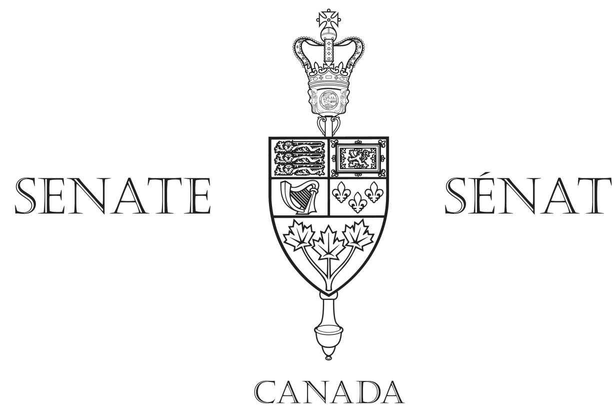

DEBATES OF THE SENATE

1st SESSION 43rd PARLIAMENT VOLUME 151 NUMBER 11

OFFICIAL REPORT
(HANSARD)

Tuesday, February 25, 2020

The Honourable GEORGE J. FUREY,
Speaker

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

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THE SENATE

Tuesday, February 25, 2020

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

Prayers.

[*Translation*]

SPEAKER'S STATEMENT

The Hon. the Speaker: Honourable senators, this month marks the one hundredth anniversary of dedicated security services on Parliament Hill. This milestone is an opportunity to reflect on the Parliamentary Protective Service and its founding organizations, and to thank those who have contributed to keeping our Parliament safe.

In 1868, a small protective force made up of 12 men was created by the federal government. Known as the Dominion Police Force, the new detachment was assigned to protect life and property in the Parliament Buildings. The Dominion Police was eventually absorbed into the Royal Canadian Mounted Police in 1920, leading to the formation of the first unit of the parliamentary security service. Three officers were assigned to the Senate and three to the House of Commons, marking the genesis for the Senate Protective Service and the House of Commons Protective Service.

Five years ago, following the tragic events of October 22, 2014, the security forces of the two Houses amalgamated into what is now known as the Parliamentary Protective Service. In June 2015, the Parliamentary Protective Service has created. As a new parliamentary entity, it built on the traditions and legacies of the institutions that came before it, and the important partnership it continues to nurture with the RCMP.

The RCMP continues to provide leadership to the Service, and to help advance the priorities by dedicating their expertise and resources to ensure its success. In whatever form parliamentary security takes its shape, the mission remains fundamentally the same: to keep us all safe so that parliamentarians and employees can carry out their legislative duties in a secure and open environment.

This month, we acknowledge the security forces who have played a vital role in our parliamentary history. We honour the courage, dedication and diligence of our security personnel, while acknowledging the risks they face daily in the course of their duties. They are ordinary Canadians who may be called upon, in a moment's notice, to do extraordinary deeds. In doing so, they uphold the values of the Parliamentary Protective Service, which are professionalism, respect, objectivity, unity and democracy.

Each day, the men and women of our service accept their duty and put themselves at risk to make this place safe. Safe for parliamentarians, staff members, members of the media, dignitaries, and visitors from near and far. To each and every one of our service members, past and present: thank you – for your adaptability, your devotion to the work of Parliament and the unwavering professionalism you demonstrate on every occasion.

On behalf of all senators, we are grateful for your service.

Thank you very much.

[*English*]

SENATORS' STATEMENTS

CURLING SUCCESS

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, this past week and weekend was a thrilling one for Manitoba curling fans and, indeed, for curling fans across the country. It began in Russia, where the best junior curling teams from around the world were competing at the World Junior Curling Championships.

Just getting to the world championships is an achievement in itself as our teams first had to compete to win the national championship. And both of Canada's teams, colleagues — the men's and the women's — were from none other than our province of Manitoba.

Hon. Senators: Hear, hear!

Senator Plett: Colleagues, they made us all proud. On Saturday morning, Jacques Gauthier's team from Winnipeg went up against Switzerland in the final. After leading six ends, they scored back-to-back deuces in seven and eight, forcing Switzerland to concede and making Gauthier's team the men's World Junior Curling Champions.

On Saturday afternoon, Mackenzie Zacharias's women's team from Altona, Manitoba, went up against South Korea in an epic showdown. After trailing for the first half of the game, Zacharias's team tied it 4-4 heading into the seventh, and they went ahead by 7-5 in nine. South Korea conceded, and Canada's women's team from Manitoba became the World Women's Curling champions.

• (1410)

Last week, colleagues, we saw the Scotties Tournament of Hearts being played in Moose Jaw, Saskatchewan. At the end of a long, gruelling week, Kerri Einarson's team from Manitoba; Jennifer Jones, also from Manitoba; and Rachel Homan from Ontario were tied at the top of the leaderboard. By a draw to the button, Einarson won first place, Jennifer Jones second, and Rachel Homan third. With Northern Ontario in fourth place, this meant we had an all-Manitoba-and-Ontario playoff structure.

Einarson defeated Jennifer Jones in the quarter-final, with Homan defeating Northern Ontario's Krista McCarville in the other quarter-final. This pitted Jennifer Jones, a six-time Scotties

champion, against Rachel Homan, a three-time Scotties champion, in the semifinal game, with Homan coming out on top in that game.

This set the stage, colleagues, for an exciting final game between Manitoba's Einarson and Ontario's Rachel Homan. After 10 ends, the teams were tied at 7-7, forcing an extra end. When Einarson went into the hack to throw her final rock, she was facing two Ontario stones — one in the eight-foot and one in the four-foot. Einarson, up to the task, drew the button for a win, giving her her first Scotties championship. This not only means that Manitoba will compete as Team Canada in next year's Tournament of Hearts; they will also represent Canada at the world championships in Prince George, B.C. this March and are guaranteed a berth in the 2021 Olympic trials.

I invite all senators to join me in congratulating Team Gauthier, Team Zacharias and Team Einarson on their well-deserved curling championships. Manitoba proud!

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of participants in the Parliamentary Officers' Study Program.

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

Hon. Senators: Hear, hear!

THE LATE ROBERT H. LEE, O.C., O.B.C.

Hon. Yuen Pau Woo: Honourable colleagues, I rise today to pay tribute to Vancouver businessman and philanthropist Dr. Robert H. Lee, who passed away on February 19. I have only one minute for this tribute, but even one hour would not do justice to the accomplishments of this giant of a man.

Bob Lee's father, an immigrant from China, was an entrepreneur and Chinatown pioneer who handed down to his children the importance of big thinking, integrity, hard work and community service. Today, the Vancouver Chinatown Foundation stands in part as a legacy to the contributions of Robert Lee's family.

A graduate of UBC's commerce program, Bob Lee would continue to support the university throughout his life.

