to my relief, leave no legal distinction between indigenous men and women. It brings the act, therefore, into compliance with the Charter.

When Bill S-3 was passed through the Senate the first time, the bill in that format did not include those enfranchised prior to 1951 or their descendants born before 1951. This has come to be known as the "1951 cut-off." This has now been addressed by the amendments, with proclamation, however, going to be following a period of consultation.

I want to point out that this bill attempts to reconcile two different constitutional obligations that the government has: One is, of course, to comply with the Charter when it comes to gender discrimination; the other is to comply with its constitutional obligation to consult with indigenous people.

At committee level, as Senator Patterson pointed out in his comments, we were quickly made aware of fact that consultation had not occurred in a proper way. Therefore, we sent the bill back to the government to advise them that we wanted them to do some consultation before we would consider it again.

The series of amendments that have come back from the House attempt to recognize a balance between the obligation to consult and the amendments to the Indian Act that are required to bring it into compliance with the Charter. The balance must be met. In the consultation process, I expect the government will begin to look into the question of funding for those indigenous communities that will be affected by the number of indigenous people who will be eligible to register after this amendment is put into place. But there will be no question that they have the right to register, and that's the important distinction between where we are today and where we were before this bill came back from the house. The right is now enshrined in this legislation, in this proposal, and we are now talking about the mechanics by which that right will be exercised.

The obligation to consult will include the government consulting with First Nations communities about how to fund those additional numbers, how to address the question of First Nations people who do not live on reserves and who live in urban communities. Over 60 per cent of First Nations people live in urban areas, and I expect that most of the people who will be eligible to register under these amendments will be coming from off-reserve or urban communities.

Therefore, the question will be what jurisdiction, what right, what obligation will First Nations communities located on reserves have to provide services to those people? That's an issue that the government will have to consult on. I expect they will have to change the funding agreements that are in place for those First Nations communities.

In addition to that, we are aware of a recent decision by the Supreme Court of Canada called the *Daniels v. Canada* case wherein a large number of Metis people are recognized as being a federal responsibility. It is quite conceivable, in my view, that most of those people will not be eligible to be considered Metis because of the *R. v. Powley* case, a Supreme Court decision which requires that they must be recognized by a Metis community in order to be considered Metis. They might not qualify in that way. Therefore, they might look for other means to reflect their indigenous identity, such as attempting to register under the Indian Act. Many of them, I suspect, would have been the subject of an enfranchisement provision either in their lifetime or in the lifetime of their ancestor.

The 2016 Census has shown, for example, a significant increase in the indigenous population in Canada, and I think that's largely driven by the fact that more and more people are beginning to recognize that they have some indigenous ancestry and are beginning to use that to self-identify. What impact that will have upon the obligations of First Nations communities will also be part of the consultation process.

In addition that, I think the federal government will have to look at its federal-provincial funding agreements because those funding agreements now provide that the federal government will assume responsibility for provincial services provided to indigenous people who are a federal responsibility.

• (1530)

With the growing number of indigenous people who are self-identifying, plus the growing number of indigenous people who will be eligible to register, the impact upon the federal budget and the provincial obligation is also going to be the subject of some consultation process.

So while it is with reluctance that I see us delaying the implementation of a Charter right, I can also see the need to do so because of that competing constitutional obligation to consult. And so I am prepared to support this legislation because it enshrines the right.

My concern, as others have voiced, is that an open-ended undertaking to proclaim cannot be left forever. And even though this is a Charter obligation, which must be proclaimed, I think, therefore, that simply requires that we hold the government to a stronger standard to proclaim the legislation as early as possible because delaying the implementation of a Charter right simply cannot be tolerated for any significant period of time in Canadian society.

So as a member of this Senate, it is my intention to do what I can to ensure that during the reporting process that is provided for in this legislation, the government is held to account and does, in fact, respond adequately to our need to see that the obligations that they are undertaking, and are forced to undertake, are met.

We are engaged in a dialogue between this place and the other place, and I think we need to recognize that we are in a different position than we were in initially. This is not a situation where we're going to get another run at this. We have to do this now, and we have to ensure that we do not delay it, because we are facing a court-imposed deadline that does not give us much more room to manoeuvre.

My undertaking will be to support this, and I ask for you as well to support this particular motion in recognizing that any attempt to amend it or delay debate on it is simply going to make things worse.

Thank you very much.

Hon. Kim Pate: Honourable senators, I rise today to speak to Senator Harder's motion on the message from the other place regarding Bill S-3. I thank those who have spoken before me on this subject both today and yesterday.

