



DEBATES OF THE SENATE

1st SESSION



42nd PARLIAMENT



VOLUME 150



NUMBER 153

OFFICIAL REPORT
(HANSARD)

Tuesday, October 31, 2017

The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

(Daily index of proceedings appears at back of this issue).

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

THE SENATE

Tuesday, October 31, 2017

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

Prayers.

SENATORS' STATEMENTS

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I have received a notice from the Government Representative in the Senate who requests, pursuant to rule 4-3(1), that the time provided for the consideration of senators' statements be extended today for the purpose of paying tribute to the Honourable Michael Pitfield, whose death occurred on Thursday, October 19, 2017.

[*Translation*]

I would like to remind senators that, pursuant to our Rules, each senator will be allowed only three minutes and may speak only once, and the period for senators' statements will be extended by no more than 15 minutes.

[*English*]

TRIBUTES

THE LATE HONOURABLE P. MICHAEL PITFIELD, P.C., O.C.

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I rise today to pay tribute to former Senator Michael Pitfield, a public servant and senator whose service to Canada spanned decades and whose contributions endure today.

For a former public servant such as myself, Michael Pitfield was an inspiration. He demonstrated unparalleled leadership in shaping the modern public service starting from an exceptionally young age.

He led the public service in a period of significant reform and helped his Prime Minister achieve a remarkable policy agenda.

To say he was an overachiever is an understatement. At 14, often an agonizing age for awkward teenage boys, he was ready for university. Law school at McGill followed.

With his freshly minted law degree, he arrived in Ottawa working as an assistant to Davie Fulton, then the Minister of Justice in the Diefenbaker government. Among other young Canadians who worked in Davie Fulton's office at different times, we should remember Lowell Murray, Marc Lalonde and Joe Clark. Unlike some of his workmates, Michael Pitfield was never elected to public office, but he engaged with Canada's leadership at the highest levels, becoming the youngest Clerk of the Privy Council to date. He was only 37.

The former governor of New York, Mario Cuomo, said in a famous speech that "good public administration is composed of equal parts of poetry and plumbing."

We look at the repatriation of the Constitution and the establishment of the Charter of Rights and Freedoms as defining moments in Canada's history, moments that are poetic in evoking national pride. Other contributions — a modern public service and the cabinet system, for example — may be considered by many as more plumbing than poetry.

But take it from a former public servant: It took a lot of poetry and a hell of a lot of plumbing, not to mention patience and persistence, to institute the change and create the culture that made those policy shifts happen.

Michael Pitfield was there every step of the way. He was instrumental in the nation building that led to the Canada we know today. He believed fundamentally in a professional, non-partisan public service, and he manifested this commitment to non-partisanship when he was appointed to the Senate in 1982, sitting as an independent.

He inspired then and he inspires now. I especially hope that young people will take inspiration from his life of service. I hope that assistants on the Hill and other young people studying or starting their careers will see the opportunity and satisfaction that a life of public service can offer.

I hope that we look at Michael Pitfield's life and see that, regardless of political affiliation, we can always learn and grow by participating in the political process and working with top-class politicians of every stripe.

I hope they will see that this openness to learn and a commitment to service can lead to a fulfilling career and to many interesting destinations, even perhaps this chamber.

I offer condolences to his children and grandchildren in the certain knowledge that Michael Pitfield made a difference.

Hon. Joseph A. Day (Leader of the Senate Liberals): Honourable senators, I would like to join my colleague in paying tribute to the Honourable Michael Pitfield.

Much has been written in recent days about Senator Pitfield's close relationship with Prime Minister Pierre Elliott Trudeau, how he became Clerk of the Privy Council at the age of 37, how he played a key role in repatriating the Constitution and how, as clerk, he modernized decision-making practices in government. But, unfortunately, not as much has been written about the time that he spent in this place as a senator.

As has been noted, he was appointed to the Senate in December 1982, and he continued throughout his career here as an independent senator. Notwithstanding his formidable experience at the highest levels of government, he only gave his inaugural speech almost a year after he was appointed here to the Senate. On that day, he spoke to the report of a special Senate

committee on the Canadian Security Intelligence Service. The committee had been pre-studying legislation that would establish CSIS, removing intelligence services from the RCMP and putting them in the hands of a civilian authority.

He was the chair of that committee, and after four months of study his committee proposed a number of significant amendments to the CSIS Act, with a view to better balancing security and individual rights. The government made major amendments to this bill in its response to the work that the Senate did on it.

Mr. Pitfield brought a wealth of talent, experience and expertise to the Senate. He also had an interest in Senate reform and drew from his experience with the repatriation of the Constitution. In the foreword of the book entitled *Protecting Canadian Democracy: The Senate You Never Knew*, he wrote:

Focusing merely on the change and not on its consequences as far as the eye can see is to invite mistakes and chaos. . . .

It is important to build on the genius of the system itself, to avoid trying to achieve some sudden change of thesis or basic direction by simply declaring it shall happen.

• (1410)

It was a loss to the Senate and to the country as a whole that in his later years Senator Pitfield struggled with the debilitating effects of Parkinson's disease, which finally forced him to resign from the Senate in 2010.

With his passing, Mr. Pitfield leaves a strong legacy both in the public service and in the Senate. He also leaves behind three wonderful children: his daughters Caroline and Kate, and his son Tom. Tom Pitfield is a key adviser to another Trudeau, the current Prime Minister.

I would like to express condolences, on behalf of fellow senators, to his beloved children and his extended family and friends.

Hon. Yuen Pau Woo: Honourable colleagues, I did not know Michael Pitfield, but from the time I started working on public policy in Canada, I could not avoid hearing of his name and his massive legacy.

We have already heard from colleagues recounting the sterling and meteoric career of the Honourable Michael Pitfield, which I will not repeat, but those who knew him have spoken especially highly of his work ethic and his ability to provide advice and to create policy predicated on reason derived, above all, from independent thought.

Tom Axworthy, who was the former principal private secretary to Pierre Trudeau, said about his former colleague, in an interview given to the *Ottawa Citizen* on October 28:

Michael showed his real colour when he went into the Senate as an Independent, as a voice for the public service and reason and the things he believed in and not attach himself to any caucus.

In many ways, Michael Pitfield was a forerunner of all independent senators and, therefore, has a special place for those of us who belong to the Independent Senators Group.

Mr. Pitfield truly embodied the role of civil servant, and his career is that of a legacy. Remarking upon his retirement in 2010, after sitting as an independent for 27 years, he said:

I believe that service to our nation is the highest privilege that a Canadian can undertake. . . .

. . . I have sought to engage Canadians with public policy and have worked to improve Canadians' understanding of and access to our federal government.

Colleagues, these are words we should embrace. These are ideas we should aspire to fulfil every day as we sit in this position of responsibility.

I wish to extend my deepest sympathies to the family and friends of the Honourable Michael Pitfield. His contributions to Canada will never be forgotten.

Hon. Larry W. Smith (Leader of the Opposition): I also rise today to pay tribute to the late Michael Pitfield, civil servant and senator, whose career spanned 50 years. After starting his public service career in 1959, he rose in the ranks amongst top public servants. His friends recall his intellect, his ability to take complex problems and explain them in layman's terms.

With his work ethic and reputation, at the age of 37 Michael was honoured with the title Clerk of the Privy Council, becoming the youngest ever to serve in that role. This was a role that warranted non-partisanship and the will to create a better Canada for all its citizens.

[*Translation*]

We will remember him for his strong support for bilingualism and his vision of a united Canada. His constitutional knowledge and experience allowed him to play an important role in the patriation of the Canadian Constitution.

[*English*]

In addition to his political work, Michael was known for his dedication to the University of Ottawa's Heart Institute Foundation, an institute dear to many senators past and present. His 20 years of devotion to the cause was recognized with the establishment of the Michael Pitfield Chair in Cardiac Surgery at the institute.

In later years, as he developed Parkinson's disease, he then devoted his time to another cause, working to raise awareness of the devastating disease.

Colleagues, Michael Pitfield had a big impact on the Canadian public service. He served his country well. He will be remembered as a civil servant, a senator, but, most importantly, he will be remembered for his service outside of politics and bureaucracy.

[Translation]

Hon. Serge Joyal: Honourable senators, as we pay tribute to Senator Michael Pitfield, who has passed on, I would like to share some of his thoughts on the institution of the Senate and the role it plays in our parliamentary system.

[English]

Let us remember that Senator Pitfield sat in this chamber from 1982 to 2010. He sat as an independent, not because he wanted to have no alliance with a political party to perform his senatorial duties. In fact, he firmly believed in the role of political parties in our democracy. He stated in May 2000, in this chamber:

The foundation of democracy, we are taught, is participation. The mainstay of participation is the party.

Before being a senator, Michael Pitfield exercised the highest responsibilities in the Canadian public service. He worked intimately with both Tory and Liberal governments. When entering the Senate, he did not want to join any party to avoid giving the impression that he was a closet partisan during his previous career. It would have compromised his professional integrity and legacy. That is why he decided to sit as an independent senator.

Senator Pitfield was deeply concerned with the role and status of the Senate as a national institution. During the Clarity Act debates in 2000, he had an opportunity to express his views and convictions:

[Translation]

The Senate in our modern government is both ingeniously complex and uniquely Canadian. It plays vital roles in legislative review and regional representation While a governmental system is never perfect, we must build upon the genius of the system to ensure its continued relevance in federal government and to the lives of Canadians.

[English]

Senator Pitfield declared that it is wise that the question of changes in the Senate “is best not tackled in detail outside of the context of general reform of the Constitution.” He insisted that senators should always be mindful that the Constitution provides that laws are enacted by the Queen, but upon the advice and consent of both the Senate and the House of Commons. To him, the Senate is neither an advisory body to the Commons nor a lower-level chamber. It is the mature chamber of Parliament, speaking on behalf of regions and minorities in the legislative process.

He added:

At the same time, it is essential to recognize what is uniquely Canadian [in the institution]. Appropriately designed Senate reform could provide a greater counter-balance against the executive, more useful national debate and sharper administrative supervision

[Translation]

He said:

. . . in referring to constitution-making . . . the first step is almost never the final step . . .

[English]

Honourable senators, I have lost a personal friend but continue to benefit from the depth of his thinking.

PATIENT SAFETY WEEK

Hon. Judith Seidman: Honourable senators, I rise to mark Canadian Patient Safety Week 2017, this year from October 30 to November 3.

In Canada, someone dies in hospital from an adverse event every 17 minutes. That’s equivalent to 31,000 people a year. One out of every 18 hospital visits results in preventable harm or even death, and in home care, up to 13 per cent of people experience an adverse event, such as medication error. The scope of the problem is far more significant than most people realize, which is why it’s so important that we raise awareness and make patient safety a priority.

Spearheaded by the Canadian Patient Safety Institute, a not-for-profit organization dedicated to improving patient safety, Canadian Patient Safety Week is an opportunity for all Canadians to share information about best practices in this area.

• (1420)

This year, patients and health care professionals are encouraged to start conversations about the five questions to ask about your medications and to talk with one another to increase awareness of medication safety issues.

Honourable senators, I would be remiss if I did not mention that Parliament has already taken critical action to improve patient safety by giving the government new powers to better protect Canadians from adverse drug reactions. Among other measures, the Protecting Canadians from Unsafe Drugs Act, known as Vanessa’s Law, requires health care institutions to report serious adverse drug reactions and medical device incidents.

During Canadian Patient Safety Week, I encourage us to work together as leaders in our communities to increase awareness and help to create a universally accepted culture of patient safety in our health care system, one that includes mandatory reporting of all serious adverse drug reactions. It is a small but important step and it is indeed a matter of life and death.

INDIAN ACT—ELIMINATION OF SEX-BASED DISCRIMINATION

Hon. Lillian Eva Dyck: Honourable senators, Senator Sandra Lovelace Nicholas and I had hoped to be able to give this senator's statement jointly, but unfortunately our Rules do not allow us to do so.

Senator Lovelace Nicholas and I are honoured and humbled to join forces with Jeannette Corbière Lavell, Yvonne Bédard, Sharon McIvor and Dr. Lynn Gehl in a national call for support to eliminate the discrimination against women in the Indian Act. After more than 40 years after advocacy and fighting in the courts for equal status for women in the Indian Act, we say it is time to end the discrimination against Indian women and our descendants with regard to the Indian registry.

As senators know, after our consideration of Bill S-3 in June, we unanimously passed an amendment which would have ensured that, for the first time, Indian women and their descendants would be entitled to Indian status on the same footing as Indian men and their descendants, but that amendment was removed in the House of Commons and the message from the House of Commons on our Order Paper asks that the Senate agree with them.

Colleagues, we humbly ask for your continued support to ensure equality in the Indian Act. Because indigenous women are a minority and because our rights are too easily forgotten, it is extremely difficult to be successful in our fight for equality without allies. We need the support of non-indigenous allies and we need it now.

Today, we, Senator Lovelace Nicholas and I, are formally announcing a national solidarity initiative in partnership with FAFIA, the Feminist Alliance for International Action. We are urging Canadians to join with the six of us in solidarity and insist that the Government of Canada remove all sex-based discrimination against Indian women and their descendants in the Indian Act by December 22, 2017. December 22 is the court-imposed deadline by which Parliament must pass a bill. Organizations and individuals can support our call for equality for indigenous women by logging onto the FAFIA website and following the links to sign on to a letter to Prime Minister Trudeau; contact their member of Parliament; and contact senators from their province or territory.

We thank you for your support.

LEGALIZATION OF CANNABIS

Hon. Tony Dean: Honourable senators, as some of you know, the Centre for Addiction and Mental Health, CAMH, headquartered in Toronto, is Canada's largest mental health and addiction teaching hospital as well as one of the world's leading research centres in its field.

Last week, I attended a CAMH information exchange on cannabis policy and regulation in Canada and Uruguay. This included a discussion between Canadian and Uruguayan experts on approaches to better protecting young users of cannabis from the harms associated with consumption and criminalization. We

also visited the CAMH impaired driving simulation program and a Toronto-based licensed cannabis production facility, one of 67 licensed production facilities in Canada.

The harms of cannabis were front and centre in the talks. Cannabis is the most commonly used illicit substance in Canada, and young people in Canada use cannabis more than their peers in most other developed countries. The harms of cannabis include health risks from early and heavy use; the absence of any controls over safety, potency and quality; drug impaired driving; and a broadly entrenched illicit market, which in Canada is valued at around \$7 billion annually.

There are also lifelong harms associated with criminal charges, which disproportionately affect indigenous peoples and other racialized Canadians, as well as associated burdens that criminalization has on criminal justice systems and resources.

Given these growing levels of harms, it was very helpful to hear from experts in Canada and Uruguay as they described their respective approaches to legalizing and strictly regulating cannabis. Approaches to tackling drug-impaired driving were also discussed.