For 23 years, Dr. Lee volunteered on the board of governors. He was chancellor of the university from 1993 to 1996 and was instrumental in designing a model for development of the UBC Endowment Lands in a way that was suitable for the needs of the university, respectful of First Nations, environmentally sensitive and financially prudent.

For his contributions, Robert Lee was honoured with the Order of Canada and the Order of British Columbia and was named a business laureate of British Columbia. He was affectionately known as "Mr. UBC," but his philanthropy went so much further in supporting causes across the Lower Mainland. I join with the university community in mourning Bob Lee's passing and send my deepest condolences to his wife, Lily, and their children, Carol, Derek, Leslie and Graham.

DIGITAL PRIVACY

Hon. Colin Deacon: Honourable senators, the biggest privacy risk facing most Canadians is not a cyberhack; it's when they press "I accept" without understanding the type and amount of private information they are sharing.

Forbes magazine has suggested that 90% of all data was generated in just the past two years. When you consider the ubiquitous nature of connected devices, such as phones, watches, cars, doorbells and even refrigerators, this assertion starts to make sense. Connected devices generate and transfer data minute by minute every day. Highly personal insights emerge from all our Google searches, emails, Facebook posts, likes, shares and tweets. Increasingly, it feels like we're at the wrong end of a data vacuum, where streams of data are being transferred to privately owned databases and we have little idea how those data are used.

Opportunities abound in this emerging digital age, but Canadians will not fully benefit unless we strengthen our digital infrastructure, including our privacy laws and digital identity protocols. Only then will Canadians have the trust and confidence that their private data will be used to improve their lives and not used against their interests.

Trust is essential to prospering in the digital age. Our greatest corporate successes know that customer trust is central to their company's growth and profitability. This includes Ottawa's Shopify, which reached $1 billion in sales faster than any other company in North America before it.

Conversely, Fitbit users balked — and many of us have Fitbits — at the prospect of years of their data being acquired by Google when it bought the company last month for $2 billion. European and U.S. lawmakers are now questioning whether that acquisition should proceed.

Canada urgently needs to prioritize the strengthening of our invisible but all-important digital infrastructure. Regulatory certainty will help to build the public's trust and unlock the investment needed for business to create digital solutions to some of society's most pervasive challenges.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of delegates from the Treaty Education Alliance, including Chief Nathan Pasap of White Bear First Nations in Saskatchewan, Chief George Peter Cote of Cote First Nation in Saskatchewan and Chief Ira McArthur of Pheasant Rump Nakota Nation. They are the guests of the Honourable Senator Francis.

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

Hon. Senators: Hear, hear!

FREEDOM OF EXPRESSION

Hon. Pamela Wallin: Honourable senators, as someone who spent many years of her life in the world of journalism, I care deeply about freedom of speech in our public discourse; and although the news cycle has moved on, the matter remains simply too important to let it pass unnoted.

Last week, the Prime Minister convened a meeting of political leaders to discuss the rail blockades and protests that are crippling our economy. But the leader of one political party was "disqualified" from participating in a discussion of the nation's business because his views were different — even though they reflected those of the elected representatives of the Wet'suwet'en people.

Former U.S. President Harry Truman warned of this:

> Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures . . . and creates a country where everyone lives in fear.

So many of our great thinkers, philosophers and politicians have opined on the fundamental importance of free speech. Linguist Noam Chomsky was crisp:

> If we don't believe in freedom of expression for people we despise, we don't believe in it at all.

Or JFK, who said:

> We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.

I could go on, but I think the point is clear: This is a very slippery slope. If you don't like what someone has to say, turn the channel, cancel your subscription, take a tech break or take your earpiece out. You don't have to agree with me, but please do not deny my right to say it. Don't disqualify me because you disagree.

Listening is the ability to be changed by the other. Let's try that more often. The test of any democracy is the freedom of citizens to criticize their leaders, so do battle with bad ideas by offering better ones. Let us not "disqualify" dissent or difference; let's learn from it. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Sylvianne Lacasse who provides nursing services in Northern Manitoba. She is the guest of the Honourable Senator McCallum.

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

Hon. Senators: Hear, hear!

INTERNATIONAL DAY AGAINST THE RECRUITMENT OF CHILD SOLDIERS

Hon. Mary Coyle: Honourable senators, on February 10, I attended a Roméo Dallaire Child Soldiers Initiative event at Dalhousie University, featuring our former colleague General Roméo Dallaire; Dr. Shelly Whitman, Executive Director; and two former child soldiers, Ishmael Beah and our fellow Canadian Omar Khadr.

• (1420)

In 2017, the United Nations reported that 56 non-state armed groups and 7 state armed forces were recruiting and using children. UNICEF estimates there to be 300,000 child soldiers actively exploited in conflicts around the world today. Senator Ataullahjan recently spoke in this chamber about Afghan refugee children as young as 14 being bribed by Iran to fight in Syria as part of its alliance with the Assad regime.

As a vulnerable child, Omar Khadr was forced to move from Canada to Afghanistan at the age of 13 and take up arms by his father. Critically injured in a firefight that claimed the life of an American soldier allegedly by a grenade thrown by him, Khadr was detained in Guantanamo Bay for 10 years.

Canada failed to act in accordance with international law, which is very clear that children who are recruited and used as soldiers are not to be held responsible for their participation in armed conflict. Canada's reputation as a protector of children's rights was tarnished. In 2017, after a Supreme Court ruling that his Charter rights as a Canadian citizen had not been respected, Canada issued an apology and provided compensation to Mr. Khadr.

Ishmael Beah, author of *A Long Way Gone: Memoirs of a Boy Soldier*, was also only 13 when he was coerced and used as a soldier in Sierra Leone's civil war. He said:

> Somebody being shot in front of you, or you yourself shooting somebody became just like drinking a glass of water.

Unlike Khadr, Beah was rehabilitated rather than incarcerated and went on to live what he calls his second life.

Any child, whether they are in a conflict against forces in Syria, Sierra Leone or allied forces in Afghanistan, is a victim in need of protection and rehabilitation. In 2017, the Government of Canada and the Roméo Dallaire Child Soldiers Initiative

launched the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, now endorsed by 95 countries.

February 12 marks the International Day against the Use of Child Soldiers. General Dallaire reminds us that "children should never be blamed for the atrocities that have been masterminded by adults, hate is a learned behaviour and youth are our greatest resource."

Colleagues, let's heed his words. Thank you, *wela'lioq*.

[*Translation*]

ROUTINE PROCEEDINGS

COMMISSIONER OF OFFICIAL LANGUAGES

2018-19 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the reports of the Office of the Commissioner of Official Languages for the fiscal year ended March 31, 2019, pursuant to the *Access to Information Act*, R.S.C. 1985, c. A-1, s. 94 and the *Privacy Act*, R.S.C. 1985, c. P-21, s. 72.