It is indeed humbling to stand with all of you, my colleagues, as we are poised at this historic milestone for the rights of indigenous women and their descendants. At this time, I'm reminded of the feelings many of us experienced in 1982 when the country's constitution was repatriated, but women, those who were racialized and disabled and other groups who experienced ongoing discrimination were advised we would have to wait three years for section 15, the equality provisions, to be implemented.

Indigenous women are still waiting for equality.

With this motion, the government is asserting that it will no longer be a question as to whether to remove the pre-1951 cut-off and the distinction between 6(1)(a) and section 6(1)(c) status from the Indian Act. Rather, the question is when: When will all forms of sex-based discrimination be removed from the act?

In addition to the work of Senators Harder and Lankin on this motion, I wish to acknowledge Senator McPhedran, who moved the initial "6(1)(a) all the way" amendment to Bill S-3 at committee, all members of the Aboriginal Peoples Committee and, particularly, our chair — Senator Dyck — our deputy chair — Senator Patterson — and Senators Lovelace Nicholas, Sinclair, Christmas and Watt. Together you have helped to lay the groundwork for the new provisions before us that seek to remove the pre-1951 cut-off from the Indian Act.

The history of the Indian Act for indigenous women has been one of equality denied, equality deferred and, now, equality delayed. Since yesterday, I've heard from indigenous women whose equality is still pending. These women, who are subject to the pre-1951 cut-off, are amongst the most marginalized and vulnerable, and they are aging. We are telling these people to wait. Some may not live to experience this delayed equality, depending on when the provisions are enacted by the anticipated order-in-council.

This is what the government did when it came to indigenous veterans, and I want to acknowledge that today is the day we recognize indigenous veterans. It also happened for residential school survivors. Justice delayed is, too often, justice denied.

Indigenous women have led the fight against the sexist legacy of the Indian Act — women like our colleagues Senator Lovelace Nicholas and Senator Dyck, as well as women like Mary Two-Axe Earley, Jeannette Corbiere Lavell, Yvonne Bédard, Sharon McIvor, Patricia Monture, Dr. Pam Palmater and now, also in the context of Bill S-3, Susan and Tammy Yantha and Dr. Lynn Gehl.

The government has responded to their challenges, their advocacy and the court orders that they have obtained by doing the bare minimum and sometimes, like now, promising more actions and more consultations instead of embracing immediate, broader and more meaningful change. We saw this in 1985 as a response to the *Lovelace* decision, and we saw this in 2010 as a response to the *McIvor* decision. I am deeply worried that we may be witnessing this again in 2017 as a response to the *Descheneaux* decision.

The motion before us asks indigenous women and their descendants to take another risk, to settle for smaller victories now and trust that the potentially groundbreaking provisions in this motion will come into force following an unspecified period of consultation. We should all be asking: Why is there no end date?

I'm prepared to join my colleagues in voting for this amendment, but I cannot do so without clearly articulating my fear that we are also taking a risk in supporting this amendment. We are banking on our capacity, through the reporting provisions included in the bill, to oversee the consultation process, to exert

pressure to make it effective and to maintain focus on this objective, potentially over several years and through an election cycle.

While I applaud the government's movement, I understand the frustration of indigenous women today and share their concerns about delaying the coming into force of these provisions.

In 1982, we were upset with the delay in implementation of the equality provisions of the Charter, but at least we knew when they would come into effect. Indigenous women deserve no less. There should be an implementation date included in this legislation.

We must appreciate that, given the historical context, many may be distressed by this delay and skeptical of the consultation process proposed in this motion.

We must also recognize that the ramifications of a vote in favour of this bill do not end for us. I want to support wholeheartedly what we've just heard from both Senator Sinclair and Senator Christmas. Our responsibility does not end with this vote. The ramification of a vote in favour of this bill is that after the bill is passed, a vote for this motion must be understood as a signal from this chamber that we understand our obligation to see the consultative process through, standing with and supporting indigenous women in order to ensure that action will finally be taken to right these enduring historical wrongs. Together, honourable senators, we must work to ensure that justice is finally done. Thank you.

Hon. Elaine McCoy: Honourable senators, I very much want to echo my admiration for the senators of Canada who have taken a lead role on Bill S-3, and Senator Pate, you named all of them. Without exception, I second your praise for each individual and all the rest of us who have been quietly supporting "6(1)(a) all the way."