We also learned about Canada's well-established medicinal cannabis regime successfully implemented by the previous government, from production of cannabis through to secure online ordering and delivery to registered users. Canada's success in implementing this medicinal regime is being studied by several other countries as well as a number of U.S. jurisdictions.

I want to thank CAMH for organizing the program and the Canadian and Uruguayan experts who contributed so much to it. With Bill C-46 arriving in the Senate and Bill C-45 potentially on its way here, it's clear there will be lots of evidence and expert advice for us to draw on as we do our work.

On that note, a further tranche of materials on Bill C-45 will be delivered to your offices this afternoon, with others to follow. Thank you for the interest that many of you are showing in this important discussion on cannabis reform and regulation.

NEWFOUNDLAND AND LABRADOR

CONGRATULATIONS TO KAETLYN OSMOND AND TEAM GUSHUE

Hon. Norman E. Doyle: Honourable senators, I wish to pay tribute to two Canadian athletic phenomena that also made the past weekend a gold medal weekend for the people of the province of Newfoundland and Labrador.

In particular, I'm referring to Kaetlyn Osmond's gold medal win at Skate Canada International in Regina, and Team Gushue's gold medal win at the Masters Grand Slam of Curling event at Lloydminster.

In January 2014, we paid tribute to Kaetlyn Osmond, a native of Marystown, a community of 4,500 people on Newfoundland's Burin Peninsula. At the time, Kaetlyn had just won her second Canadian national women's title and a spot on the Canadian Olympic team. Well, this past weekend, despite a fall in the early going, Canada's three-time national champ fought on to win the gold medal at Skate Canada International, a real pro at the early age of 21.

And speaking of pros, Team Gushue out of St. John's Curling Club won its second gold of the season by winning the Masters Grand Slam of Curling in Lloydminster, Saskatchewan.

Last year, we had the opportunity of congratulating Team Gushue on winning the Brier Curling Championship. Earlier this year, Team Gushue also went on to win gold for Canada at the 2017 Men's World Curling Championship, becoming the toast of Newfoundland and Labrador and all of Canada. In winning the masters this past weekend, Team Gushue went undefeated and ended the tournament on a 20-game winning streak. They are now atop the leader board in the World Curling Tour's team rankings.

I'm sure my colleagues join with me in offering our congratulations to some of Canada's finest athletes, Kaetlyn Osmond in figure skating and Team Gushue in curling.

[Translation]

WOMEN'S HISTORY MONTH

Hon. Renée Dupuis: Honourable senators, since this is the last day of October 2017, I rise to draw your attention to the fact that October is Women's History Month. In addition, October 11 is the International Day of the Girl, and October 18 is Persons Day, which commemorates the case that made it possible for women to be appointed to the Senate. We are ever mindful that our contribution as female senators is part of a thread running through history, linking the past, the present — our modern era — and the future.

As she launched the 2017 "Claim Your Place" campaign, Maryam Monsef, the federal Minister of Status of Women, said, and I quote:

... we've made amazing strides toward gender equality and women's empowerment over the past 150 years. But there is still more work to do: barriers still exist, and sexism and discrimination continue to impact and shape the lives of too many Canadians.

• (1430)

This persistent discrimination affects not only women as individuals, but all women, as a number of recent events have shown us.

The Government of Canada said that it was "determined to advance gender equality and to ensure that everyone in Canada has the opportunity to reach their full potential," so it must send a clear signal that it is determined to eliminate individual and systemic discrimination against women. That includes in all of the entities responsible for administering criminal justice, especially in the area of sexual assault.

However, this annual commemoration should be more than a day to recognize the exceptional achievements of Canadian women and girls throughout this country's history. It must go a step further and generate specific initiatives to change society's outlook on those exceptional achievements up to now as well as on achievements that have not yet been widely acknowledged as exceptional.

I would like to share an example of one new outlook: the remarkable new exhibit at the Musée national des beaux-arts du Québec in Québec City entitled "Mitchell/Riopelle, Nothing in Moderation." This is the first international exhibit that offers a fresh perspective on the very abstract and intimate works of two famous painters, American painter Joan Mitchell and Québec painter Jean-Paul Riopelle, and gives each body of work its due. Until now, Jean-Paul Riopelle's monumental work, *Hommage à Rosa Luxembourg*, which has been on display in the Musée national des beaux-arts du Québec for years and was inspired by his long relationship with American painter Joan Mitchell, may have led people to believe that she was merely his muse. The new exhibit shines a new light on the exceptional work of this female artist and recognizes its true worth.

Dear colleagues, we are determined that our history will reflect both women's and men's contributions to humankind and will not just be the story of men told by men. That way, women's history will be able to unfold and to be talked about throughout the year, not just in October.

The Hon. the Speaker: I'm sorry, senator, but your time has expired.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2017-18

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (B), 2017-18.

TRANSPORT AND COMMUNICATIONS

[English]

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE REGULATORY AND TECHNICAL ISSUES RELATED TO THE DEPLOYMENT OF CONNECTED AND AUTOMATED VEHICLES—EIGHTH REPORT OF COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, October 31, 2017

The Standing Senate Committee on Transport and Communications has the honour to present its

EIGHTH REPORT

Your committee, which was authorized by the Senate on Wednesday, March 9, 2016, to study the regulatory and technical issues related to the deployment of connected and automated vehicles, respectfully requests funds for the fiscal year ending March 31, 2018, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DENNIS DAWSON
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 2584.)

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

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

STUDY ON PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

SEVENTEENTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the seventeenth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce entitled *Credit unions and the use of the word banking*.

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

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

STUDY ON THE ROLE OF AUTOMATION IN THE HEALTHCARE SYSTEM

EIGHTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE DEPOSITED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I have the honour to inform the Senate that pursuant to the orders adopted by the Senate on October 25, 2016, and October 3, 2017, the Standing Senate Committee on Social Affairs, Science and Technology deposited with the Clerk of the Senate on October 31, 2017, its eighteenth report entitled *Challenge Ahead: Integrating robotics, artificial intelligence and 3D printing technologies into Canada's healthcare systems*.

Honourable senators, I had hoped to have copies available for all of you, but the procedures do not conform to what our hope had been. However, you can get copies from the clerk by request, and it's available online. It's a handsome report.

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

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

FRAMEWORK ON PALLIATIVE CARE IN CANADA BILL

NINETEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

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

Tuesday, October 31, 2017 • (1440)

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

NINETEENTH REPORT

Your committee, to which was referred Bill C-277, An Act providing for the development of a framework on palliative care in Canada, has, in obedience to the order of reference of Tuesday, September 26, 2017, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations which are appended to this report.

Respectfully submitted,

KELVIN KENNETH OGILVIE
Chair

(For text of observations, see today's Journals of the Senate, p. 2570.)

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

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

LATIN AMERICAN HERITAGE MONTH BILL

TWENTIETH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

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

Tuesday, October 31, 2017

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

TWENTIETH REPORT

Your committee, to which was referred Bill S-218, An Act respecting Latin American Heritage Month, has, in obedience to the order of reference of December 12, 2016, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN KENNETH OGILVIE
Chair

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

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

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

BILL TO AMEND—SEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE PRESENTED

Hon. Fabian Manning: Honourable senators, I have the honour to present, in both official languages, the seventh report of the Standing Senate Committee on Fisheries and Oceans, which deals with Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins).

(For text of report, see today's Journals of the Senate, p. 2571.)

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

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

HUMAN RIGHTS

BUDGET—STUDY ON ISSUES RELATING TO THE HUMAN RIGHTS OF PRISONERS IN THE CORRECTIONAL SYSTEM—EIGHTH REPORT OF COMMITTEE PRESENTED

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

Tuesday, October 31, 2017

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

EIGHTH REPORT

Your committee, which was authorized by the Senate on Thursday, December 15, 2016, to study the issues relating to the human rights of prisoners in the correctional system, respectfully requests funds for the fiscal year ending March 31, 2018.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

JIM MUNSON
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 2592.)

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

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

[*Translation*]

THE ESTIMATES, 2017-18

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (B)

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 the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2018, with the exception of Library of Parliament Vote 1b; and

That, for the purpose of this study, the committee have the power to sit, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[*English*]

NOTICE OF MOTION TO AUTHORIZE THE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT TO STUDY VOTE 1B OF THE SUPPLEMENTARY ESTIMATES (B)

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 the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2018; and

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

CRIMINAL CODE

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—FIRST READING

Hon. Salma Atallahjan introduced Bill S-240, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs).

(Bill read first time.)

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

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

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on Official Languages have the power to sit at 3:30 p.m. on Wednesday, November 8, 2017, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

[*English*]

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MARITIME SEARCH AND RESCUE ACTIVITIES

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

That, notwithstanding the order of the Senate adopted on Thursday, April 14, 2016, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in relation to its study on Maritime Search and Rescue activities, including current challenges and opportunities be extended from November 30, 2017 to June 30, 2018.

QUESTION PERIOD

BUSINESS OF THE SENATE

The Hon. the Speaker: Pursuant to the motion adopted in this chamber, Thursday October 26, 2017 Question Period will take place at 3:30 p.m.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions: the response to the oral question of June 5, 2017, by the Honourable Senator Martin, concerning the Canada Post review; the response to the oral question of September 28, 2017, by the Honourable Senator

Gagné, concerning support for children; and the response to the oral question of October 4, 2017, by the Honourable Senator McPhedran, concerning the gender-based analysis — women's programs.

PUBLIC SERVICES AND PROCUREMENT

CANADA POST REVIEW

(Response to question raised by the Honourable Yonah Martin on June 5, 2017)

Canada Post is a valued Canadian institution that delivers services to Canadians from coast to coast to coast.

Our Government is delivering on its promise to suspend the conversion to community mailboxes and undertake a review of Canada Post.

In May 2016, the Government launched an independent, evidence-based review of Canada Post to ensure Canadians receive quality and sustainable postal services at a reasonable cost.

In Phase I, an independent four-member Task Force provided a report detailing a range of options for the future of Canada Post.

In Phase II, the Standing Committee on Government Operations and Estimates held consultations in 22 communities from coast to coast to coast.

Canadians shared their views on their postal needs and reaffirmed the importance of Canada Post as a public institution and its relevance in today's digital age.

Our Government is carefully considering all of the evidence and perspectives gathered throughout the review and will announce a new plan that will meet the needs of all Canadians in 2017.

OFFICIAL LANGUAGES

SUPPORT FOR CHILDREN

(Response to question raised by the Honourable Raymonde Gagné on September 28, 2017)

On June 12, 2017, the Government of Canada announced a historic agreement with provincial and territorial governments on a Multilateral Early Learning and Child Care Framework. The Framework will be seeking to increase the quality, accessibility, affordability, flexibility, and inclusivity in early learning and child care, with consideration for families that need child care the most.

The importance of official languages is well embedded in the Multilateral ELCC Framework and associated bilateral agreements where children in Official Language Minority Communities (OLMCs) are among prioritized groups for funding considerations by provinces and territories.

Province and territories who invest in OLMCs will be required to identify tangible supports for these communities as part of their action plans, which will be made public. The Government will also report to Canadians on progress, including on elements which support OLMCs.

FINANCE

GENDER-BASED ANALYSIS—WOMEN'S PROGRAMS

(Response to question raised by the Honourable Marilou McPhedran on October 4, 2017)

Finance Canada

In Budget 2017, the Government presented its first ever Gender Statement — a public assessment of how budget measures affect different groups of women and men. The Government did this to strengthen its commitment to gender-based analysis — promoting better decision making by ensuring that the impacts of budget measures are fully explored. In sharing its analysis within the Statement, the Government sought to improve transparency and to promote further analysis and dialogue on gender and inclusiveness issues.

Conducting high quality gender-based analysis is an ongoing commitment and a shared responsibility across government. Status of Women Canada is working closely with departments to consider ways to improve the quality of gender-based analysis throughout the policy process, including by engaging outside experts and by making gender disaggregated data more readily and publically available.

The Government continues to look at ways to improve its consideration of gender and inclusiveness issues and to advance the prioritization of these issues within the budget process.

[Translation]

ORDERS OF THE DAY

PRECLEARANCE BILL, 2016

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Lucie Moncion: Mr. Speaker, honourable colleagues, I would like to say a few words today about Bill C-23, An Act respecting the preclearance of persons and goods in Canada and the United States. First, I agree with the objective of the bill,

which, according to Minister Goodale, is part of the government's efforts to focus on various drivers that grow the economy and expand trade through initiatives that help move both people and goods across international boundaries in faster, easier and more efficient ways, all while maintaining our safety and security and respecting our rights.

However, as noted by my honourable colleagues, Senators Housakos, Jaffer and Pratte, certain provisions in Bill C-23 are a cause for concern, in that they seem to compromise the rights and freedoms of Canadian travellers and grant excessive powers to U.S. preclearance officers in preclearance areas located on Canadian soil. At present, there is no preclearance area in the United States for travellers bound for Canada.

Since Senators Pratte and Jaffer have already spoken about the new measures proposed by Bill C-23 regarding strip searches and making U.S. preclearance officers subject to Canadian policies and laws, I will not dwell on those aspects. My speech today will focus on two subjects: first, the idea of a traveller resisting a U.S. preclearance officer when attempting to leave the preclearance area; and second, the U.S. officers' enhanced power to question and detain Canadian workers in the preclearance area.

Under the agreement currently in force between Canada and the United States, a traveller is entitled to leave the preclearance area at any time without having to take any special measures. Under Bill C-23, however, the traveller would have to notify a U.S. preclearance officer, produce identification, and answer the officer's questions about the reason for leaving the preclearance area. The bill states that the officer may not "unreasonably delay" the traveller, but it fails to specify what an unreasonable delay means.

- (1450)

However, if the traveller does not wish to answer all the officer's questions, or if the officer believes that the traveller's answers are not truthful, Bill C-23 as currently worded allows the officer to detain the traveller for refusing to answer questions. Resisting an American officer can have such adverse implications as being imprisoned for a maximum of two years. According to the Barreau du Québec, the idea of resisting an officer introduces a new type of federal offence simply because a person does not want to answer the questions asked for the purpose of accommodating his or her request to withdraw from the preclearance process. This measure is at odds with the rights and freedoms we have in Canada. Silence or the refusal to answer are not reasonable grounds for suspecting someone of wrongdoing.

This new measure requiring a traveller to report to a preclearance officer in order to withdraw from the process was added to dissuade people from entering preclearance areas for the sole purpose of scoping the site to obtain more information about the security measures in place.

I would like the committee that will be tasked with studying Bill C-23 in depth to look carefully at this new provision in order to find a way to prevent people from scoping out the area without requiring travellers to be questioned by American officers, under threat of being charged with resistance or suffering the consequences.

It might be more appropriate to ask any traveller wishing to leave preclearance to show some identification without necessarily giving the officers the right to question that traveller. The officers would have the right to detain the traveller only if he or she failed to show identification.