[*English*]

PARLIAMENTARY BUDGET OFFICER

LABOUR MARKET ASSESSMENT — 2020— REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Office of the Parliamentary Budget Officer entitled *Labour Market Assessment — 2020*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER WORKPLACE ASSESSMENT REPORT COMMISSIONED BY THE COMMITTEE DURING THE SECOND SESSION OF FORTY-FIRST PARLIAMENT TO CURRENT SESSION

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

> That the workplace assessment report commissioned by the Standing Committee on Internal Economy, Budgets and Administration during the second session of the Forty-first Parliament, entitled *Report of Evidence Relating to the Workplace in the Office of Senator Don Meredith*, dated July 13, 2015, be referred to the committee during the current session for the purposes of its work on related issues, subject to normal practices relating to confidential documents.

THE SENATE

NOTICE OF MOTION TO AFFECT THE START OF ORDERS OF THE DAY EVERY THIRD TUESDAY FOR REMAINDER OF CURRENT SESSION

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

> That, for the remainder of the current session, the Leader of the Opposition in the Senate be authorized to designate, by making a short statement during any Question Period, a Minister of the Crown to be invited to appear as a witness before the next Committee of the Whole held pursuant to this order;
>
> That, at the start of Orders of the Day on every third Tuesday that the Senate sits after the adoption of this order, the Senate resolve itself into a committee of the whole in order to receive the designated minister in relation to his or her ministerial responsibilities;
>
> That the committee report to the Senate no later than two hours after it starts sitting; and
>
> That if the designated minister is unable to attend on a particular Tuesday:
>
> 1. the Leader or Deputy Leader of the Government in the Senate advise the Senate of this fact as soon as possible by making a brief statement to that effect during any Question Period; and
>
> 2. the designated minister's appearance be then postponed to the next Tuesday that the Senate sits, subject to the same conditions.

CONFLICT OF INTEREST FOR SENATORS

NOTICE OF MOTION TO AFFECT COMMITTEE MEMBERSHIP

Hon. Yuen Pau Woo: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the name of the Honourable Senator Tannas be added to the list of members of the Standing Committee on Ethics and Conflict of Interest for Senators.

BANK OF CANADA

NOTICE OF INQUIRY

Hon. Bev Busson: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the way the Bank of Canada honours Canadians through banknotes.

QUESTION PERIOD

NATURAL RESOURCES

PIPELINES

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate. Senator Gold, the withdrawal of Teck's proposed Frontier mine in northeastern Alberta is a devastating blow, not just for that province, but indeed for our entire country. Thousands of good, well-paying jobs and billions of dollars in private sector investments are gone. In a public letter, Teck's president Don Lindsay stated:

> Frontier has unprecedented support from Indigenous communities and was deemed to be in the public interest by a joint federal-provincial review panel following weeks of public hearings and a lengthy regulatory process. . . .

Despite all of this, Mr. Lindsay said:

> . . . there is no constructive path forward for the project. . . .

Leader, Teck had reached agreement with all 14 Indigenous communities in the project area. The project was thoroughly reviewed and was approved by a scientific panel. If this project cannot be built in our country, what can?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator. As all senators know, the decision by Teck was a business decision and the Government of Canada respects that.

With regard to the letter that the honourable senator quotes, Mr. Lindsay's letter to Minister Wilkinson also underlines that:

> . . . investors and customers are increasingly looking for jurisdictions to have a framework in place that reconciles resource development and climate change, in order to produce the cleanest possible products. . . .

It is the position of this government that it is possible and necessary to work collaboratively so that our resources can continue to be developed in a sustainable way and one that contributes to the world's transition to a lower-carbon future. That is the aspiration that the CEO of Teck Resources expressed in his letter, and that's the objective of that lies behind this government's policies.

Mr. Lindsay's letter concludes by saying:

> The promise of Canada's potential will not be realized until governments can reach agreement around how climate policy considerations will be addressed in the context of future responsible energy sector development. . . .

I am advised that the federal government is firmly committed to working with premiers, Indigenous communities and the resource sector so that Canada can be a world leader in developing a sustainable, climate-smart resource sector while supporting our objectives of transitioning to a less- and lower-carbon future.

Senator Plett: Let me ask if the leader would be agreeable to tabling that letter later on. However, nowhere in that statement did I hear an answer to the question of "what can."

• (1430)

Let me ask it this way: We have a Prime Minister who has spoken both at home and overseas about the need to phase out the oil sands. We have a government that brought in Bill C-48 and Bill C-69, which will ensure that no major energy projects are built. We have a government that gave taxpayers' dollars to an environmental group to advocate against Trans Mountain. We have a government that sends millions of Canadian taxpayers' dollars to help build pipelines in Asia while thousands of middle-class jobs and billions in private sector investment in our own country has evaporated. The list goes on and on.

Senator Gold, where does this end? Please don't read a letter to me. Where does this end? Can your government say with certainty that Coastal GasLink will be built? Can it say that about the Trans Mountain expansion?

What projects will be cancelled next?

Senator Gold: The government's position on Trans Mountain has been fairly clear. It purchased the pipeline, notwithstanding the political cost that everyone understands that it paid. With regard to the natural gas pipeline in B.C., my understanding is that the Premier of British Columbia has asked the company to temporarily delay construction so that further consultations with the Indigenous communities can take place.

Honourable senator, I know that many people want to ask questions, so I will try to answer the rest of your question briefly. The letter to which you referred was written to the minister by Teck, and I believe it's covered with a press release and is available to anyone publicly. With regard to the rest of your question, the Government of Canada does not accept your characterization of Bill C-69 or the other measures. I will stop at that.

INDIGENOUS AND NORTHERN AFFAIRS

FIRST NATIONS GOVERNANCE STRUCTURES

Hon. Larry W. Smith: Honourable senators, my question is for the Leader of the Government in the Senate.

Coastal GasLink has signed benefit agreements with 20 elected band councils along the pipeline route, including the Wet'suwet'en band council. Crystal Smith, Chief Councillor of the Haisla Nation, said:

> We said yes to LNG Canada and Coastal GasLink, because the proponents and the Province of British Columbia have approached us from a position of respect for our Nations and our people. They have respected our expertise when it comes to our territory and our culture.
>
> Haisla are not quick to offer endorsements for any projects when it comes to our territory. . . .

Opposition to Coastal GasLink is voiced by five Wet'suwet'en hereditary clan chiefs who argue that the majority of the traditional territory the pipeline would pass through is unceded; therefore, it falls under their jurisdiction and not the band councils, which have jurisdiction over smaller reserves.