I do appreciate the finesse in the legal drafting that we are dealing with now that is attempting to accomplish the very complex implementation of achieving the outcome which we all are hoping will occur, and that is to remove any kind of gender discrimination from the Indian Act. That's the objective that we are all hoping for.

But I have to say I'm very disappointed in where we're sitting today, much as I think you have all come within a whisker of success — and that's brilliant. You've never come so far or so close before.

• (1540)

What Senator Brazeau said, and repeated today, Senator Pate, was that, in 1985, consultations were announced, and they continued for 25 years. In 2010, consultations were announced, and they continued for seven years.

George Santayana said:

> Those who cannot remember the past are condemned to repeat it.

What about those who can remember the past and still agree to do the same thing? What is history going to judge of them?

I even appreciate the attempt for the reporting, three months and 12 months and three years hence, on Bill S-3 or the Indian Act, on this issue, but that doesn't mean that anything will happen. It doesn't mean that this will become law. Please be clear: It is not law until it is proclaimed in force. Any rhetoric that says that it is going to be law and not proclaimed in force is wrong. It must be proclaimed in force before it becomes law.

Now, why would we trust any government? Believe me, I've been a member of a government, and I've observed a lot of governments up close over the years, here and in Alberta. That is the perennial question, I think. The joke is always, "Trust me; the cheque is in the mail," and everybody laughs. "I am from government," and everyone laughs. But this particular government, which sets such a high bar with its belief in truth and reconciliation, in its belief in government-to-government relations, in its desire to finally treat our First Nations, our indigenous people, with respect and equality — what is their track record on promises so far?

Senator Day, I went back to your remarks on the budget bill last June. In Bill C-44, Senator Day brought forward two examples of very recent vintage. One was the campaign promise by this Liberal government never to bring in an omnibus bill. We've seen two so far. Well, I'm sorry; there is a new one now. We have seen three now. I pause to let the significance of that fact sink in to everyone in this room.

But he also brought forward another example, and that might be even more on point. It was the story of how, under a previous government, the traditional role of Parliament was to be in a place to approve borrowing by the executive branch, the government — that is to say, the House of Commons, which is the legislative branch, and the Senate of Canada, which is the legislative branch, were both required to approve borrowing by the executive branch, which is the government. That was removed in 2007, 2008. Four senators noticed that one-liner in another omnibus bill, and they were Senators Day, Lowell Murray, Willie Moore and Tommy Banks.

They fought hard, and they put in a bill. Then the Liberals, in the 2016 campaign again, in their election promises, promised to repeal that provision and sure enough, they did, in 2016, put forward a one-liner that repealed the section that had repealed it before. So now we were back to what our tradition has been since Runnymede, as you said, which is to say the "Magna Carta, 2015."

Now the government is put back in the position whereby we take our traditional role of holding government to account. We approve or disapprove of borrowing. The only thing this government, the government of Justin Trudeau, failed to do was to declare that amendment, that repeal, in force. So it has been on the books since June of 2016, and they have not proclaimed it in force.

That's an example that I think is quite parallel and should be taken into account in the present circumstance.

I will not support this bill. I'm sorry; I can't support this bill. I can't muster in myself the faith I would like to muster that this government will do what so many governments before it have not done, and that is to keep its promise to our indigenous peoples.

But I don't see the evidence that it will do so, and I know of no levers. I know of no special writs. I know of nothing except public pressure that will shame them into doing it if they fail to do it.

I certainly will lend my voice to those of you who are on the front line, who are going to monitor the government. You've all promised to do so on the Bill S-3 amendment. I'll certainly do what I can to support you, but I don't think that, in my own conscience, I can support this bill unless we put in a "date certain" for the proclamation.

(On motion of Senator Brazeau, debate adjourned.)

IMMIGRATION AND REFUGEE PROTECTION ACT
CIVIL MARRIAGE ACT
CRIMINAL CODE

BILL TO AMEND A BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator McPhedran, for the third reading of Bill S-210, An Act to amend An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

Hon. Ratna Omidvar: Colleagues, I rise today to speak on Bill S-210, An Act to amend An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts.

Notwithstanding the rather long introduction and the fact that the word "Act" is mentioned five times in three sentences, which is a real tongue twister, let me assure you that the bill before us is actually quite simple. Before I speak to it, I want to commend the sponsor of the bill, Senator Jaffer, for her commitment to human rights in Canada and, indeed, globally. This bill, and its presence here today before us, is a testament to her commitment to all Canadians and, in fact, world citizens.