Bill C-23 also includes measures that would violate privacy. In fact, no reason other than protecting national security is required for a U.S. preclearance officer to ask for travellers' passwords in order to access their smart phone, tablet or laptop. As everyone knows, these electronic tools contain a great deal of personal information. Daniel Therrien, Canada's Privacy Commissioner, and most of us consider that accessing this information with no legal grounds other than the desire to protect national security constitutes a violation of privacy, especially if, by refusing to provide the password to the preclearance officer, the traveller runs the risk of being sentenced to two years in prison.

I am again asking the committee to carefully examine this issue and to propose an amendment that will protect the privacy of passengers who move through preclearance areas.

My last point specifically concerns Canadian employees whose jobs take them through U.S. preclearance. We studied the Canada-U.S. land, rail, marine, and air transport preclearance agreement. We also examined Bill C-23, whose stated objective is the implementation of the March 16, 2015 agreement.

I will add here my comments about the bill's section dealing with the powers given to the U.S. authorities to determine who can work in a preclearance facility on Canadian soil. As Senator Housakos mentioned in his speech, we must ensure that these provisions are both acceptable and reasonable, but, above all, that they do not place restrictions on workers and employers.

The Senate committee must examine the part of the bill that deals with the department responsible for American domestic security, Homeland Security, which will be given the opportunity to provide the "derogatory information" on each employee requiring unescorted access to preclearance areas through normal employee security certification and recertification processes.

The bill does not include a clear definition of what constitutes "derogatory information," nor does it provide any standards for determining the level of trust or evidence needed to assess the information provided. The lack of any standards for assessing the derogatory information could lead to the denial of security clearance for some employees, which could jeopardize their employability.

There is already a very detailed procedure that was implemented to assess security issues of employees working at marine terminals. It is set out in the Marine Transportation Security Regulations, which was the subject of judicial review at the Federal Court and the Federal Court of Appeal.

These regulations indicate that the length of Canada's coastlines, the number of Canadian ports, Canada's substantial economic dependence, in terms of international trade, on goods transported by sea, both in and out of Canada, and, to a lesser extent, the cruise market, Canada's ability to fund security measures and its proximity to the United States are all factors that explain why Canada introduced the current preclearance

system. It aims to reduce the threat some individuals pose to marine facilities. These individuals obtain marine transportation security preclearance from the department.

By not amending the bill, we are creating a redundant security clearance level for employees at marine terminals and we are giving the United States a say in those employees' ability to work. Those employees could then be denied access to work in preclearance zones.

In closing, it is important to mention that Canadian and U.S. border security operations are interdependent and integrated for the most part. Therefore, it is vital to fully understand and thoroughly study these provisions in order to make recommendations and consider changes.

Thank you for your attention.

(On motion of Senator Carignan, debate adjourned.)

[English]

STATISTICS ACT

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Diane Griffin: Honourable senators, I rise today to speak in support of Bill C-36, an Act to amend the Statistics Act, and to recommend sending it to committee for further consideration.

Generally, I am favourably impressed with Bill C-36; however, I have one strong concern that I hope the committee will examine in further detail. My issue is with the consent provisions of the bill that are being amended, especially subsection 18.1(2) of the act and a legal requirement for a parliamentary committee to undertake an administrative and operational review of subsection 18.1(2) found in Bill S-18, which was passed in 2005.

Honourable senators, I draw your attention to an oversight by government where the amending legislation to Bill S-18 required the following, and this is in regard to parliamentary committee:

2(1) No later than two years before the taking of the third census of population under section 19 of the *Statistics Act* after the coming into force of this Act, the administration and operation of subsection 18.1(2) of the *Statistics Act*, as enacted by section 1, shall be reviewed by any committee of the Senate, the House of Commons or both Houses of Parliament that may be designated or established for that purpose.

And 2(2):

The committee shall submit a report to the Senate, the House of Commons or both Houses of Parliament, as the case may be, in relation to the review that includes a statement of any changes to the administration of subsection 18.1(2) of the *Statistics Act*, as enacted by section 1, that the committee recommends.

• (1500)

Honourable senators, after verification with Journals from both houses, the Library of Parliament and the government, we find that government did not introduce a motion to refer this matter to a parliamentary committee. Moreover, no parliamentary committee issued a report.

After conversation with the staff in the office of the Minister of Innovation, Science and Economic Development last Wednesday, they have now deemed Bill C-36 to fulfill the legal requirement found in Bill S-18 from 2005.

Honourable senators, this is clearly an oversight with no sense of malice. The most probable explanation is that the Act to Amend the Statistics Act was likely added to the 2005 Annual Statutes of Canada and then forgotten.

However, I stress that there must be a review of the "administration and operation." The Industry, Science and Technology Committee in the other place did have a cursory examination of the consent provisions for the census. However, there was no discussion on the response rates of the numbers of individuals who provided consent for their census to be released after 92 years. Moreover, there was no discussion of the number of individuals who left the checkbox blank, which Statistics Canada infers as not providing consent.

More importantly, there were limited witnesses heard from Canadian society. The Canadian Historical Association did not give evidence, nor did any other genealogical group. From government, neither the Information Commissioner nor the Privacy Commissioner were called as witnesses.

Some senators may favour the retention of the consent provisions of subsection 18.1(2) so that all future censuses operate under the 2006 framework. I, however, would support amending the bill to remove the consent provisions of the 2006, 2011 and 2016 censuses to ensure consistency in the application and use of census information 92 years after the census in question.

Regardless of whether you agree or disagree with the application of the consent provisions, most senators would agree that in order to be in compliance with the 2005 legislation, a thorough list of witnesses will be required in committee. The Senate should undertake this more detailed analysis in committee.

(On motion of Senator Tkachuk, debate adjourned.)

**IMMIGRATION AND REFUGEE PROTECTION ACT
CIVIL MARRIAGE ACT
CRIMINAL CODE**

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

Hon. Mobina S. B. Jaffer moved 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.

She said: Honourable senators, 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.

I would like to thank Senator Ataullahjan, who has supported me with this bill since I introduced it two years ago. I would also like to thank Senators Ogilvie and Eggleton and the Standing Senate Committee on Social Affairs, Science and Technology for their support and discussion about the importance of this bill.

The purpose of Bill S-210 is simple and it only contains a single clause to reflect this. Bill S-210 will repeal the short title of the Zero Tolerance for Barbaric Cultural Practices Act, which dealt with polygamy, national age of marriage, forced marriage and provocation.

The content of the act will not change. The way the act is interpreted will not change. The bill does not affect any of the prohibitions at all. I have not even created another title since I do not wish to start that discussion.

The Senate legal counsel has informed me that there is no need for a title since the act only amends other bills instead of creating its own act.

Senators, I'm going to ask permission to finish the rest of my speech sitting down. Thank you.

In other words, everything contained in the Zero Tolerance for Barbaric Cultural Practices Act has already been integrated into the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code, respectively. In most instances, bills that only amend existing acts do not have short titles for that very reason. However, in this case, the short title still remains in our law with nothing associated with it. In other words, all Bill S-210 will do is repeal that short title, the "Zero Tolerance for Barbaric Cultural Practices Act."

I tabled this bill because the use of "barbaric" and "cultural" together in a short title completely reframes the discussion of horrible crimes like forced marriage, polygamy and female genital mutilation.

Honourable senators, when we put "barbaric" and "cultural" together, we take responsibility for the horrific actions away from the person who committed them. Instead, we associate the crime with culture or community and we imply that these horrible practices are a part of it.

Labelling cultures this way has serious implications. To give an idea of the picture that is being painted, I would like to read the definition of the word "barbaric" from *the Oxford Dictionary*:

Savagely cruel. Primitive; unsophisticated. Uncivilized and uncultured.

In other words, using the words "barbaric" and "culture" together paints entire cultures as cruel and primitive. We portray them as inferior people whom we do not want in our society.

Honourable senators, I know this because I experienced it as a child. I grew up in a colonial country where people like me were called barbaric because of the colour of our skin. When I went to school, we were called barbaric. If we made a mistake or did not speak English properly, our teachers hit us and said we were barbaric.

They tried to make us ashamed of our culture and think of it as less civilized. That is what it means when you call someone's culture barbaric.

By calling other cultures barbaric, we are going against the very values that lets Canada stand out among other countries. Let us learn from our past. Rather than marginalizing entire cultures and cutting them out of Canadian society, let us sew our different cultures together and promote unity.

I would like to make it perfectly clear that I am not saying that we should take the crimes within the Zero Tolerance for Barbaric Cultural Practices Act any less seriously. I am saying that we should take great care with how we label them as we fight against them.

Each of us knows that crimes like forced marriage, female genital mutilation and polygamy are unacceptable. However, they are not the only horrifying crimes that Canadians find unacceptable.

Many of you are aware that I am currently fighting to end cybersex trafficking of children with International Justice Mission. I fight with them because cybersex trafficking is unacceptable. Sexual abuse is unacceptable. Sexual assault against children is unacceptable.

However, despite this fact, we call the crimes in the act "barbaric cultural actions" while leaving other crimes without labels. This almost implies that crimes like cybersex trafficking of children, sexual abuse and assault are somehow less serious.

We all know this is not true. Therefore, they should not have separate labels.

Further, these crimes happen across cultures, races, ethnicities, gender and age. That is why they're illegal in our Criminal Code — we realize that individuals from any group could commit them.

Honour killings are murder. They've always been illegal. Forced marriages are illegal regardless of what group you belong to. The reality is that crimes do not differentiate between cultures. This is why we call them illegal. We make it clear that no one may ever commit them.

• (1510)

However, despite this reality, the short title of "Zero Tolerance for Barbaric Cultural Practices Act" is still being used. This actively hurts our chances of fighting these crimes and reduces the likelihood that those responsible for such horrific crimes will ever face justice for their actions.

Honourable senators, I have spent over 40 years fighting female genital mutilation and forced marriage in Canada. I've talked to women and girls from across the country who have suffered due to the crimes that are listed in the act, and each of them tells me the same thing. Labelling cultures as barbaric does not prevent anything. Instead, it silences victims and ensures that no one will ever hear about them.

I would like to share one example with you from when I travelled across the country to study this issue. When I was in Toronto, I ran into a community — which I will not name, to avoid causing any further issues — that was dealing with the issue of female genital mutilation. I will never forget what one of those girls who had suffered from female genital mutilation told me when I asked her why she didn't speak out. She said, "We want this act to stop. We want to talk about it, but when we stand up to talk about it in mosques, the mosques tell us, the temples tell us, 'You are making us all look barbaric.'"

There are many productive solutions that we can pursue instead of labelling cultures. For example, we could be focusing on the fact that there has never been a single prosecution to address female genital mutilation despite the fact that several laws have been made to prevent it.

Instead of alienating entire cultures, we could be committing resources to protect our young girls.

We could be focusing on the horrifying issue of domestic abuse. On average, every six days a woman in Canada is killed by an intimate partner. Every year Canada spends a staggering \$7.4 billion on the effects of spousal violence.

Instead of targeting specific communities for the actions of individuals, we could be working together to help end an issue that takes the lives of many Canadians every year. Instead of disempowering victims and making them afraid to speak, we could be giving them more resources.

The United Kingdom has a system that I dream of having here in Canada, where children can call a crisis line if they think they're about to be forcibly married. They can say, "I'm being taken to India on this date. I will be at this address. My parents tell me I'm supposed to return on Y date. If I do not return, please come looking for me."

We do not have that here in Canada. We do not have a crisis line in Canada. The children have nowhere to turn and often disappear because it becomes impossible to track them once they leave our country.

Honourable senators, if we are truly committed to this battle against female genital mutilation, forced marriages and polygamy, we should be doing everything we can to fight those crimes. This means not wasting our time by using language that propagates xenophobia and makes victims even more vulnerable. It keeps victims silent.

As parliamentarians, it is our responsibility to consider the impact of our words and to find constructive solutions. I am not alone in this belief. When the bill went before the Standing Senate Committee on Human Rights in the previous session, I heard from several witnesses at the committee, and I would like to repeat their words. Sharryn Aiken, a professor at the faculty of law at Queen's University stated:

I am not in a camp for being an apologist for violence — not at all. Let's not make any mistake about that. It's rather the pairing of "barbaric" and "cultural" that's the problem, because it seems to imply that the people who are perpetrating harmful practices and/or the victims of harmful practices are somehow relegated to some select cultural communities.

As we know, that is a patent falsehood. We know that family violence, domestic violence, wife assault, and other forms of abuse are endemic across Canadian society. They affect newcomers, long-term residents, aboriginal Canadians and citizens of many generations. They affect Canadians right across the social strata of this country.

That's the problem with the short title. It is suggesting that somehow there are only some communities that we need to be concerned about, rather than dedicating ourselves to eradicating violence everywhere.

Ninu Kang, Director of Communications and Development at MOSAIC, a settlement organization in Vancouver, 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. . . . Furthermore, there is legislation that already addresses the issues in this legislation around polygamy and so one, so I guess the question is what is the need for this legislation? What is the purpose of calling this zero-tolerance to barbaric practices and to what cultural group is this targeted?

Nalia Butt, Executive Director of Social Services Network, stated:

We agree that the practices the Bill aims to restrict are undesirable. However, the title of the Bill has connotations suggesting that a select, privileged few have the status of the civilized preaching to the uncivilized barbarians. This

language in a multicultural, open and democratic society like Canada, where the majority of the people are immigrants, will not be conducive to reaching the goals the Bill has set to achieve.

Suzanne Costom of the Canadian Bar Association stated:

On a broader level, 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 rather than inform.

Finally, Avvy Yao-Yao Go, Clinical Director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, testified:

... at the end of the day, if we go back to the drawing board, some of the provisions might well be kept, but then you need to change the conversation as a whole because, right now, the conversation is not just about whether the families are engaged in criminal acts but whether they are doing so out of their barbaric culture.

Honourable senators, I agree with all of them. That is why I have introduced Bill S-210. It is time for us to repeal the short title of the Zero Tolerance for Barbaric Cultural Practices Act.

I would like to repeat and emphasize that nothing within the act itself will be changing. The laws will remain the same. The interpretation of these laws remains the same. Canada will remain as committed as ever to fighting genital mutilation, forced marriages, polygamy and other crimes. All that will be changing is the title.

I do not wish to muddy the waters by including other things in this bill. All that Bill S-210 will do is repeal the short title of the Zero Tolerance for Barbaric Cultural Practices Act.

Before concluding, I would like to take a step away from the practical considerations of this bill and speak on what the current short title says about us as a country.

Canada promotes multiculturalism and understands that its diversity is truly its strength.

Canada is a country that will always treat you fairly regardless of your race, creed, religion or sex.

In fact, that is why I am proud to be here in Canada. I came here with my family, my parents. I knew I would be able to be accepted here among my fellow Canadians. My family came here because we knew that our children, grandchildren and great-grandchildren will never have to experience the same struggles that we experienced when we were younger. We knew they would never be called barbaric like we were when we were younger. Our children and grandchildren would never have to feel ashamed of who they are and could take pride in their roots.