[*Translation*]

Although the federal government recognizes the members of the elected councils under the Indian Act, Coastal GasLink's opponents have clearly indicated that the First Nations and Inuit legal system preceded colonization and that that system was never dissolved following the signature of the treaties, meaning that the role of the hereditary chiefs should be recognized in the context of today's Canada.

[*English*]

Senator Gold, given this very evident clash of authority, how does this government reconcile the rights of elected band councils with those of hereditary chiefs within the First Nation governance structures as they relate to infrastructure projects in Canada?

Hon. Marc Gold (Government Representative in the Senate): Thank you very much for your question. Again, I will try to be brief, although your question poses and raises perhaps one of the most fundamental questions that we're facing, especially with regard to unceded territory in British Columbia. The plain fact is that, as the Supreme Court set out over 25 years ago, there are rights held by the hereditary chiefs that need to be respected as part of the honour and duty of the Crown. It is also the case that there are elected bands that have been set up under the Indian Act, and it is also the fact that the communities are diverse and sometimes divided. That is the case that very much complicated the period we just so painfully went through.

The Government of Canada is committed to working with all rights-holders in respect of their rights under the Constitution of Canada, guided by the interpretation of the Supreme Court and working collaboratively with all of the communities in an effort to honour and to do the duty of the Crown, which is our constitutional responsibility.

Senator Smith: I have a simple question, just to tighten it up. In hindsight, what lessons can we glean from this government's inability to deliver on promises made in 2015 to Indigenous peoples?

Senator Gold: The important lessons that we, as Canadians, have to learn are two-fold. First, for the last 25 years — and I'm only narrowing the frame because we're talking about the decision of 25 years ago — successive governments have not fully succeeded, and I'm passing no judgment on how they tried, in working through the complicated issues of reconciling First Nations sovereignty and unceded territory with the sovereignty of Canada over its territory under international law. This is no simple matter. That's one lesson.

The lesson going forward is that we need to continue to work in good faith with all communities and all stakeholders in order to address what is, for us, as Canadians, an important but difficult path forward as we forge a different relationship with our Indigenous communities than the one that has characterized our path.

BUSINESS OF THE SENATE

Hon. Tony Dean: Honourable senators, my question is for the Government Representative in the Senate. My question today is in regard to the inquiry launched in this place by our colleagues Senators Sinclair and Dalphond. As you know, the inquiry touches upon the issues of procedural delays in achieving votes on bills initiated by individual members of the House of Commons and Senate, and also on the question of keeping some of these bills alive following the dissolution of Parliament. Senator Gold, I'm delighted to see this inquiry also touching upon the troublesome issue of what I'm going to refer to as the "dinner bells."

Each of these delays has both a democratic cost and a considerable fiscal cost. As the Government Representative in the Senate, are you supportive of the proposed directions in this inquiry?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I will always support efforts as the government representative and personally, if I can allow myself that brief moment, to launch constructive and open dialogue for ways in which we can manage our legislative work and do it better. In that regard, I want to express admiration and thanks to Senators Dalphond and Sinclair for the artful manner in which they launched this inquiry. We should not be afraid, senators, of having an open and frank discussion about these issues in this chamber, because that's how we can eventually reach some agreement and consensus regarding how we can move forward as an institution.

With respect to the proposals in the inquiry, I will always approach these with an open mind. I certainly support the objective being pursued in this inquiry of a Senate that gives due consideration to all of its business. From a broader perspective, I support improving how we conduct our deliberations in this chamber on both government business and non-government business.

I hope and look forward to a robust exploration and discussion of these issues as the inquiry proceeds.

INDIGENOUS AND NORTHERN AFFAIRS

INDIGENOUS POLICE SERVICES—RCMP TRAINING—RECONCILIATION

Hon. Mary Jane McCallum: Honourable senators, my question is for the Leader of the Government in the Senate.

As part of my Senate work, I attempt to make space for youth to have their voices and concerns heard, where and when possible. As such, the questions I will be asking today are on behalf of students studying Native Canadian law at Brandon University. These questions are in response to issues currently happening out West and across Canada.

• (1440)

One student wrote that we are supposed to be moving forward, not reacting into history. The student pointed out that the RCMP was originally established to control First Nations people in the 1870s. We are now living in 2020. Why is Canada still using the RCMP to control First Nations?

Assuming that RCMP presence in Indigenous lives is inevitable for the time being, other students wondered if the cultural awareness trainers could incorporate section 35 of the Constitution Act into the mandatory courses for all RCMP members. They voiced the importance they place in assessing the views and beliefs RCMP members have about Indigenous peoples in Canada.

Finally, one student voiced their concerns about a fundamental issue, stating that they always seem to go back to reconciliation and the duties and responsibilities of the government. Will reconciliation ever be a reality? It is hard to believe. As an Indigenous person, they said they start to feel defeated reading about all the negativity that goes on in Canada.

These are wise and important questions these youth have brought up. I thank you, on their behalf, for your insights and responses to these matters.

Hon. Marc Gold (Government Representative in the Senate): Thank you very much for the questions and to the students who posed them.

With regard to Indigenous policing, I've been advised that the government is committed to ensuring all communities benefit from policing that's both professional and dedicated, and that includes First Nations and Inuit communities.

I've been advised as well, and senators might recall, that in Budget 2017 and later, in January 2018, the government committed up to $291 million for the First Nations policing program to improve officer safety, policing equipment, salaries and so on.

With regard to your question on the RCMP, I've been advised that they have already made several changes to its policies, procedures and training in recent years. By the way, that also includes effort to increase Indigenous participation in the force. I've been further advised that RCMP members receive cultural awareness training through several venues as well.

Regarding reconciliation, the Government of Canada remains committed to reconciliation to renewing its relationship with our Indigenous peoples and building one based on the affirmation of rights, respect, cooperation and partnership. That's why this government has pledged to fully implement UNDRIP. The government continues to work collaboratively through constructive rights and recognition tables, where the priorities are set by Indigenous communities and are implemented where co-development of these policies are taking place.

Finally, the government recognizes that reconciliation is not simply an Indigenous issue and an Indigenous imperative; it's a Canadian issue and imperative, and one that must involve all of us.

[*Translation*]

BLOCKADE PROTESTS—RULE OF LAW

Hon. Jean-Guy Dagenais: My question is for the Government Representative in the Senate, Senator Gold. I picked up on something you said last week about the role your father, Justice Gold, played in the resolution of the Oka crisis in 1990. The Prime Minister, however, has lost all credibility in the current crisis with Indigenous peoples. I have never seen such a chorus of newspaper headlines pointing to his lack of leadership. He himself admitted yesterday that the Indigenous representatives are refusing to talk to him.

Senator Gold, I have to say that that is almost shameful, particularly after the fine promises and concessions that the government made to Indigenous peoples.