The purpose of Bill S-210 is quite simple and straightforward. It contains a single clause. Simply put, Bill S-210 will repeal the short title of the Zero Tolerance for Barbaric Cultural Practices Act, which addressed forced marriage, polygamy, provocation and the national age of marriage.

The content of the act, how it is interpreted, how it is enforced will not change. It simply deletes the short title, which is "zero tolerance for barbaric cultural practices."

• (1550)

It does so because the short title is problematic. Let me give you my reasons why I agree with the problems embedded in the title.

First, when you link the words, when you conflate the words "culture" and "barbaric" together, I think we are inferring that some practices are part of certain cultures and not others and therefore these cultures are inherently barbaric. But I would suggest that the inherent violence that underlines these acts which are mentioned — forced marriage, polygamy, provocation, national age of marriage — has existed across many cultures and backgrounds, ethnicities and, sadly, across humankind. Violence against women is not unique to one culture or another. It is pervasive through all areas of our society.

I look back at the consultations that were done in the Senate during the hearings for Bill S-7, and the act that is being amended, and I take from the hearings something that Deepa Mattoo from the South Asian Legal Clinic of Ontario said.

Ms. Mattoo said:

> While we acknowledge that the government is paying attention to the issue of violence against women and we're really happy about it, unfortunately the discourses around culture, especially as it relates to violence against women, makes violence in South Asian communities and marginalized communities seem unusual, extreme or somehow significantly different than ongoing violence that happens to women in Canada across race, religion and background. Violence is not a cultural phenomenon. It is not unique to one particular culture or community.

Second, as Senator Jaffer has pointed out, by using the term "barbaric cultural practices" and by applying that language to some heinous crimes but not to others, we may be implying a judgment call that some crimes are more heinous and serious than others. I would say to you that sexual assault is barbaric. Rape is barbaric. Murder is barbaric. But by applying language to one set of crimes as opposed to others, we may be suggesting that they are less important and therefore less serious.

Third, by linking crime to culture, I think we are minimizing the role of the individual, letting the individual off the hook. Individuals commit these crimes. They are the ones who bear the responsibility, not an entire culture or community.

Fourth, honourable senators, the short title builds a separation between "us" and "them," placing certain communities and cultures into the "other" category. The government of that day assured this chamber that it was not their intention to create this situation and we can take their word for it, but people in communities did not take it that way and this is ultimately what may matter.

Ninu Kang, from MOSAIC in British Columbia, said:

> . . . this particular legislation targets immigrant communities. . . . It creates the phenomena of us and them — "us" being Canadians — and somehow that we as Canadians are humans and have good values and practices, and those who come from other parts of the world are barbaric.

Suzanne Costom from the Canadian Bar Association wisely stated:

> . . . the Canadian Bar Association has consistently recommended that the government refrain from using short titles that seek, in our opinion, to inflame the emotions of the Canadian public . . .

Honourable senators, I believe words matter. We have had many discussions and continue to have many discussions about words, and single words transposing other words. I won't name the act, but I think we all know what we are referring to. Words give shape to our ideas, our values, our hopes and fears. They have an incredible amount of power and can sway us to come together and build bridges between communities. But they also have the power, sadly, to divide us, to build walls and to create grudges,

I think it's advisable for us to be thoughtful and diligent about the words we use in legislation. I will submit to you that it is far better to use no words at all than to use words that create divisions, and this is what Senator Jaffer's bill proposes to do.

In conclusion, I want to note from the record what Senator Ataullahjan said at second reading of Bill S-210.

She noted:

> In discussion with members of the community over the past months, many have expressed their support for Bill S-7 and the important issues that it addresses. However, at the same time, they also expressed serious concerns with regard to its short title.
>
> Honourable senators, I support this act to amend the short title of Bill S-7. I applaud and support the efforts of our colleague the Honourable Senator Jaffer in this regard, and I would urge you to support the removal of the short title of this bill.

Honourable senators, I agree, maybe more violently than I have given expression to, with my colleagues Senator Ataullahjan and Senator Jaffer. I will vote to approve this bill and I hope you will too.

(On motion of Senator Martin, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is almost four o'clock and there are a number of items that have to be called before the next speaker, which would mean that the next speaker would have approximately two minutes before we have to adjourn at four o'clock.

Rather than have the next speaker cut off after two minutes of speech, is it agreed that we adjourn now, honourable senators?

Hon. Senators: Agreed.

(*Accordingly, at 3:57 p.m., the Senate was continued until Thursday, November 9, 2017, at 1:30 p.m.*)