Honourable senators, I ask you to consider that when we put “barbaric” and “culture” together, we separate our communities. That is not the Canadian way. That is why I rise today and ask you to join me in supporting Bill S-210 and repealing the short title.

Honourable senators, I ask you to support me in repealing the short title. I ask you to do this because there is a lot of work that needs to be done in our country. When we do us and them and divide cultures by calling them barbaric, we stop the real work.

I ask you for your support. Thank you very much.

(On motion of Senator Omidvar, debate adjourned.)

• (1520)

NON-NUCLEAR SANCTIONS AGAINST IRAN BILL

THIRD READING—DEBATE

On the Order:

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

Hon. Art Eggleton: Honourable senators, I’m rising to speak on Bill S-219, An Act to deter Iran-sponsored terrorism, incitement to hatred, and human rights violations.

There have been many reports of human rights violations, funding terrorist groups such as Hezbollah and inciting hatred, primarily aimed at Israel by Iran. The Canadian government needs to continue to hold Iran to account on these issues. However, I do not believe this bill will move the dial in a positive way on any one of them.

Under the right circumstances, sanctions can work. We saw this in the Joint Comprehensive Plan of Action, commonly known as the Iran nuclear deal, between Iran and the permanent five of the Security Council plus Germany. In this instance, a coherent and coordinated sanctions regime brought to bear enough pressure on the Iranian regime to bring them to the bargaining table.

Canada implemented the United Nations Security Council mandated sanctions as well as additional sanctions on Iran in coordination with our partners. It is this type of coordinated multilateral approach that allows sanctions to really affect change in the targeted state.

Unfortunately what this bill aims to accomplish is neither coherent nor is it coordinated. It’s not coherent because it’s such a catch-all. I’ll repeat in this chamber what was said at committee by Richard Nephew of Columbia University, who served former President Obama on his National Security Council at the White House. He said:

... this bill requires Iran to make progress on such a great variety of bad acts that it removes the Canadian government’s ability to respond to and reward improvement in any one particular element.

George A. Lopez, Professor Emeritus of Peace Studies at the Kroc Institute for International Peace Studies, elaborated on this when he said:

Sanctions are more effective when they not only enrage the target but set up a mechanism for engaging the target in bargaining

Now, this bill will not incentivize Iran to change its behaviour. It is doomed to fail in its objectives from the start.

Furthermore, the items that this bill targets — incitement to hatred, sponsorship of terrorism and human rights violations — happen in more than one country. There are a whole lot of countries out there that we could suggest should be subject to these kinds of things, if we were going to do them in this way. This sends a confusing signal that we're willing to sanction these actions in one country but not all those others.

Just last week Bill S-226, the Justice for Victims of Corrupt Foreign Officials Act, also known as the Magnitsky Act, received Royal Assent. This act will allow our government to impose sanctions on foreign nationals from any country found responsible for gross violations of internationally recognized human rights. Thus, we can sanction any individual, including Iranians, in response to cases of human rights violations and significant acts of corruption anywhere in the world. I would contend that it is not in the interests of diplomacy to duplicate a law with the intention of singling out one nationality. Nor, honourable senators, would this effort be considered coordinated, meaning that the impact on Iran would likely be minimal.

Canada has a robust and healthy economy that makes it a desirable place to do business with, but it took years of sanctions by the United Nations, the United States and the European Union to get Iran to the table on its nuclear program. I'm afraid that sanctions by Canada alone will not have the kind of economic impact needed to get Iran to negotiate any one of the offences that are highlighted in this bill.

Without the economic heft to put any real pressure on Iran to confront the issues laid out in the bill, we are left with diplomatic means to influence Iran. During the 2014 campaign, then candidate Justin Trudeau said he would restore relations with Iran. As Prime Minister, he has worked toward this goal.

Bill S-219 would undo this work. As Bijan Ahmadi, President of the Iranian-Canadian Congress, told the committee in no uncertain terms, "Make no mistake, if enacted into law this bill will kill any possibility of re-engagement with Iran." And that would be a shame.

Let me return to what Mr. Nephew said in this regard:

The impact is that if you are not on the ground in the Iran, you lose two things. You lose the ability to have diplomatic presence and the ability to interact with the Iranian government, and you lose the ability, on the second hand, for intelligence collection and the ability to provide informed assessments.

In other words, Canada would be blind in a country it wants to instigate change in.

Engagement is about holding countries to account and advancing Canadian consular cases, because a number of people do get arrested in Iran and we should be there to help them. It also provides for advancing Canada's human rights goals.

Open and frank dialogue, especially when we disagree, is the best way to effectively address security issues and hold Iran to account on human rights, hate speech and its sponsorship of terrorism. Bill S-219 would rob present and future governments of this ability. It would intrude on the government's ability to manage foreign affairs. It's prescriptive, very detailed and reduces the flexibility to react to a changing global environment.

Honourable senators, I believe Canada needs to continue to hold that regime accountable. Regretfully, that is not something this bill will accomplish. Canada needs to be engaged if it is to instigate any positive change in Iran. I believe Bill S-219 will preclude this, and that is why I will be voting against it.

Hon. David Tkachuk: I have a question for Senator Eggleton. Since Bill S-219 does not actually add additional sanctions but only expands the sanctions to include the Iranian revolutionary guard, how will expanding sanctions to the IRGC harm relations with Iran?

Senator Eggleton: Well, I think as the leader of the community in Canada clearly said, it will bring them to an end. This is a very prescriptive bill and it handcuffs the government from being able to deal with the matter as they see fit and in the circumstances that exist at the time. This requires, as it says right in the bill, that you can't ease these sanctions unless two consecutive annual reports conclude there's no credible evidence of terrorist activity — and it doesn't define how you determine that — or incitement to hatred emanating from Iran, and there has been significant progress in Iran in respect to human rights. So for two years, the government is handcuffed from being able to make a move that it sees as a better form of dealing with Iran, engagement with Iran to help promote human rights activities and to promote our concern about people who are imprisoned in that country.

So this is a handcuffing kind of exercise here. It's very prescriptive, very detailed, and I don't think it gives the government the kind of flexibility that it needs to be able to deal with the cases.

Senator Tkachuk: I don't understand how it's more prescriptive and very detailed. Of course it has to be detailed because in this bill we're asking not only the government of Iran but the IRGC, the Iranian revolutionary guard —, the Government of Canada has to explain to Parliament what progress has been made on human rights and on their terrorism acts before it adds a further relationship with Iran. How is that more complicated, and how is that more difficult for the government to do?

• (1530)

Senator Eggleton: It's not as simple as you're trying to say it is.

Senator Tkachuk: Explain how it's more complicated.

Senator Eggleton: For two years, you handcuff them from doing what they think is the right thing at that time. Even in the United States, they say that the President may or the President may not, but you're not saying that here. You're requiring this kind of reporting for two consecutive years.

QUESTION PERIOD

BUSINESS OF THE SENATE

Pursuant to the order adopted by the Senate on December 10, 2015, to receive a Minister of the Crown, the Honourable Harjit S. Sajjan, Minister of National Defence, appeared before honourable senators during Question Period.

The Hon. the Speaker: Honourable senators, Senator Eggleton, I'm sorry; I have to interrupt the proceedings. It is now 3:30, and the minister is present. Honourable senators, please join me in welcoming the honourable Harjit Sajjan, P.C., M.P., Minister of National Defence. Minister, welcome.

MINISTRY OF NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

Hon. Larry W. Smith (Leader of the Opposition): Good afternoon, minister. Your government's policy to purchase an interim fighter capacity has turned into an endless discussion of weak to unacceptable options. The Super Hornet fighters, with a projected cost of \$6 billion, have run into a host of problems, including their significant cost. You are now apparently examining the option of used Australian F-18 fighters, which are about as old as our CF-18s, or used Kuwaiti jets.

Minister, do you believe your interim policy still makes sense to spend billions on this interim capacity? Will this purchase require new money for defence, or will your department be forced to fund this acquisition drawing on existing resources?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: First of all, thank you for allowing me to come back again. I had a wonderful time answering your questions early on, and I actually learned a lot. So I appreciate that.

To answer your question directly, I have to step back a little bit regarding our defence policy. We have extremely thorough analysis, making sure that we looked at what the needs were. So, first of all, when we look back to our fighter fleet, the previous assessment was to buy 65. Keep in mind, we had 138 fighters of our original CF-18s. We have now, with the defence policy, analyzed that to meet our requirements for NORAD and NATO simultaneously, we actually need more than 65. That's why we're going to be purchasing 88.

We should have replaced our fighters a long time ago. Currently we cannot meet our NORAD and NATO requirements, hence the reason why, to make sure we are putting proper competition to replace the entire fleet. We are investing in the

current fleet, making sure that we can sustain the transition period. To make sure that interim capability gap is filled, we need to make sure we have enough fighters, hence the reason why we went down a path of wanting to go with the Super Hornets. The process is still moving forward. Regrettably, Boeing has decided to attack our aerospace sector. That's unacceptable. But we are going to be filling that interim capability gap. We are replacing all our fighters. We are investing in the current fleet, but we also want to make sure that we have a little bit of a guarantee so that we have enough fighters as well; hence we are looking at all of our options to make sure that we fulfil all of our capabilities.

Senator Smith: Just to follow up on your answer, to try to understand, with the age of these units, our fleet and then the units that you're looking at, if they are used and are about the same age as our units and are going to require considerable expenses, how have you balanced out our situation with an older acquisition versus our situation with a newer acquisition of planes, in other words, planes that would be newer models versus older models, because there seems to be some issue of circling around the wagons as to what the best option for us is?

Mr. Sajjan: Thank you very much for the question. We prefer to always have the best equipment for our members; hence, as we do the permanent replacement, we wanted to go for new equipment in the interim.

We are looking at the option. Those aircraft are the same models that we fly currently. The L3 company that does the analysis for our aircraft also does it for Australia.

We will always do our due diligence to make sure that we get the right equipment. Currently, we are going through the process to make sure we have all the right information so that we can make a responsible decision on this, but I can assure you that what we are trying to do here is to make sure that we replace these as quickly as possible. We have to do it in a responsible manner because any decision that we make now is going to last into the decades to come. That's what our defence policy is focusing on. More importantly, the new permanent fleet and the interim fleet were fully costed within the defence policy.

IRAQ MISSION

Hon. Tobias C. Enverga, Jr.: Thank you, minister, for being here. Minister, reports indicate that the government has suspended military training in Iraq due to factional fighting, though it has decided to retain the hospital deployed there. When your government withdrew Canadian fighters from the fight against ISIL, you indicated that Canada would continue to support its allies on the ground, through training, support and other assistance.

Minister, can you explain to senators what Canada's role now is in the fight against ISIL? Are we still engaged in that fight? If so, how? If we are no longer going to be providing military assistance in the fight against ISIL, in what manner will we be supporting our allies in the fight against terrorist groups?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: We're actually extremely proud of the work that has been done on the ground. When we changed our mission in Iraq, we wanted to make sure that we were going to be a responsible coalition partner. As part of a coalition, it's not that we decide what to bring and kind of offer it up. We did a thorough analysis and made two trips into the region. Our military leadership, General Vance, did phenomenal work as well. More importantly, we provided a whole-of-government approach.

When we made the changes to pulling our fighters out, we wanted to make sure that we had the right contribution on the ground because that's where the fight was going to happen. We needed to train Iraqi security forces. What we have done, outlined, we trained the right forces in a responsible way, putting the right intelligence assets into place. You have seen the success over the years.

As the Iraqi security forces pushed all the way to Mosul, our troops worked with the Peshmerga to do the shaping operations, and Mosul has now been liberated. Daesh, right now, is not completely gone out of Iraq, but only pockets of them remain. It will take some time to do the complete clearing.

I have also said that we need to continually assess the situation and make changes on the ground so that the coalition can be effective ongoing, because you can't just put a resource in and then, when the situation changes, we have no idea if the capability that we put in is going to have the impact. So we have continually made changes, and the new authorities allow us to make those changes quickly so that we can be a responsible partner. Obviously, we are going to assess the situation within Iraq. We will reassess and re-engage the training when we need to do so. The reason we are keeping the hospital is that the hospital is there for our forces and the coalition forces. Yes, we can treat the Iraqi security forces as well, but the asset was put into place to make sure that our members and our coalition members had the medical facility if they ever needed it.

PEACEKEEPING OPERATIONS

Hon. Mobina S. B. Jaffer: Minister, my question is on the peacekeeping force. First of all, I want to thank you for all the work you do, especially for us in B.C.

In two weeks, Vancouver will host this year's United Nations Peacekeeping Defence Ministerial Conference, where the world's contributors to peacekeeping meet every year. However, despite hosting this event, Canada's contributions to peacekeeping have fallen to their lowest point in 30 years.

As of last Tuesday, Canada had only 68 active peacekeepers deployed abroad, of which only 28 were Canadian Armed Forces members. This is far from the 600 Canadian Armed Forces and the 150 police officers that the government had promised last year.

• (1540)

I believe, minister, it would be an embarrassment for Canada to host the UN Peacekeeping Defence Ministerial Conference in our city without making any real contributions to peacekeeping.

We cannot afford to keep making promises to re-engage with UN peacekeeping without taking action; the cost of non-participation is too high.

Minister, we know how important it is to have peacekeepers. You have worked as a peacekeeper yourself. Minister Sajjan, the time is now. When and how are we going to engage our peacekeepers?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Thank you very much for the question, senator. Today, when you look at conflict, United Nations peacekeeping is not the peacekeeping of the past. Canada can be extremely proud of the work it has done with the United Nations when it comes to peacekeeping.

I am very diligent when it comes to looking at whether we will be sending troops, and the Prime Minister and entire cabinet are as well. When we make a decision to send troops into harm's way, we want to make sure we are going to have the right impact. Yes, we have as a government decided on 600 troops, up to 150 peace officers and the development money that also comes with it, but we want to really engage. We want to make sure we have the right impact.

I understand there is considerable enthusiasm from many nations for Canada to get back involved. As the concept of peacekeeping was developed, we want to consider how we contribute in a meaningful way that will have an impact, not just pick a location somewhere. Put it this way: Our troops always do phenomenal work, but how can the special skills and abilities assist the United Nations?

How do we look at conflict, not just from a location but from a regional perspective? That's what we are doing now.

I am comfortable with taking the time to get this right, because if you look at the conflicts now, I think there has been 18 years of conflict in the Democratic Republic of Congo. If we spend our time to get this right, what efforts can we make within the United Nations that will expand on their mission? More important, there have been good efforts in the United Nations; for example, the mandate of protection of civilians, and women, peace and security initiatives that have been done. How do we look at development?