Faced with this reality and political failure, what is your Prime Minister waiting for to withdraw from this file and assign in his place a credible, respectable representative who can establish a dialogue with the Indigenous people in order to resolve this crisis that is killing jobs and undermining our country's economy?

Hon. Marc Gold (Government Representative in the Senate): Thanks for the question. With all due respect, I can't accept the premise of your question. The Prime Minister and his ministers have been involved since day one of this crisis, a crisis that is causing Canadians a great deal of trouble. Colleague, you must remember that what you read in the newspapers and the headlines isn't always true to life. The fact is that the Government of Canada pursued an approach to seek a peaceful, non-violent solution that would avoid the worst consequences of

a different approach. So, thank you for the question, but with all due respect, the premise of your question is not something I can support.

Senator Dagenais: I realize we can't believe everything we read in the news, but I personally watched the live broadcast of the Prime Minister's press conference on RDI, and that's what I wanted to talk to you about. I think that a press conference like the one he held last Friday clearly shows that he has lost all credibility on this file.

Senator Gold: Thank you. In the interest of giving other senators a chance to ask questions, I will refrain from repeating my answer. Thank you for your question.

[*English*]

PRIVY COUNCIL

SUPPORT FOR BUSINESSES AFFECTED BY RAIL BLOCKADES

Hon. Thanh Hai Ngo: Honourable senators, my question is for the Leader of the Government in the Senate concerning the national crisis Canada has been experiencing for the past weeks as a result of the blockade protests immensely impacting our national economy and Canadians' everyday lives. We know that more than 1,500 railway workers have been temporarily laid off.

In terms of goods, about $435 million worth have been stranded every day the blockade continues. Our farmers' products have been sitting in storage bins, as they are unable to ship them. Shelves are starting to be empty in the remote areas of Canada.

Workers are also being impacted; work is down by 50% at the Port of Halifax. According to *The Star*, on February 18, a total of 6,000 workers may also be at risk of layoffs if the blockades continue, and so on. The crisis is costing hundreds of millions of dollars, if not billions of dollars.

Does the Government of Canada have any intention of compensating the people and the businesses that have been greatly and economically impacted by the crisis? If so, what plan does the Government of Canada intend to put forward? If not, why hasn't this been raised, as it is immensely impacting our national economy and Canadians' livelihoods?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, and thank you again for underlining and reminding us that Canadian businesses and communities have paid a significant economic price for the period that we have just passed through.

I am not aware of any government plan to compensate those who have suffered losses. I will make inquiries, and if such programs are developed, I will be pleased to share that with this chamber.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

BLOCKADE PROTESTS—RULE OF LAW

Hon. Thanh Hai Ngo: Honourable senators, yesterday the OPP shut down blockades in Tyendinaga Mohawk territory, arresting protesters. In response, and in solidarity with the Tyendinaga protesters, a new rail blockade emerged in Hamilton, Ontario, and on the Quebec side, access was shut down and the highway was blocked by the Kanesatake Mohawks at the very same spot they did during the Oka Crisis in 1990. Tensions are rising across Canada.

How will the Government of Canada deal with these rising tensions and the new blockades that are emerging everywhere across Canada?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I will simply remind this chamber of points that I have made on a number of other occasions.

First, the government remains committed to addressing the underlying issues that have given rise to these in a constructive and respectful way, one that avoids confrontation to the fullest extent possible.

I will remind the chamber only of one other point. In Canada, it is not the government that directs the police — not the RCMP, not the OPP and not the Sûreté du Québec. The blockades that have emerged reflect that the underlying issues remain important issues that we have to address, but the government is not intending to change its fundamental, constitutionally correct position that it is not for the government to direct the police how to do their job.

DEMOCRATIC INSTITUTIONS

FOREIGN INFLUENCE IN CANADIAN ELECTIONS

Hon. Linda Frum: Honourable senators, my question is for the Leader of the Government in the Senate.

As you know, Senator Gold, I have for some time been very concerned about foreign financial involvement in Canadian elections.

• (1450)

I was disappointed but hardly surprised to learn from an article in *Blacklock's Reporter* this week that Indigenous Services Minister Marc Miller will not reveal the names of the donors he met with in New York last October, whom he admitted in a signed document with the U.S. Department of Justice contributed to his election campaign last year. Senator Gold, those donors might be Canadians but they might not be. There's no way we can know either way unless Mr. Miller complies with the law and reveals their names. His unwillingness to do so is of serious concern. Election laws apply to everyone, not just non-Liberals.

Will you commit to providing this chamber the full list of donors to Mr. Miller from his New York fundraising event so we can be satisfied that no election crime has occurred?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The Government of Canada continues to be concerned, as we all are, about foreign interference in our elections. As you know, in 2019, the government established a non-partisan panel to administer the Critical Election Incident Public Protocol during any election period. During 2019, the panel did not observe any activity that met the threshold for a public announcement that affected the integrity of Canada's electoral process.

Senator Frum: Senator Gold, Canadian election law requires that candidates list the names of any donors who donated more than $200 to their campaigns. Mr. Miller will not give the list of names of the donors at his fundraising event in New York. So I ask you again, will you commit to provide to this chamber the list of the names of donors who attended the event in New York and the amount that Mr. Miller raised in New York?

Senator Gold: I thank the honourable senator for the question but, not being aware of that event or others, I will certainly make inquiries and be pleased to report back to the chamber.

HEALTH

CORONAVIRUS

Hon. Stan Kutcher: Honourable senators, my question is for the Government Representative in the Senate regarding Canada's response to the coronavirus.

Recognizing that Canada, in accordance with the best available evidence, acted quickly and appropriately in the early stages of this epidemic, new scientific evidence suggests that a different approach to this disease may now be necessary. Specifically, first, the infection can be spread by seemingly asymptomatic individuals. Second, the infection spreads not like a wave but as a cancer that metastasizes and grows out from nodal points, as seen recently in Italy, South Korea and Iran.

How is the Government of Canada adjusting its plan to respond to this new information? When will an adjusted plan be implemented and communicated to Canadians?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question. To the best of my understanding and according to the information that I've been provided, the Canadian health care system generally — and that includes, of course, the system across the country and the provinces — remains well prepared to handle cases of the spread of the virus in Canada. The government is taking all necessary steps to monitor and adjust as necessary. It would appear that it is in the nature of viruses generally, and this virus particularly, that it changes and mutates. I am therefore advised that all relevant health care officials in Canada are monitoring this very carefully.

Best practices are in place across Canadian hospitals to isolate patients who are experiencing symptoms. Even though I'm advised that Canada is in conformity with the recommendations of the World Health Organization, the Public Health Agency of Canada has agreed to review those standards based upon concerns of whether or not they are stringent enough. I wanted to reassure this chamber that, to the best of my information, all cases in Canada are isolated and all are receiving care.

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

BUSINESS OF THE COMMITTEE

Hon. Josée Forest-Niesing: Honourable senators, my question is addressed to the chair of the Standing Committee on Ethics and Conflict of Interest for Senators. It concerns the committee's report regarding Senator Beyak.

On Monday of this week, I had a discussion with two of the seven young municipal councillors representing northwestern Ontario municipalities who recently issued a statement taking issue with Senator Beyak's widely publicized remarks and conduct. They reaffirmed that racism quite unfortunately does continue to exist in northwestern Ontario. In their words, "It is the job of local leaders to use their offices to confront it with uncompromising principles of inclusion, human dignity, respect and truth." They regret that the senator's remarks and actions are continually attributed to Dryden and northwestern Ontario, and they take issue with the ongoing use of public office to undermine their commitment and efforts to build community.

How can you reassure the communities of northwestern Ontario that the recommendations of the Standing Committee on Ethics and Conflict of Interest for Senators go as far as they can to ensure that the senator will understand her responsibility in relation to racism and the need to refrain from acting in a way that would reflect adversely on the Senate and on the region —

The Hon. the Speaker: Excuse me, Senator Forest-Niesing. We allow a fair amount of latitude in Question Period, but the question must pertain to the activities of the committee, not comments on the report. I'll leave it to Senator Sinclair to decide how he's going to answer it with respect to activities of the committee.

Hon. Murray Sinclair: Honourable senators, I can simply say this about the question that was asked of me: The report speaks for itself. Senators will have to read it and be satisfied that it talks about the various things that will address the concerns the senator has raised and the concerns of those for whom she has spoken. The report has made a number of suggestions that go as far as we can in the circumstances to address the concerns the public has. We will then, as a body, determine what we're going to do next with regard to it.

ORDERS OF THE DAY

SPEAKER'S STATEMENT

The Hon. the Speaker: Honourable senators, on February 6th Senator Sinclair raised a point of order concerning the possible application of the *sub judice* convention to a motion moved by Senator Boisvenu. I have since received a request from Senator Boisvenu to allow further consideration of the matter. Although not common, this is not unprecedented, and I will, somewhat exceptionally, allow this in the current case.

Therefore, at the start of Orders of the Day tomorrow, I will hear further new arguments on the point of order. But honourable senators, let me stress that I wish to hear new information only, and I would ask senators to please be brief in their interventions.

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FIRST REPORT OF COMMITTEE—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Patterson, for the adoption of the first report (interim) of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Developments and actions in relation to the committee's fifth report regarding Senator Beyak*, deposited with the Clerk of the Senate on January 31, 2020.

Hon. Lynn Beyak: Honourable senators, I rise today to respond to the first report of the Standing Committee on Ethics and Conflict of Interest for Senators. Before I begin, I would like to unreservedly apologize for my actions.

• (1500)

After deep and careful reflection, I have come to the view that the posting of offensive and hurtful letters to a Senate public website was wrong and ill-considered. And my insistence on leaving them up was also wrong. Because of my belief in free speech, my initial instincts were to leave the letters on the website. After long and careful consideration, I now regret not insisting on their removal. They were disrespectful, divisive and unacceptable.

While my intent was never to hurt anyone, I see now that my actions did not have their desired effect, which was to promote open and constructive dialogue. Regretfully, my actions were unhelpful to the national conversation on this issue. Throughout this process, I have also come to more profoundly appreciate the importance of representing and upholding minority rights in Canada, which is central to our work as senators.

I want to apologize to Indigenous peoples, to the Senate and to my fellow senators, and to the Canadians we all represent for any hurt I have caused.

I agree with the recommendations of the committee and I am eager to complete the education and sensitivity training that has been prescribed. We are never too old to learn and to grow.

Honourable colleagues, I'm determined to comply willingly, completely and in good faith with the report. I look forward to working with the Senate Ethics Officer to ensure my full compliance. This experience has taught me many things. I am contrite, ready to listen, ready to engage swiftly and meaningfully in the process.

I want to thank you for listening and hearing my sincere apology and for understanding that I intend to proceed with the prescribed additional training with an open mind and in good faith.

In order to fully respect the process, I will reserve any further comment until all the requirements have been fully satisfied. I informed the Clerk of the Senate of my intention to speak today and have shared the full apology.

Thank you, Your Honour and colleagues.

[*Translation*]

Hon. Josée Verner: Honourable senators, I move the adjournment of the debate.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will those honourable senators in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators who are opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there agreement on the bell?

An Hon. Senator: One hour.

The Hon. the Speaker: One hour. The vote will take place at 4:03 p.m.

Please call in the senators.

• (1600)

[*English*]

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan	MacDonald
Batters	Marshall
Black (*Ontario*)	Martin
Boisvenu	McInnis
Campbell	Mockler
Carignan	Plett
Dagenais	Poirier
Downe	Richards
Doyle	Seidman
Duffy	Smith
Frum	Verner
Greene	Wallin
Griffin	Wells
Housakos	White—28

NAYS
THE HONOURABLE SENATORS

Anderson	Hartling
Bellemare	Jaffer
Bernard	Keating
Boniface	Klyne
Bovey	Kutcher
Boyer	LaBoucane-Benson
Busson	Lankin
Cordy	Loffreda
Cormier	Marwah
Cotter	Massicotte
Coyle	McCallum
Dalphond	Mégie
Dasko	Mitchell
Dawson	Miville-Dechêne
Deacon (*Nova Scotia*)	Moncion
Deacon (*Ontario*)	Moodie
Dean	Omidvar
Duncan	Pate
Dupuis	Petitclerc
Dyck	Ravalia
Forest	Ringuette
Forest-Niesing	Saint-Germain
Francis	Simons
Gagné	Sinclair
Gold	Wetston
Harder	Woo—52

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Resuming debate on the main motion.

Some Hon. Senators: Question.

ADJOURNMENT

MOTION NEGATIVED

Hon. Donald Neil Plett (Leader of the Opposition) moved:

> That the Senate do now adjourn.

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

Some Hon. Senators: Agreed.

The Hon. the Speaker: All those in favour of the motion will please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed say, "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on a bell?

An Hon. Senator: One hour.

The Hon. the Speaker: The vote will take place at 5:10 p.m.