So when we look at this, we ask: How can we assist the United Nations by moving some of their initiatives forward? I look forward to making the announcement to all Canadians. We will explain it well. We want to make sure we are going to have a meaningful impact. I'm confident we will.

RESERVE TROOPS

Hon. Pamela Wallin: The Chief of the Defence Staff recently announced changes to the universality of service standard, which will allow some personnel to stay in the forces even though they can't be deployed. There was then your government's pledge to increase the national reserve force by 1,500 members over the next 10 years when in fact the reserve numbers are dwindling, particularly in the army. If you'll permit me a parochial comment, most of the reserve regiments in Western Canada are at less than half strength. My own province of Saskatchewan has lost 150 reservists in the last two years. These shortages have a real impact on our readiness to respond.

This is particularly meaningful, I think, as we contemplate new missions. You have been doing that for a while. What struck me recently with the tragic death of the four soldiers in Niger was the surprise that the U.S. public expressed in discovering where the U.S. was engaged and for how long.

I would like to give you the opportunity to brief us on that. The last time we had numbers I think was November 2016. We had 14 active missions and more than 1,100 CAF members deployed. Can you tell us where our troops are and where you're planning to put them? We know about Afghanistan, Iraq, Congo, Ukraine and others.

Second, on this question of recruitment, have you been able to increase regular, reserve or special forces numbers at all?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Thank you. There are a lot of questions within that.

Very quickly about the reserves: I spent 26 and a half years in the reserves out West and trained with the units the honourable senator mentioned.

In talking about universality of service, I will talk about the reserves very quickly and answer the rest of it as well. When it comes to the reserves, we need to increase and we will be increasing our numbers within the reserves. As for recruiting more, it's not just about recruiting but retention. Our defence policy focuses on our people to make sure they are well looked after. If things are going well in the Canadian Armed Forces, people are going to stay in. The last thing you want to do is spend a lot of investment on recruitment only to have them released two years later.

We are putting a significant emphasis on our people. In terms of reserves, we are also focused on making them even more capable as well. We have some interesting ideas on how to grow the reserves. There are some units that, because of demographics and the economics of an area, have some challenges. That's okay. We can wait until the time changes and shift resources accordingly.

The reserves play a vital role.

In terms of universality of service, we need to make sure we are not releasing people with tremendous skill sets that are needed in the Canadian Armed Forces. Just because somebody may not be fully fit to deploy overseas doesn't mean they cannot command a reserve unit. It doesn't mean they can't help train

some of our members. We want to keep that knowledge and experience within the Canadian Armed Forces so they can teach others.

I wouldn't be able to give you the entire list, because I don't have all the numbers memorized. We have approximately 19 operations around the world. We have anywhere from one person deployed, to places like Latvia, where we are commanding the battle group. We have troops all over.

Unfortunately, I don't have the numbers. I'm happy to get those for you. But every single one of them is doing tremendous work. We do have one more operation to start, which are the peace operations.

For any decision we make about where we send our troops, we do a thorough analysis to make sure they are going to have a meaningful impact. More important, the Chief of the Defence Staff makes sure they are properly equipped and have the right rules of engagement so they can look after themselves and their partners as well.

Thank you.

[*Translation*]

SEXUAL VIOLENCE—GENDER-BASED ANALYSIS

Hon. Marilou McPhedran: Thank you for being here with us today, Minister Sajjan.

[*English*]

Minister, in Budget 2017, the government announced a joint strategy for mental health of veterans with the Department of Veterans Affairs and the Canadian Armed Forces. Thank you for this commitment. As part of this new strategy, a centre of excellence is being proposed to "ensure comprehensive services and supports are available to Veterans and their families." That is from the Budget 2017 fact sheet.

In promising this centre of excellence, the government identified mental health as a priority in the strategy. Unfortunately, gender-based harassment, including sexualized violence, is not mentioned — not even once.

Today is the seventeenth anniversary of the United Nations Security Council Resolution 1325. I link my questions to Canada's commitment to the women, peace and security agenda, with specific attention to article 10, which:

Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

This should not, and does not, extend itself only to civilians. Members of our forces are also entitled to such protections.

Last evening, I hosted a panel, with parliamentarians who are veterans, on addressing mental health, including suicide and related violence to families of veterans. We discussed the need for community-based supports in healing from the trauma of war. The urgent need for gender-appropriate services for survivors of sexual violence in the military was highlighted. With this in mind —

The Hon. the Speaker: Excuse me, Senator McPhedran. We have a long list of senators who wish to ask questions, so if you could please get to your question, it would be appreciated.

• (1550)

Senator McPhedran: I'll do that immediately. Thank you very much.

With this in mind, minister, these are my questions: How will the government improve services for the healing of sexual assault survivors in the military and veteran community? And will the centre of excellence integrate gender-based analysis and research to offer effective gender-based services to help survivors to heal?

Will the government integrate community-based approaches, including peer-to-peer supports for veterans and members of the military who are suffering from mental health injuries?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Honourable senator, thank you. How do you put that question into context? First of all, I want to say flat out that inappropriate sexual behaviour of any kind will not be tolerated in the Canadian Armed Forces.

Operation HONOUR is tackling this, and we encourage members to come forward. We are training more prosecutors. We are putting special training to our military crews within the NSI branch as well. They have the response capability to go anywhere, to any operation, to provide that assistance.

More important, regarding our defence policy, when I say it's focused on people, we didn't complete the defence policy and then do a gender-based analysis. We developed the entire defence policy through that lens all the way through. You will see initiatives that look at making sure that gender is looked at. We now have gender advisers on operations, and for the smaller missions, there is a reach-back capability as well.

In terms of our role when it comes to the violence that we see that UN peacekeepers have done, absolutely, we need to do our part. You will see some of the work that we will roll out and what role we will play in this.

As you pointed out, you will notice that we have plenty of initiatives that you have seen, whether it has been our investment in MFRC, the most recent suicide prevention strategy that Veterans Affairs and we launched. You have seen other programs as well.

Eventually you will see all this come together as part of a transition period. When someone joins the military, the whole point of our defence policy is that when they join, we build that

resilience to keep them healthy. If they do get injured, the focus is to get them back healthy, to get them back into service. If they can't, it's to make sure the transition is as smooth as possible. We are not going to release people until they have gone through the proper transition, so that their mental health is looked after, the retraining potentially can be done as well, and the Veterans Affairs piece kicks in, so a very seamless transition moving forward.

That transition will continue into the future. There are a lot of initiatives in this. Eventually you will see we will bring everything together as part of that transition so that when someone joins and has an injury and the doctor approves it, they don't have to go down the road and explain to a Veterans Affairs doctor that they were injured 10 years ago. We will be fixing a lot of these things.

I can assure you that the gender-based analysis is a top priority for our government and the Canadian Armed Forces.

PEACEKEEPING OPERATIONS

Hon. David Tkachuk: Minister, I want to follow up on Senator Jaffer's question about the UN peacekeeping force. It has been two years since the election. It has been one year since the announcement of the troops and the police officers, 600 and 150, yet last week the *Toronto Star* reported Canada now has fewer Canadian peacekeepers in the field than at any time in recent memory. And Roland Paris, a former foreign affairs adviser to Prime Minister Trudeau, recently tried to defend the government's failure to provide the UN with a large contingent of peacekeepers by posting on Twitter a capability requirement list that the UN has circulated to various countries, and yet the CBC report came out yesterday quoting UN sources saying that many of the proposed contributions that the Trudeau government has presented to the UN are not in line with UN priorities.

It has been two years since the election. It has been a year since the announcement of the troops. It seems there has been no progress whatsoever. Minister, what is the problem?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Thank you, honourable senator. When it comes to peacekeeping operations, this is probably one of the most complex areas that we work in. For example, in Iraq we are fighting Daesh. We have conflicts that have been raging for years. We can easily jump into something and check the box saying that Canada has sent our troops. We can stand up in Canada and say that our troops are doing great work, as they always do, but we need to make sure they will have the right impact on the ground.

When it comes to the deployment of troops, we have to look at there was a reduction of sending our troops to the United Nations. Things have changed. We want to make sure that we're going to get this decision right so that when we put our troops into the right areas — for example, including in Iraq — we have a substantial impact because we made the right choices and the right equipment and the right tools that the coalition commander can start utilizing properly.

That's what we're trying to do here. We can easily make a decision, but any decision we make we want to make sure that the UN initiatives will be moving forward, that the places that our troops end up working will have the impact. I will wait as long as is necessary to make sure that our troops are going to the right place and will be well protected, have the right mandate for the protection of civilians and women and have the right rules of engagement.

More important, you have to look at the totality. You can't just look at nations anymore. Conflicts are regional. Displacement happens. There are economic issues. We need a whole-of-government approach. A lot of work has been done behind the scenes. I'm looking forward to further discussions.

I had a number of trips to the United Nations. I have spoken to my counterparts on this. I can assure you other nations are excited for Canada's re-engagement, but it is the right engagement they are looking for.

SEXUAL MISCONDUCT

Hon. Paul E. McIntyre: Welcome back to the Senate, minister. My question today concerns sexual misconduct in the Canadian Armed Forces, and more particularly, the prosecution and conviction in the military justice system.

Now, that said, my understanding is that between April 2014 and March 31 of this year, only 23 per cent of sexual assault cases prosecuted in the military justice system resulted in a conviction, considerably less than the conviction rate for sexual assault in civilian courts of 43 per cent in 2014-15.

To what do you attribute this extremely low conviction rate? What message do you think a conviction rate of just 23 per cent sends to the women and men of our Armed Forces who have experienced harmful and inappropriate sexual behaviour?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Thank you, honourable senator. The only message I want to send in the Canadian Armed Forces is that any inappropriate behaviour like this is completely unacceptable.

In terms of the prosecutions, as you mentioned, because it's an independent system, we have to be respectful of that. We have a new Judge Advocate General, the first female Judge Advocate General, who is taking this extremely seriously. She is making sure that the prosecutors have the right training and that the victims have the right support.

We're making sure that we are putting the right resources in with the military police in the NSI branch, which does the investigation, so they have the right training, have the ability to deploy and have all the right tools to do the work.

More important, we want to make sure we send a message to anyone in the Canadian Armed Forces who has been a victim to come forward. We will investigate.

Regardless of the numbers, the only message we want to send is that it's completely unacceptable. If someone is a victim, please come forward. If you have done any inappropriate behaviour, we will find you and you will be prosecuted.

LANDMINES

Hon. Art Eggleton: Minister, Canada will soon be marking an important anniversary. It was on December 3, 1997, 20 years ago, that 122 countries came to Ottawa to sign the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, or as it's more commonly referred to, the Ottawa Treaty. Canada has rightly been seen as the driving force behind this landmark treaty, which tends to protect many citizens and many areas after the conflicts have ended, to protect people from being killed or maimed.

• (1600)

To date, 162 nations have signed and ratified the Ottawa Treaty. However, there are still some big names that haven't done it yet, such as the United States, Russia and China. Moreover — this is disturbing — Canadian funding for demining initiatives has fallen dramatically since the early 2000s and has not been in the top 10 list of donors since 2010. My question is: What is the government doing to re-establish Canadian leadership in this important area?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Thank you, senator. The Ottawa Treaty was a landmark moment for Canada. It has prevented people from being maimed and killed. Regrettably, these mines have been littered all over the world. We used to have troops going to different places for clearing. Yes, decisions have been made within the previous decade to shift resources.

One thing I can assure you, now that we have a defence policy that is fully funded, we are not only going to be putting investments into counter-ID training to protect ourselves but to be able to provide that right type of training because this threat has evolved.

We will continue to look at opportunities where we can provide that right support. This is the type of capability, engagement and experience that Canada can offer. We will always look at any opportunity where we can provide the right skill set, but more importantly be an advocate as well.

NATIONAL SHIPBUILDING STRATEGY

Hon. Diane F. Griffin: Welcome, minister. My question relates to the government's National Shipbuilding Strategy. The federal government is committing \$63.5 billion in spending to Nova Scotia for Irving Shipbuilding; \$12 billion for Seaspan Shipyards in British Columbia; and \$650 million to Davie shipyards in Quebec.

Will you commit to this chamber that the government ensures that spending will be equitable on a per capita basis so that provinces like Prince Edward Island can benefit equally from the National Shipbuilding Strategy?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Honourable senators, when it comes to the National Shipbuilding Strategy or any equipment for the Canadian Armed Forces, we have to be extremely mindful that it is a priority to make sure that the Canadian Armed Forces has the right equipment. Our National Shipbuilding Strategy is an extremely important component to this. A decision was made before we came into government with the two shipyards and our work is progressing extremely well.

In the Canadian Armed Forces and National Defence, my responsibility is to sign off on the requirements and then it goes to another department where the procurement process is done. The Minister of Innovation, Science and Economic Development writes down the rating and weighting that needs to be done on the requirements.

What we try to focus on is making sure that there is a balance of dollar for dollar coming back into our economy. The first priority should always be making sure that the Canadian Armed Forces has the right equipment, but we are always mindful, wherever defence investment is being done, it can be done in a manner so that all Canadians can benefit, but we cannot take our priority away from making sure that our women and men of the Canadian Armed Forces have the right tools.

SEXUAL ASSAULT CONVICTION RATES

Hon. Gwen Boniface: Minister, welcome back. My question follows on Senator McIntyre's question with respect to the sexual assault conviction rate within the military. I appreciate your answer in terms of the efforts made in a very general sense.

I'm interested to know whether you have an evaluation mechanism in place that will actually be able to evaluate the success of what you've put into place because the experience certainly in general society around sexual assault has taken many years, and I think it's really important to take advantage of an assessment tool that will be successful in raising this conviction rate.

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Honourable senators, when it comes to this tragic situation that we're in, we will make sure that we put the right resources in place so that we can stomp this type of behaviour out of the Canadian Armed Forces.

In terms of the percentage, the new Judge Advocate General is doing tremendous work, and I look forward to her review that has been ongoing.

As a former police officer, I saw firsthand what a victim actually goes through. We want to make sure that within the Canadian Armed Forces we put the resources in the right place, hence the reason why we have actually increased training for our prosecutors. As I stated and will re-emphasize, the investigative tools will make sure there is no lack of resources within our military police to be able to move forward. I speak regularly with our Judge Advocate General to make sure that if there's anything else we can do, we will do so. We will not leave any stone unturned when it comes to dealing with this issue.

SUBMARINE MODERNIZATION

Hon. Thanh Hai Ngo: Minister, it is interesting to see that the Royal Canadian Navy recently deployed a submarine to the Asia-Pacific region for the first time in 50 years in March 2018. While our submarine force is small, it is an important and intelligent asset that is highly regarded and valued by our allies.

While your government's recent defence policy states that it will extend the current fleet by one lifecycle, it has not actually committed to replacing these vessels.