• (1710)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan	Martin
Batters	McInnis
Black (*Ontario*)	Mockler
Boisvenu	Ngo
Campbell	Plett
Dagenais	Poirier
Doyle	Richards
Frum	Seidman
Greene	Smith
Griffin	Verner
Housakos	Wallin
MacDonald	Wells—25
Marshall	

NAYS
THE HONOURABLE SENATORS

Anderson	Keating
Bellemare	Klyne
Bernard	Kutcher
Boniface	LaBoucane-Benson
Bovey	Lankin
Boyer	Loffreda
Busson	Lovelace Nicholas
Cordy	Marwah
Cormier	Massicotte
Cotter	McCallum
Coyle	Mégie
Dalphond	Mitchell
Dasko	Miville-Dechêne
Deacon (*Nova Scotia*)	Moncion
Deacon (*Ontario*)	Moodie
Dean	Omidvar
Duncan	Pate
Dupuis	Petitclerc
Forest	Ravalia
Forest-Niesing	Ringuette
Francis	Saint-Germain
Gagné	Simons
Gold	Sinclair
Harder	Wetston
Hartling	Woo—51
Jaffer	

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

FIRST REPORT OF COMMITTEE—MOTION TO REFER REPORT BACK TO COMMITTEE—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Patterson, for the adoption of the first report (interim) of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Developments and actions in relation to the committee's fifth report regarding Senator Beyak*, deposited with the Clerk of the Senate on January 31, 2020.

Hon. Robert Black moved:

> That, pursuant to rules 5-7(b) and 12-30(3), the first report of the Standing Committee on Ethics and Conflict of Interest for Senators be referred back to the committee for further consideration.

He said: Honourable senators, I move that pursuant to rules 5-7(b) and 12-30(3), the first report of the Standing Committee on Ethics and Conflict of Interest for Senators be referred back to the committee for further consideration.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

Some Hon. Senators: Question.

The Hon. the Speaker: Please take your seats. For clarity, in my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have an agreement on a bell?

An Hon. Senator: Deferred until tomorrow at 4:15 p.m.

The Hon. the Speaker: Deferred until tomorrow at 4:15 p.m. Tomorrow is Wednesday, after all.

• (1720)

THE SENATE

MOTION TO INVITE MINISTERS OF THE CROWN WHO ARE NOT MEMBERS OF THE SENATE TO PARTICIPATE IN QUESTION PERIOD—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Gold, P.C.:
>
> That, notwithstanding usual practice, the Senate invite any Minister of the Crown who is not a member of the Senate to enter the chamber during any future Question Period and take part in proceedings by responding to questions relating to his or her ministerial responsibilities, subject to the Rules and practices of the Senate.

MOTION IN AMENDMENT

Hon. Leo Housakos: Honourable senators, I wish to speak to this item and offer a further proposal.

Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended:
>
> 1. by replacing the words "the Senate invite any Minister of the Crown who is not a member of the Senate to enter the chamber during any future Question Period and" by the following:
>
>   "for the remainder of the current session, the Senate authorize the Leader of the Opposition in the Senate to make a short statement during any Question Period in order to designate Ministers of the Crown who are not members of the Senate to participate in Question Period;
>
>   That these ministers then be deemed invited to enter the chamber during Question Period at a future sitting to";
>
> 2. by replacing the words "his or her" by the word "their"; and
>
> 3. by adding the following before the period:
>
>   "; and
>
>   That the Leader or Deputy Leader of the Government in the Senate advise the Senate of the date that any minister designated by the Leader of the Opposition will be in attendance by making a brief statement during Question Period no later than the fourth day the Senate sits before that date".

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

Senator Housakos: Honourable senators, we have seen over the last few years in this institution, under the guise of independence, increased transparency and reduction of politicization, a situation where, more than ever before, the will of the government is being imposed on this institution. We have also seen a situation, of course, in the spirit of reform and independence, where more than ever before the chamber has been neutered by the executive branch of government, making it more difficult for this chamber to hold the government to account.

We have seen instances where the government leaders — both past and present, who once upon a time sat in cabinet and were active participants as cabinet ministers — sat in important committees of the cabinet and were not only representatives of this institution for the government but were also able to give us timely answers to all kinds of questions. For example, under the Harper government, the government leader in the Senate was chair of the P&P cabinet committee — not only a cabinet minister — and spoke with authority in this chamber and was represented in this chamber.

Unfortunately, once again, I rise on this particular motion and the practice we have had over the last few years of the government bringing ministers of the Crown into this chamber to be held to account and to be asked questions. That's certainly a good thing; nobody opposes that. That's why there is just a little tweak to the amendment I'm proposing.

What is completely uncharacteristic of any Westminster system is that the Question Period agenda is driven and decided by the government. The government decides which ministers to invite and when to invite them. I think it's completely inappropriate. I think it's also inappropriate to have a situation where there is consultation between caucus groups when the reality of the matter is that the largest one is represented by the Liberal government itself because they are appointees of the Liberal government. I think it would be only appropriate, as I think we all understand in the spirit of independence and respecting the role of accountability of a Westminster parliamentary body, that the Leader of the Opposition identifies the minister that the opposition would like to have before the Senate during QP.

There is nothing in our amendment that changes the essence of what is being done. The only thing, of course, that is very critical and, I think, would respect the privilege of the opposition in the parliamentary setting is that, at the end of the day, there is no Westminster house, certainly not in the House of Commons, where the government determines what minister answers what questions. It's the opposition that determines what questions are asked to what ministers. If we're going to continue to conduct this practice at QP of bringing in ministers, it would be appropriate that the leader of the official opposition party

identifies the minister, with due notice, of course, giving all ministers ample opportunity to arrange their agenda and their time to come before this committee to answer questions. Thank you, colleagues.

(On motion of Senator Duncan, debate adjourned.)

NATIONAL FINANCE

MOTION TO AFFECT COMMITTEE MEMBERSHIP ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of February 20, 2020, moved:

> That, notwithstanding rules 12-2(2) and 12-3(1) and usual practice, the Honourable Senators Bellemare, Boehm, Deacon (*Ontario*), Duncan, Forest, Forest-Niesing, Klyne, Marshall, Martin, Mockler, Smith, Tannas and Dawson be appointed to serve on the Standing Senate Committee on National Finance until the earlier of April 1, 2020, the adoption by the Senate of a report of the Committee of Selection recommending the senators to serve as members of the committee, or new members being otherwise named by the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): , pursuant to notice of February 20, 2020, moved:

> 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, 2020; and
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Marshall, for the second reading of Bill S-207, An Act to amend the Criminal Code (disclosure of information by jurors).

Hon. Stan Kutcher: Honourable senators, I rise today to speak to Bill S-207, an Act to amend the Criminal Code as it relates to disclosure of information by jurors.

In my opinion, this bill addresses an important issue that has not previously received sufficient attention: the mental health of jurors, which can be negatively impacted as an unintended consequence of fulfilling a civic duty. This bill helps address that concern by providing permission for jurors to more freely and confidentially discuss their experience with a health care provider, should they need to do so. I applaud this direction and support the bill.

Yet, I do not think it goes far enough to protect jurors. I will share with you why I think that and ask that you consider my comments as this bill is further debated and studied in this chamber and in committee.