My question is: Are you committed to replacing the Victoria-class submarines? If so, when will that process start?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: Thank you very much for that question. When it comes to investment into the Canadian Armed Forces, we should put a little context into this as well. On a number of occasions before we launched the defence policy, I talked about the state of the Canadian Armed Forces. We were literally running at a \$2 billion deficit. Both our party and the Conservative Party had agreed on planned increases, but when the Canadian Armed Forces did the analysis, even with the planned increases, the graph was going down. That's the reason why, right now within our defence policy, we're going to have an additional \$63 billion for the next 20 years. Our budget right now is at \$18.9 billion. It will be close to \$32 billion by 2026. That's over a 70 per cent increase.

Regarding our equipment and what we need, we originally spoke about our fighters. They said \$65 million was needed, which is not enough to meet our needs. That's why we're going to \$88 million. I'm mentioning this because we take advice in terms of what we need from military leadership. Based on the advice and the summaries that we have — yes, they're going to be modernized — they provide a unique capability. Regrettably, I can't talk about some of the highly classified work they do. The modernization and the capability it gives us keeps us on a certain edge, and that's what we are committed to.

This policy was about making sure that the Canadian Armed Forces has everything that they need. If we needed additional resources, we would have it. We're committed to making sure that we have everything we need to be strong in Canada, have all the tools necessary to be secure in North America and to live up to our commitments so we can be engaged in the world. Finally,

we have a defence policy that is actually fully funded by our government and now the Canadian Armed Forces can do the proper planning for the next 20 years. Thank you.

NATIONAL SHIPBUILDING STRATEGY

Hon. Yonah Martin (Deputy Leader of the Opposition): Minister, the joint support ships were scheduled to be built by Seaspan in our home province of B.C. and delivered in 2020. Due to delays in moving the program forward, not only are there concerns about potential job losses but we have also learned that the delivery date of ships to the Royal Canadian Navy has been pushed back to 2021.

Are there any concerns about a capability gap due to the delayed delivery date? What is your government doing to ensure that the Royal Canadian Navy receives these important new support ships on time?

Hon. Harjit S. Sajjan, P.C., M.P., Minister of National Defence: That is an extremely important question. When we talk about capability gaps, this is one gap that will turn into a capability loss that we currently have to rely on other nations to resupply our ships.

• (1610)

Great work is being done by Seaspan, but they are building ships for the Coast Guard. The Coast Guard has been in extremely dire need so they're building their ships first. Our teams are doing tremendous work. We actually have our officials working with Seaspan directly to make sure we keep the timelines on track. There has been some slippage but in a project of this size, as they learn how to rebuild ships, things will improve.

One thing I can assure you is this: The joint supply ships are critical to the navy. To fill this gap we have actually contracted with Davey Shipyards to build an interim supply ship that we will be using. That will fill that gap. In the meantime, we will continue to work with our allies for the sustainment of our ships.

As time goes on with the companies, they will get better and better at developing ships, so that we are hoping the timeline will be reduced.

I'm actually extremely proud of the work. I've visited Seaspan a number of times. In terms of the gap for the company, we are working with them to see what we can do as we are working with the other shipyards. More importantly, the company itself is looking at ways to fill the gaps so they can keep the jobs going as well.

The Hon. the Speaker: Thank you, minister. The time for Question Period has expired. I'm sure all senators wish to join me in thanking Minister Sajjan for returning to Question Period. We look forward to seeing you again in the future.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

NON-NUCLEAR SANCTIONS AGAINST IRAN BILL

THIRD READING—DEBATE CONTINUED

On the Order:

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

The Hon. the Speaker: Resuming debate on Bill S-219. Senator Eggleton, you had a couple of seconds left in your response, but if you're satisfied —

Hon. Art Eggleton: I'm finished. I don't think we're convincing each other.

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

[*Translation*]

SENATE MODERNIZATION

FIRST REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward*, deposited with the Clerk of the Senate on October 4, 2016.

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I am pleased to provide an update today on the work of the Special Committee on Senate Modernization.

As a member of both the Standing Committee on Rules, Procedures and the Rights of Parliament and the Special Committee on Senate Modernization, I thought it might be interesting to give you a brief history of the recommendations featured in the report of the Special Committee on Senate Modernization entitled *Senate Modernization: Moving Forward*.

[*English*]

First, I would like to thank all the members of the Modernization Committee for their hard and continuous work. I want to give a special thanks to the chair of the committee, Senator McInnis, who chaired the committee with a subtle but firm hand. I also want to underline the work of the deputy chair of the committee, Senator Joyal; and the work of Senator McCoy, who participated in the steering committee.

Last but not least, I want to stress the tremendous work of the personnel of the library. They ensured the quality and the depth of the committee's work. I thank them for that.

[*Translation*]

As you know, this committee came to be on December 11, 2015, on the motion of Senator Cowan, seconded by Senator Fraser, that sought to strike a Special Committee on Senate Modernization, and I quote, "to consider methods to make the Senate more effective within the current constitutional framework." The first report of the special committee was tabled in the Senate in October 2016, a year ago already.

Throughout the discussions that were held that first year, the committee focused on concrete topics that were part of the preliminary debate within the two traditional caucuses of the Senate. Those issues were also addressed within the framework of a series of inquiries launched by the late senator and Speaker, Pierre Claude Nolin, as well as in the context of a non-partisan forum organized in October 2015 by Senators Greene and Massicotte.

As you know, the first report of the Senate Modernization Committee includes 21 recommendations grouped into nine reports that were tabled in the Senate last fall. With this approach, we were able to discuss nine major themes in a separate and independent manner in this chamber. The themes presented in the report are as follows: the nature of a senator's constitutional role, theme of the tenth report, which we should hear about today; the appointment of the Speaker of the Senate; the rules concerning the formal recognition of caucuses and groups of senators; omnibus bills; regional representation; broadcasting of our work; the Order Paper; question period; composition of the Committee of Selection and of each standing committee.

The recommendations of the report on this last theme were adopted by the committee after debates that were vigorous at times and following a vote.

What has become of these 21 recommendations in nine separate reports? First, not all of the nine separate reports have been completed and adopted. Five of the nine reports were sent to the Standing Committee on Rules, Procedures and the Rights of Parliament, which studied them and tabled them again in the Senate. In return, that committee sent the following five reports back to the Senate.

The first report concerns the broadcasting of Senate proceedings. Allow me to quote from the second report of the Rules Committee, which gives a good idea of how a proposal studied by the Modernization Committee that is sent to the Standing Committee on Rules, Procedures and the Rights of Parliament can come back to us in a different form, but still reflect the spirit and the objectives we had set for ourselves.

In that report, the Rules Committee stated the following:

"Broadcast of Senate proceedings

14-7. (1) Public proceedings in the Senate may be recorded or broadcast, but only through the use of facilities that are installed for that purpose in the Senate Chamber, subject to such arrangements with the Clerk as may be necessary."

Your committee will continue to study this issue and report to the Senate as necessary.

That is one of the paragraphs in the Rules Committee's second report. What it means is that when we move and we have broadcasting equipment, then we will have the choice to do so.

The second group of recommendations the Rules Committee considered concerned changes to the *Order Paper and Notice Paper*. Esteemed colleagues, I will not read the report about that because it is quite long, but I would like to draw your attention to the fact that, thanks to these changes, I think it has been easier these past few months to navigate the new Order Paper than the old one.

The third group of recommendations is in the Rules Committee's fourth report and has to do with the so-called "stood" items. The committee proposed the following measure, and I will quote the last paragraph:

That, for the remainder of the current session, if no senator rises to speak when an item on the *Order Paper and Notice Paper* has been called, the item be deemed to be stood to the next sitting of the Senate.

• (1620)

That is what we are doing at the moment, even though the fourth report was not adopted. This approach is working fairly well for now.

The fourth group of recommendations is addressed in the fifth report of the Rules Committee. It has to do with omnibus bills and indicates that there are already rules for dividing bills. I would like to quote the last paragraph of that report, which reads:

In light of the availability of a procedure for dividing any type of bill, as well as the other mechanisms available to facilitate the study of complex bills, your committee recommends that the *Rules of the Senate* not be amended at this time specifically in relation to omnibus bills. Your committee will, however, continue to monitor the issue as necessary, in case any adjustments may be appropriate in the future. Your committee also notes that the House of Commons will be considering the issue of omnibus bills.

Finally, the fifth group of recommendations contained in the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament has to do with recognized parties and parliamentary groups. This report, tabled on May 9, 2017, and adopted in the Senate on May 11, makes one major recommendation.

The adoption of this report by the Senate changed the *Rules of the Senate* so that Appendix I of the Rules now sets out the following definition, and I quote:

Recognized party or recognized parliamentary group

A recognized party in the Senate is composed of at least nine senators who are members of the same political party, which is registered under the *Canada Elections Act*, or has been registered under the Act within the past 15 years. A recognized parliamentary group in the Senate is one to which at least nine senators belong and which is formed for parliamentary purposes. A senator may belong to either one recognized party or one recognized parliamentary group. Each recognized party or recognized group has a leader or facilitator in the Senate.

Following the acceptance of the concept of “recognized parliamentary group,” the Standing Committee on Rules, Procedures and the Rights of Parliament changed certain rules, such as rule 6-3(1)(a), which now gives the leader or facilitator of any other recognized party or recognized parliamentary group up to 45 minutes of speaking time, although the leaders of the government and opposition still get unlimited time. The various changes are outlined in the Rules Committee’s seventh report.

We also amended the *Senate Administrative Rules* to make sure they took into account the definition of recognized parliamentary groups. I need hardly explain to you the importance of the new rule regarding the recognition of recognized parliamentary groups and the fundamental impact it will have on the future of the Senate.

Lastly, the eighth report of the Standing Committee on Rules, Procedures and the Rights of Parliament is on the composition of the Committee of Selection. It recommends partially applying the principle of proportionality to the composition of the Committee of Selection. You may recall that recommendation 21 in the Modernization Committee’s report was fairly long. It has been tightened up and now primarily concerns the Committee of Selection, leaving the rest to be negotiated.

The Senate has adopted all of the Rules Committee’s reports, except for the fourth report on the so-called “stood” items, as I mentioned earlier. We have not officially adopted this rule yet, but it is being used nevertheless.

This concludes my overview of the work leading up to the Modernization Committee’s first exhaustive report. In closing, I would mention that four of the committee’s substantive reports are still on the Order Paper: the report on the mission or nature of the Senate; the report on the process of selection of the Speaker of the Senate; the report on regional representation; and the report on the infamous issue of Question Period. These reports may be debated in the near future, of course.

That said, I would still like to share with you my thoughts on the four reports that appear on the Order Paper again today.

The 10th report has to do with the nature of the Senate’s constitutional role, which we may have the opportunity to discuss soon. No doubt many of you are surprised that this report has not yet been agreed upon because, usually, the members of an organization agree on the organization’s mission before defining its activities and rules. However, as you know, the Senate is unlike other institutions. The Senate is an extremely political institution that, like the House of Commons, is part of Canada’s Parliament. No law is passed before it gets the upper chamber’s approval. That is why the Senate is a political institution.

However, as you know, despite the Supreme Court’s April 2014 reference that affirms the Senate’s complementarity with respect to the elected House, many members of this chamber have different views on the subject.

The Special Committee on Senate Modernization discussed the Senate’s constitutional role at length, including in the context of its work on the nature of the Westminster principles and the connections between the two chambers, which will be the subject of the Modernization Committee’s next report. I am sure we will be discussing this matter again.

Another ongoing issue is the process for appointing the Speaker, which was the subject of the Modernization Committee’s sixth report. This is a complex subject that the committee members discussed at length when they studied the Honourable Senator Mercer’s Bill S-213, which is still on the Order Paper.

The seventh report on regional representation is not final either. On that topic, the committee proposes the following:

... require standing committees to consider regional impacts in their reports on legislation by way of observations or in the report of subject-matter studies, where significant and prejudicial.

Mr. Speaker, may I have a few more minutes?

[English]

Hon. Kelvin Kenneth Ogilvie (The Hon. the Acting Speaker): Senators, is leave granted for five more minutes?

Hon. Senators: Agreed.

[Translation]

Senator Bellemare: I just want to point out that this recommendation falls in line with the content of Motion No. 89, which I moved and is also on the Order Paper. I would remind honourable senators that the motion proposes appending to committee reports observations that we should take into account in the analysis of a bill.

This motion proposes various themes that we should explicitly address, such as whether the bill conforms to the Charter, conforms to treaties, or has an impact on the regions or minority groups, and other aspects as well. These themes include the impact that a bill might have on the regions. I would also point out that this motion was amended by Senator Nancy Ruth so that we might include gender equality by means of a gender-based analysis. I fully support the amendment and I invite honourable senators to vote on this motion.

The report that examines the recommendations regarding question period is still on the Order Paper. In the report, the committee proposes that a minister come every week to answer senators’ questions. It also suggests that a second weekly question period allow for the Senate representative or a committee representative to be questioned. I would remind you that in the Greene-Massicotte inquiry, the vast majority of

senators were in favour of the idea of substantially changing question period. Several felt that question period was a waste of time in the work that we had done.

However, even though the ninth report has not been adopted, the Senate's current practice is to invite a minister every week to answer questions from honourable senators. Thanks to Senator Harder's efforts in this regard and the willingness of some ministers, part of this recommendation is now in effect, which just goes to show that the Senate doesn't always need to change its rules in order to adjust its practices.

• (1630)

What are we to conclude from the outcomes of the Special Committee on Senate Modernization's first comprehensive report? First of all, the work of the Modernization Committee and of the Rules Committee allowed us to deal with the debates in an orderly manner to facilitate change. However, the work is time-consuming and does not always go as quickly as we would like, which can be frustrating.

The upcoming debates are likely to be spirited, because they have to do with the complementary nature of the Senate as a chamber of sober second thought, a mission that no one can reasonably contest. In that regard, I invite all honourable senators to read the very interesting evidence from the experts who have appeared so far throughout 2017. That is why I am suggesting to the committee chair and staff that all evidence heard before the committee be put together in a single document as part of the second part of it work. That document could then be sent to all senators. Those testimonies are enlightening and will serve to advance our reflections and debates. I hope they will bring a good measure of rationality to our future discussions.

In closing, the work of the Modernization Committee and the Rules Committee has resulted in two important changes that will guarantee the permanent nature, I would hope, of the plans for a responsible and less partisan Senate by recognizing the existence of more than two parliamentary groups and the concept of proportionality in committee membership. I see these as necessary conditions, but these conditions alone are insufficient.

I hope these clarifications will be useful to you in the future. Thank you for your attention.

(On motion of Senator Gold, debate adjourned.)

[English]

NINTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Beyak, for the adoption of the ninth report (interim) of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Question Period)*, presented in the Senate on October 25, 2016.

Hon. Terry M. Mercer (Deputy Leader of the Senate Liberals): Honourable senators, I note that this item is at day 15. I intended to speak on this last week, but I have developed a bit of a cold. I do intend to speak this week.

Therefore, with leave of the Senate, I move that further debate be adjourned in my name until the next sitting of the Senate.

(Debate adjourned.)

TENTH REPORT OF SPECIAL COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Cordy, for the adoption of the tenth report (interim), as amended, of the Special Senate Committee on Senate Modernization, entitled *Senate Modernization: Moving Forward (Nature)*, presented in the Senate on October 26, 2016.

Hon. Scott Tannas: Honourable senators, I rise to speak in support of the tenth report on the nature of the Senate.

I'm sure that not everybody remembers, although Senator Bellemare referred to it, this report recommends the adoption of a very simple, straightforward mission statement for the Senate, one that, like all good rules of mission statements, could be read in a five-storey elevator ride to whomever wanted to listen and would explain the purpose, in the simplest of terms, whether to Grade 3 students across the country or to the media, to ourselves.

I want to give you a brief history lesson on how we came to this proposed mission statement. I was a member of the Modernization Committee, but this statement was developed not at Modernization, but at the Massicotte-Greene sessions which were held in the fall of 2015. Thirty senators invested a weekend in the meetings, and, in fact, this was the very first item on the agenda.

We came together in what I thought was a unique exercise to try to tackle this. It was in the context of a lot of us realizing that part of the trouble that we got into was that there was no clear mission statement, purpose statement, for the Senate. It was left to all of us to decide what our role was, how we conducted ourselves and so on. I think it led us down some difficult roads on different occasions.

There were many members who participated in the development of this mission statement. I said there were 30 there. There were members from the Liberals and the Conservatives. There were members from what is now the ISG; and Senator Massicotte, of course. Senator Campbell was actually one of the facilitators who worked along with myself, Senator Greene and Senator Massicotte, to keep the agenda moving along. Senator Bellemare was there, I recall. Senator Joyal was very active. Senator Smith was there, amongst others.

We went through a unique exercise where we worked over a period of time to develop this mission statement. It was an exercise that — we had been given advice — would actually help us arrive at an appropriate mission statement.

I'll take a moment to read what came out of those sessions and that ultimately went to the Modernization Committee.

The Senate is the appointed Upper House in Canada's bicameral Parliament. It plays an important complementary role to the elected House of Commons by:

- (i) Providing independent "sober second thought" to legislation, with particular respect to Canada's national interests, aboriginal peoples, regions, minorities and under-represented segments of Canada's populations;
- (ii) Undertaking policy studies, reports and inquiries on public policy issues relevant to Canadians; and
- (iii) Understanding, sharing and representing the views and concerns of different groups, based on a senator's unique perspective.

Those are the words that have been recommended to us to accept as a mission statement.

We are asking, in the tenth report, that we accept those words, and that we ask the Internal Economy, Budgets and Administration Committee and the Rules Committee to look at the respective rules, policies and so on, and make any adjustments they think are necessary to make sure that the purpose and the mission fits the rules and the regulations that we have.

Having a statement of purpose is, I'm sure most of us would agree, essential for any successful organization in modern times. It is certainly important for communications, for outreach, and for people to understand, in the simplest of terms, in the most economical number of words, what it is that we do.

It's important for modern organizational planning that those who are tasked with the execution of all of the activities for our organization here know what the purpose is. As I said before, I submit that there have been times in the past when we could have used some clear words around what the mission of this organization is.

This recommendation, as of today, has sat on the Order Paper for 370 days. No senator has proposed any adjustments to the mission statement words as proposed. We had 30 senators invest a weekend to develop it, representing, as it turns out — even though there was no ISG — many members of the ISG, the G3, the Liberal Party and the Conservative Party.

• (1640)

I would say that we got it right since, in 370 days, nobody has proposed a change in the wording. So, senators, respectfully, I suggest it's time we vote. Thank you.

Hon. Frances Lankin: Will the senator accept a question?

Senator Tannas: Absolutely.

Senator Lankin: I appreciate the comments you made, and I find myself largely in agreement with them. The worst thing you can ever do is to try to negotiate and edit in a large group format, so I don't propose to do that. The group did an admirable job.

I would like to understand one thing and whether it was part of your deliberations. The purpose statement, "the highest order is given to national interests," which is part of our calling to the Senate, makes reference to working in the national interests. Part of the Supreme Court ruling with respect to the Senate focused on our job to look at constitutional compliance and Charter compliance, which is not listed there. It's often listed as one of the factors when we look at regional implications or disproportionate impacts on minority populations — a range of things that people refer to.

We can read that international interest, but was there a reason that the express reference to the Constitution and Charter was not made in the deliberations of the group?

Senator Tannas: You're right. The legal component was not one of the things that made this list, although, as you say, by implication it's actually in every one of them. There were a number of other things; we could have come up with a much longer list. There were ones specifically we felt really pointed to this idea of minorities and regions, so those are the ones that are detailed there.

We were mindful of the rules of the elevator speech and the fact that we could actually detail far too long a list. There were some compromises, if I recall, about even including what we did include, because where do you stop? Each one of these was kind of parsed as being important enough that it needs to be said. By implication, all others are there.

This was the hardest part. We were back and forth on this a lot as to what should stay in and what was there obviously by implication.

(On motion of Senator Gold, debate adjourned.)

STUDY ON CURRENT AND EMERGING ISSUES RELATING TO THE BANKING SECTOR AND MONETARY POLICY IN THE UNITED STATES

SIXTEENTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixteenth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled *Study on the current and emerging issues of the banking sector and monetary policy of the United States*, deposited with the Clerk of the Senate on June 28, 2017.

Hon. David Tkachuk moved the adoption of the report.

He said: I have a few comments, honourable senators. For those of you who may not recall, this report was based on a fact-finding trip that the committee took to Washington and New York last May in the wake of President Trump's victory in the United States. We wanted to meet people in the banking industry, as well as in the trade and commerce businesses, to try and get as much information as we could regarding what U.S. policies would be in the coming year. We found after four days of meetings in both Washington and New York with government officials and stakeholder groups that Canada does indeed face a number of risks related to the developments in the United States. Developments since May have borne that out.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON THE EFFECTS OF TRANSITIONING TO A LOW CARBON ECONOMY—ELEVENTH REPORT OF COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*Budget—study on the effects of transitioning to a low carbon economy—power to travel*), presented in the Senate on October 26, 2017.

Hon. Paul J. Massicotte: moved the adoption of the report, for Senator Neufeld.

He said: Honourable senators, I rise on behalf of Senator Neufeld to speak to the eleventh report of the Standing Senate Committee on Energy, the Environment and Natural Resources. This report concerns the study on transitioning to a low carbon economy in the construction industry.

This is a request for a budget that will include travel to Kanata, on the outskirts of Ottawa, in order to tour a net zero housing project. On the same day, committee members plan to visit CanmetENERGY, the leading clean energy research and technology company in Canada.

The committee is requesting the sum of \$2,200 to cover transportation expenses, a working meal, and interpretation materials. I believe that this request is very reasonable, and I hope I can count on your support.

(On motion of Senator Plett, debate adjourned.)

[*English*]

THE SENATE

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE CONSTITUTION ACT, 1867 BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Runciman:

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the *Constitution Act, 1867* requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas, in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by His Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. (1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.

(2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).

2. The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Real property qualification of Senators)*.

Hon. Ratna Omidvar: I move that further debate be adjourned to the next sitting of the Senate in the name of Senator Ringuette.

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

MOTION TO URGE THE GOVERNMENT TO TAKE THE STEPS NECESSARY TO DE-ESCALATE TENSIONS AND RESTORE PEACE AND STABILITY IN THE SOUTH CHINA SEA—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Cowan:

That the Senate note with concern the escalating and hostile behaviour exhibited by the People's Republic of China in the South China Sea and consequently urge the Government of Canada to encourage all parties involved, and in particular the People's Republic of China, to:

- (a) recognize and uphold the rights of freedom of navigation and overflight as enshrined in customary international law and in the United Nations Convention on the Law of the Sea;
- (b) cease all activities that would complicate or escalate the disputes, such as the construction of artificial islands, land reclamation, and further militarization of the region;

(c) abide by all previous multilateral efforts to resolve the disputes and commit to the successful implementation of a binding Code of Conduct in the South China Sea;

(d) commit to finding a peaceful and diplomatic solution to the disputes in line with the provisions of the UN Convention on the Law of the Sea and respect the settlements reached through international arbitration; and

(e) strengthen efforts to significantly reduce the environmental impacts of the disputes upon the fragile ecosystem of the South China Sea;

That the Senate also urge the Government of Canada to support its regional partners and allies and to take additional steps necessary to de-escalate tensions and restore the peace and stability of the region; and

That a message be sent to the House of Commons to acquaint it with the foregoing.

Hon. Joseph A. Day (Leader of the Senate Liberals): Colleagues, this motion we are just dealing with is a matter of some delicacy when you read it. The way it is drafted, we have missed a bit of the balance that would typically be involved in foreign affairs matters and conflicts that might exist in other parts of the world.

I would like to speak on this to try and find that balance, but I haven't finished my remarks. Therefore, I would ask that the matter be adjourned in my name for the balance of my time.

(On motion of Senator Day, debate adjourned.)

PIPELINE SAFETY

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mockler, calling the attention of the Senate to the issue of pipeline safety in Canada, and the nation-building project that is the Energy East proposal, and its resulting impact on the Canadian economy.

Hon. Joseph A. Day (Leader of the Senate Liberals): Colleagues, this matter is on the fifteenth day.

• (1650)

I had originally intended to speak on the issue of the Energy East Pipeline through this inquiry, but I have decided to speak more fully about my concerns in the context of the sixth report of the Standing Senate Committee on Transport and Communications, which is a report that is on our Order Paper for adoption at page 17. I will speak on the subject, but not today. We have since passed it. It is entitled *Pipelines for Oil: Protecting our economy, respecting our environment*.

We have an inquiry and a report of the committee both dealing with oil pipelines and their impact on the Canadian economy and the Canadian environment.

While I am on my feet, however, I would like to express once again my disappointment at the cancellation of the Energy East Pipeline project.

Some Hon. Senators: Hear, hear!

Senator Day: That project was very important to my province. It would have created jobs in New Brunswick, and I have no doubt that had the project gone ahead, it would have created many jobs and helped the economy for the rest of Canada, including the province of Quebec.

When Minister Carr was here for Question Period earlier this month, I asked him about what had transpired. We know that in August, the National Energy Board announced an “expanded focus” for the Energy East project, including the consideration of greenhouse gas emissions and the impact of reduction targets.

That was all expanded from what had been going on for some time and many millions of dollars being spent on this, colleagues.

In September, TransCanada suspended its project application so that it could conduct a thorough review of the changes announced by the National Energy Board. In the end, given the new assessment criteria announced by the National Energy Board, TransCanada terminated the project altogether, very regrettably.

I am disappointed that the National Energy Board chose to greatly expand the assessment criteria in the middle of the assessment process. There were other projects that were approved under the old rules. They didn't have to have a reassessment under the new and expanded rules. Only this particular TransCanada Energy East Pipeline project was subject to two of those additional rules, very unfairly.

The rules should not have been changed in the middle of the game. I am also disappointed that TransCanada felt it was no longer in their best interests to continue the project. As a result, my home province of New Brunswick lost out on the economic prosperity that the Energy East Pipeline would have brought.

As I said, I will speak in greater detail about the issue of pipelines and, in particular, the Energy East Pipeline and what it could have done for the East Coast of Canada when I speak to the Transport Committee's report at a later date. Should any senator wish to adjourn this item now, I have completed my remarks in relation to this particular inquiry.

The Hon. the Speaker: Honourable senators, if no other senator wishes to speak at this time or take the adjournment, then the matter is considered debated. Agreed?

Hon. Senators: Agreed.

(Debate concluded.)

INCREASING OVER-REPRESENTATION OF INDIGENOUS WOMEN IN CANADIAN PRISONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Pate, calling the attention of the Senate to the circumstances of some of the most marginalized, victimized, criminalized and institutionalized in Canada, particularly the increasing over-representation of Indigenous women in Canadian prisons.

Hon. Mobina S. B. Jaffer: Your Honour, with your permission and the Senate's permission, I will speak while sitting.

As you will see, this matter has been adjourned in the name of Senator Lankin. She has kindly agreed that I can speak now and then the adjournment will remain in the name of Senator Lankin.

Honourable senators, I rise today to speak on Senator Pate's inquiry regarding the overrepresentation of women and particularly indigenous women in Canadian prisons.

Before beginning, I wish to thank Senator Pate for starting this inquiry. She has worked tirelessly for over 30 years on issues related to the rights of prisoners, particularly for indigenous women.

Senator Pate truly understands the difficulties that these women face. I am happy to see that experience reflected in this inquiry today.

I speak on this issue because the situation today is dire for indigenous women in our prison system. Currently, indigenous women make up 36 per cent of women in Canadian federal prisons, despite making up only 2 to 3 per cent of the Canadian population. Out of those women serving federal sentences of two years or more, 91 per cent have histories of physical or sexual abuse.

This is unacceptable. These women have been denied their culture, family and community. Instead of enjoying healing, education, employment and equality among their peers, these women are losing any hope of a better future. This is why I'm adding my voice to Senator Pate's call for change.

As a parliamentarian, I believe it is my duty to speak out against the inequities these women face and to expose the factors that caused them. However, in this instance, there is no single cause behind the over-representation of indigenous women in our prison system. Instead, this incarceration is the reflection of a variety of issues, including race, poverty, lack of education, gender inequality, loss of identity and abuse, all affecting indigenous women. Together, they place these women at a distinct disadvantage in our society that often sees them encountering our justice system.

The same is true for immigrant women. Much like the indigenous women, they often struggle with race, poverty, lack of education, gender inequality and abuse, and are

disproportionately placed into prisons as a result. To give an idea of the parallels between immigrant and indigenous women, I would like to share the story of two women who were marginalized, abused and criminalized by our justice system.

The first story is of Fliss Cramman, whom Senator Oh mentioned when he presented his amendment to Bill C-6 in the spring. In his speech, he discussed her difficulty gaining citizenship. I would like to focus on what happened after, when our justice system failed her.

Fliss was born in Britain but moved to Canada when she was 8 years old. When she turned 11, her father put her into foster care and she became a ward of the state. Because Bill C-6 was not enacted at the time, she was unable to gain Canadian citizenship independently. As Fliss grew up, she experienced increasing marginalization, years of sexual violence and suffered from chronic pain and drug dependency. Eventually, Fliss became so desperate that she joined a scheme to sell illegal drugs through a Facebook page, a venture that earned her a conviction in 2014, and saw Fliss serve 27 months in prison.

As a result of the drug conviction, the Canada Border Services Agency moved to deport her to Britain, despite the fact she had not lived there since she was a young child and despite the fact she had four young daughters here in Canada. When Fliss was rushed to the hospital for emergency surgery due to a perforated bowel in August 2016, Fliss's situation became even worse. Although she was barely alive, could not move and was often left unconscious from the pain, the CBSA decided that she was to be shackled to her hospital bed and kept under guard to prevent her from potentially escaping before the deportation order could be executed.

Fliss was rescued from this horrifying treatment only thanks to determined pleas for humanitarian assistance, sympathetic press coverage and testimony about her significant mental, health and addiction issues.

Thanks to the tireless work of her doctors, lawyers and community advocates, Fliss Cramman had been given some hope for a different future. However, if they had not helped her, the child welfare, judicial and immigration systems would have doomed Fliss to imprisonment and deportation. While the people who helped Fliss did incredible work, our justice system should not have failed her and put her in this desperate situation in the first place.

My second story, involving a woman only known as "A," further emphasizes just how important it is to consider the realities of disadvantaged women.

When "A" was convicted of an indictable offence and imprisoned, she learned she was not a Canadian citizen. Instead, she was a citizen of the United Kingdom as her family emigrated from there when she was two years old. When her father moved the family to Canada, he never applied for her Canadian citizenship and eventually abandoned his family.

• (1700)

As a result of her immigration status, "A" is detained in custody pending her deportation. Pakistan will not accept her, despite the fact that she was born there, because the region she came from was part of India when she was born. Britain will not accept her either. As a result, "A" remains stateless, separated from her five children, three of whom have autism. "A" remains in legal limbo in a system that is virtually devoid of hope, much less rehabilitation or legal recourse.

The fact that stories like this can happen in our great country — which portrays itself as a just society with its First Nations, Metis, Inuit and immigrant peoples — is unacceptable. Why are they left out of any real, equitable and meaningful participation in society as a whole? There is simply no good reason for disadvantaged women to be victimized, criminalized and then abandoned in prisons. This injustice only costs us as a society.

In 2010 the Parliamentary Budget Office calculated the cost to keep one woman in a federal penitentiary at \$348,000 per year. Approximately \$235 million is being expended per year to jail adult women in federal jails alone.

Honourable senators, we need to address these inequities as well as the human, social and fiscal costs of our current criminal justice and penal systems. If we supported women who came to Canada from abroad instead of victimizing them, our country could look incredibly different. If we spent less money on jails and incarceration and invested more in our communities and schools, in mental and physical health care, in addressing poverty, racial and social inequality and homelessness, the injustices I discussed may never have happened. Instead of being prisoners, the women I have discussed could have started their lives as full participants in our diverse nation.

Senator Pate has asked us to cast a light on the reality of many of our sisters. We are tasked with identifying and seeing these truths, and with taking action, as those of us in this chamber are privileged to do.

Honourable senators, I have shared but two brief stories of women whose lives could and should have been better. Together we can help shine a light on the injustices that have criminalized and imprisoned our sisters, and work to devote the necessary resources to create an equitable and just society going forward. That is why I support Senator Pate's inquiry, and I urge you all to support her on this very important inquiry.

(On motion of Senator Lankin, debate adjourned.)

AUTISM FAMILIES IN CRISIS

TENTH ANNIVERSARY OF SENATE REPORT—INQUIRY—
DEBATE CONTINUED

On the Order:

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

Hon. Art Eggleton: Honourable senators, I rise today to speak to the inquiry on autism tabled by Senator Munson.

I had the pleasure of chairing the Standing Senate Committee on Social Affairs, Science and Technology when we conducted the study of *Pay Now or Pay Later: Autism Families in Crisis*. It has been 10 years since that study was completed, yet we are still contending with some of the very basic problems we encountered a decade ago.

Over the course of that study, the committee struggled not only with the complexity of the issue but also with the varying opinions that were on offer. For example, the committee heard, on the one hand, that although there has been a rise in the number of cases of autism, this was due to increased sensitivity and changes in the diagnostic criteria. On the other hand, other witnesses stated that there is in fact an autism epidemic of staggering proportions.

Moreover, we are still not entirely sure what causes autism in the first place. Research on identical twins suggests that genes likely play a dominant role, and yet other studies have suggested that environmental factors play a role as well.

That these debates are still ongoing highlights the complexity of the issue. Yet, our job as policy-makers is not to debate the science; rather, it is to take what we know and try to make life more manageable for the individuals with autism and their families.

What we know is worrying. At the time of our study, 1 in 166 Canadians per year were being diagnosed with autism spectrum disorder. Today it is 1 in 68.

Being autistic or having an autistic family member increases your chances of financial hardship. A staggering 80 to 85 per cent of adults with ASD are unemployed or underemployed. On average, the cost of raising an autistic child in Canada is estimated to be at \$60,000 a year. Compounding the problem is that, more often than not, one parent will quit their job to care for the child.

Our study contained a number of important recommendations meant to tackle these and many other issues, the most important of which was that the federal government, in collaboration with the provinces and territories, establish a comprehensive national autism strategy. Ten years later, we are still not there.

This failure to act has had very real consequences. In 2014, the Senate Liberals held an open caucus on autism. We heard testimony from those with autistic children, and those with autism themselves. What we heard were stories of families uprooting their lives to move where they hoped better programs would be available. One family moved from Ontario to Quebec because they could not find an appropriate level of service in French. Another family actually moved to Australia because of inadequate supports here.

These and other stories highlight a missed opportunity. Continuing study is finding that we are squandering the potential of those with ASD. In the workplace, many of the characteristics you typically find in someone with autism make them suitable for certain professions. For instance, some individuals with ASD

will demonstrate an uncommonly focused interest in a particular subject. This can be a boon for an employer if that interest fills a need.

I read of one individual with Asperger's syndrome who, when asked what he most enjoyed about his job, answered, "solving software engineering problems." Then he was asked what his favourite hobby was, and his reply was "solving software engineering problems."

What is good for the individual is also good for society. An autistic individual with gainful employment is one less person who relies on social services to get by. Of course, not all individuals with autism will succeed in the workplace, but too many are not even being given the chance.

In the 10 years since our study, the method of diagnosis has also advanced. By the age of 2, a doctor can often discern from a questionnaire filled out by the parents whether a child has autism. If caught at such a young age, certain treatments can encourage learning and interaction during a time when the brain is most malleable. Yet, the average age of diagnosis in Canada is four and a half, often too late for these therapies to have their intended effect. That is a shame. One American study showed that if caught early enough, these therapies paid for themselves within eight years by reducing the need for extra help in school.

That, honourable colleagues, is just one example of what is meant by "pay now or pay later." The right investments today can prevent higher costs in the future. More important, such investments will go a long way in improving the circumstances of those diagnosed with autism and their loved ones.

I would ask you to join Senators Munson, Housakos and Bernard in calling on the federal government to act on the recommendations of our report. Only then can we begin to improve the lives of those affected by autism in a very meaningful and lasting way.

Hon. Frances Lankin: Honourable colleagues, I'm pleased to rise for some relatively brief comments on this. It would have been a bit longer, but Senator Eggleton spoke to a number of the issues I wanted to raise.

First may I extend a tremendous thank you, Senator Eggleton, to you, to the members of the committee and to the Senate for having tabled this very important report 10 years ago. It is difficult for us to see that so many of the recommendations have yet to be enacted at all or have been enacted in part. We had then, and we still have now, a piecemeal approach to working with individuals with ASD and their families, fragmented within provincial jurisdictions and across provincial jurisdictions.

• (1710)

Thus the call for a national strategy, I think, is a compelling and necessary one for us to continue to focus on. I also add my thanks to Senators Munson, Housakos and Bernard. In particular, Senator Bernard hosted an event for us during Autism Awareness Month that allowed some of us to meet with advocates from the community. I found that very helpful. It was good learning and helped to refresh facts that I knew once and had lost track of. I

spent some time in the Ontario legislature and this was a big issue then. That was many years ago and it remains a big issue with largely the same things being said.

When I thought about this and listened to the kind of remarks people have made, there's been a tremendous focus on children with autism. Senator Eggleton's quite right; if we can get to young children with the kind of therapeutic interventions at an early enough age, we can make a huge difference. I think governments often groan at the phrase "If you invest now, you'll save money later," because the recapturing of that and the reinvestment of that is always difficult, but again it is such a compelling argument to make. We are spending money on treatment and intervention at a time, perhaps, when they are less helpful and less preventive than they could be.

So it's important for us to, once again, understand the most recent evidence and understand that the programs that we are supporting and investing in with taxpayers' dollars are having the biggest impact that they could.

As I started to think about all the children who we still don't have the right resources for, I also thought about the children who, as parents and families call it, "time out of our system." They reach an age where the supports that are available through the health system and/or through the school system are no longer available for them. More and more, we have a larger number of citizens who are being diagnosed with this who are becoming adults and living adult lives with all of the hopes and aspirations that all of us have and would have for our children but have not had the supports along the way. And once they turn 18, there's very little available for them.

In my office we did a little bit of work trying to find information on autism and adults, and there's not a lot. There are references to what we don't know.

There are references, as Senator Eggleton said, to the diagnosis rate that has increased. Four years ago now, when there was an Ontario-based report released out of the University of Toronto, the rate was 1 in 88 and as you said now it's 1 in 68. No one knows whether it is better diagnoses or whether it is later onset or whether it is a combination of those things. We just don't know. We don't have enough information.

But we do know that there's a growing population of adults who are living with ASD, and there is a much broader description of the syndrome involving people who are at a high functioning or Asperger's level right through the whole spectrum.

One of the things that really concerned me when I looked at this report from four years ago from Ontario — it is entitled *Diversity in Ontario's Youth and Adults with Autism Spectrum Disorders: Complex Needs in Unprepared Systems*.

The news coverage at the time — I appreciate Dylan Odd in my office went back and searched and found a *Toronto Star* article that called this a groundbreaking adult autism survey and it reveals a mountain of unmet needs.

At that time they were talking about 52 per cent of people with high-functioning autism or AS, Asperger's Syndrome, were diagnosed before 21 years of age. That means there is a larger number of adults being diagnosed within the spectrum. I think we have to really look at what happens to those individuals.

We know that many of them report that they have multiple medical conditions. I won't go through them all, but they're also prescribed multiple types of medication. We know that many of them have taken some post-secondary education, have completed degrees, certificates, diplomas, bachelor degrees, masters degrees. In this study of several hundreds of people, there was a number who had completed MDs, PhDs and LLBs. Those people and those skills and those credentials doesn't mean that it translates into a life of productivity and employment or economic sustainability for oneself or one's family.

In fact, we know that of those who are employed, the majority of them earn less than \$30,000 a year. That was four years ago. I suspect that number isn't much different now.

Why do I focus on that? We know that 4.3 million Canadians with ASD are living in poverty. We have a poverty problem in this country. We know that people with other mental health issues, a large majority are living in poverty. We know that employment is such a necessary underpinning of good social structure and connections, in fact, leading research in the last few years from the Centre for Addiction and Mental Health puts forward that the aspiring workforce — that's the name they give people who have had mental health challenges, ASD challenges, psychiatric challenges. Survivors all over the system. Many people have multiple interconnections of those things. The aspiring workforce is what they call them. For people to have connections in a workplace builds a social foundation to their lives that is absolutely critical.

One of the other statistics in this report referred to the number of people living with ASD. I'm not finding the exact reference right now, but I will. A number of people living with ASD find that they have less than one social interaction a week with others. Can you imagine the sense of isolation? Can you imagine the deprivation of stimulation? Can you imagine the attendant mental health problems that come along and on top of the ASD? It is an issue for us to understand more and to certainly address.

In looking at the incomes of adults with ASD, those who are earning under \$30,000 — this is an Ontario-based survey — the majority of them are gaining support from the Ontario Disability Support Program, which is the side-by-side program with Ontario, essentially, welfare and disability, if I can put the two together in that sense. It's one program, but there are two streams.

When I participated in a review of that program, we found that the fastest-growing area of reliance on broad social assistance was in the area of disability support, and the highest presenting issues or disabilities, along with the second presenting issue, were mental health issues. Exponential growth. ASD is one subsection of that, but again, there are many interrelations.

How do we get at that issue? Again, we don't have all the answers, but workplace accommodation, what does that mean for people who are facing challenges that may be behavioural, that may be social, the way in which we work and interact with each other? We found in the work that we did that a tremendous amount can be accomplished with a focus on job development, so working with employers to actually develop jobs, shape them and make a useful job, a productive job, a job that supports the goals and aims of the corporation or the organization but can be worked and adapted to the individual needs of a person on Ontario disability support who wants to try to re-enter the workforce or to enter the workforce in the first place.

So there is a route. There are some very well-developed pilot projects and there are some things that we can build on, but it has to be done in a way that connects it with the other supports, programs and treatments that are a necessary part of responding to ASD and to the growing challenge across our country.

• (1720)

That's why, although most of this rests within provincial jurisdiction, the idea of lifting our eyes to a national strategy, to a federal-provincial coming together to map what's happening, identify the gaps and close those gaps in a coordinated way is absolutely essential to really make progress on behalf of individuals with ASD, their families and the organizations providing service to them.

The last thing I want to comment on is that when we think about this issue in relationship to the statistics — 4.3 million people with ASD who are living in poverty — we understand that even the social support programs that are there, as I mentioned, are not doing the job they need. That speaks to the reform that's required within those particular programs.

However, what disturbs me the most is those who don't even make it to being diagnosed or don't make it to a program like the Ontario Disability Support Program and similar things in all provinces, and those are the people who end up on base welfare programs — often men, often living in shelters, often homeless, doing day shelter or overnight and then out on the streets — and without the connection to supports, the connection to the reality of the world around them and the connection to skills to be able to even think about entering employment. That's a group that's completely lost. We only see them on street corners and grates, and we don't understand the connections to all these broader issues that we have.

Honourable senators, I wholeheartedly support the call for a national strategy. I hope that in that we can, yes, do the very necessary work to get to children as young as possible and to change the shape of their futures, but I hope we won't forget the growing numbers of adults living with this disorder who are isolated in their homes and kept out of the workforce because we don't do enough to accommodate, understand and develop jobs for them and who could be living a much more productive life and being a vibrant and giving part of our communities. Thank you very much.

(On motion of Senator Enverga, debate adjourned.)

[*Translation*]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY EMERGING ISSUES RELATED TO ITS MANDATE AND MINISTERIAL MANDATE LETTERS

Hon. Dennis Dawson, pursuant to notice of October 26, 2017, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on emerging issues related to its mandate under rule 12-7(6);

That it be further authorized to examine and report on the elements related to its mandate found in the ministerial mandate letters of the Minister of Transport, the Minister of Infrastructure and Communities and the Minister of Canadian Heritage;

That the papers and evidence received and taken and work already accomplished by the committee on this subject since the beginning the First Session of the Forty-second Parliament, as authorized by the Senate on January 28, 2016, be referred back to the committee; and

That the committee submit its final report no later than June 30, 2018.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 5:23 p.m., the Senate was continued until tomorrow at 2 p.m.*)