I must admit that prior to my introduction to Bill S-207, I had not paid much attention to the negative impacts that could occur when a juror, in some trials, must engage with evidence that is highly disturbing and outside their usual experience — that negative impact being the development of a mental illness: post-traumatic stress disorder, often referred to as PTSD.

The probability of PTSD occurring, however, can be decreased, or the severity of its impact mitigated, if a number of economical and relatively easily implemented interventions were put into place during the jury duty experience at federal, provincial and territorial levels. However, the current structures and processes of jury management are such that jurors are being unnecessarily put at risk while serving in the pursuit of justice. This is in itself unjust.

In the past, society and legislators may not have considered this issue because we did not know much about it. However, scientific advancements in understanding the causes, prevention, mitigation and treatment of PTSD are now at the point that, as legislators, we can no longer say that we do not know.

We now know, and because of that, we must act.

Science has taught us that PTSD is a mental illness that can be understood as a failure of the alarm/nervous system to extinguish after its activation by a traumatic event.

In other words, something happens to some people that makes it extremely difficult, if not impossible, for them to shut off the emotional, cognitive and behavioural responses to a traumatic event.

This is accentuated by the type of trauma experienced, by the individual's genetic makeup, the duration of the experience, the inability to avoid or take control of the situation and the unavailability of interventions that could mitigate its intensity or even prevent it from occurring in the first place. Risk for developing PTSD includes both genetic and environmental factors, including exposure to previous trauma and current or previous mental illness or substance abuse.

• (1730)

Science has also discovered that everyone exposed to a traumatic event will not develop PTSD, but everyone will develop what is called an acute stress response. While this acute stress response can create intense and unpleasant emotional, cognitive and physical experiences, these experiences will pass with time. Their passing is accelerated and intensity is mitigated by well-known factors. These factors are: emotional and cognitive preparation for the event; an understanding of what the acute stress response is; ongoing support from trusted persons, often friends and family members; and safety plus security. These factors encourage psychological resilience and promote healing. These are also some of the factors that decrease the risk for PTSD and lessen its intensity if it occurs.

According to the Canadian Juries Commission, an organization established by jurors whose exposure to trauma-inducing materials during high-profile trials that led to the development of PTSD, current jury management systems are not structured in a manner that considers and effectively addresses these mental health concerns. This conclusion was also reached in a 2018 report from the House of Commons Standing Committee on Justice and Human Rights, titled *Improving Support for Jurors in Canada*. Amongst its 11 recommendations, 5 were directed at improving mental health outcomes for jurors exposed to traumatic trial experiences.

Honourable senators, I am sharing this overview of how science understands PTSD, how jurors may be negatively impacted and how they are not assisted in the current process of trauma-inducing trials to underscore why our chamber should support Bill S-207. It is also to draw our attention to how we can go further.

Bill S-207 opens the door to permit jurors to discuss relevant information in confidence with a duly qualified and ethically bound health care provider if the juror is suffering from a mental disorder or a problem arising from or related to their trial-based traumatic exposure. This is good and this is needed. Yet, most of the processes currently ongoing in provincial, territorial and federal jury management systems that increase the risk of negative mental health outcomes are not addressed in this legislation. There is much that can be done, economically and efficiently, to address this concern.

For example, jurisdictional jury selection criteria should include history of previous traumatic exposure, mental disorder or substance abuse as risk factors that could exclude individuals from participating in trials in which traumatizing material will be presented. Jurors who are involved in such trials could have a court-directed and responsible mental health professional available for consultation and ongoing support during the trial and in the period of 6 to 10 weeks immediately following the trial. This is the period where symptoms of an acute stress response may develop into PTSD. Should that happen, jurors can then be immediately referred to PTSD treatment experts, therefore avoiding the delays and long waiting lists that currently characterize access to needed mental health care.

Jurors could also be given information about the acute stress response and symptoms of emerging PTSD and encouraged to discuss any concerns with the court-appointed mental health support person. This mental health literacy will better prepare them for their jury duty and will assist them in identification of need for treatment, should that occur. They can also be encouraged to share that information with their partners or family members, as it is often a partner or a family member that sees signs of distress, potentially minimized by the person experiencing it.

These suggestions are not based on hope and supposition. They are based on what researchers and clinical experts have demonstrated can have a positive impact. They are likely to be helpful and do not require great investment to apply.

We are asking citizens to assist our society in applying justice. We have a duty not to put them at unnecessary risk for a mental disorder when they are so engaged.

I ask that these additional points be considered during committee study of this important piece of legislation. Perhaps the committee may be able to suggest interventions to help federal, provincial and territorial ministers of justice become better aware of these concerns, and even provide suggestions as to how these might be addressed. We in this chamber can urge those who have the power to change the current process of jury management to do so. In doing this, we may be able to decrease the risk of mental disorder and increase the promotion of mental health for citizens whose work as jurors is essential for the provision of justice.

Honourable senators, we can help make that happen. Thank you.

Hon. Patti LaBoucane-Benson: I have a question for the senator.

Senator Kutcher: Okay.

Senator LaBoucane-Benson: Senator, we know that Indigenous people have been historically excluded from jury duty as a result of colonization and colonial bias. Would you not be worried that minorities like Indigenous people, who have a statistically higher rate of trauma per capita, would be further excluded from participating in jury duty if that is one of the tests of their participation?

Senator Kutcher: Thank you for your very excellent question. I was suggesting that it be considered and not prescribed, and that individuals have the option and understanding that when

they are asked for jury duty, should they have these challenges and experiences, they can request exemption or prepare themselves better for what they are going to face.

Hon. Marty Deacon: I have a question. Thank you for continuing to bring up this very important issue. I will say, as a senator, I have been selected for jury duty for a murder trial. I can only echo the concerns and interests of the importance of this issue today. I'm trying to understand is the estimated cost to have the right things in place before selection, during the trial and post trial. Do we have a sense of what this might cost?

Senator Kutcher: Thank you very much for that question. In my profession of medicine, one always balances the cost of doing something against the cost of not doing something. I would submit that the cost of doing some minor thing, such as having a counsellor with mental health expertise available to jurors during this difficult time, would be far less than the cost for the individual, their family and our society if they do develop a disorder because of the intense impact it can have.

Hon. Paula Simons: I have another question. As I understand the intention of the bill, it is to allow jurors to seek counselling after a trial. I would be concerned — and I'm wondering if you would be concerned — about a juror who talked to a counsellor in the middle of a trial, and that it might influence their perception of the trial evidence. During the trial, in particular, privacy concerns are utmost. I worry that just talking through things could colour that juror's interpretation of the facts they are hearing.

Senator Kutcher: Thank you for that question — an excellent and a vexatious one.

Senator Simons: I aim to vex.

Senator Kutcher: You're doing that very well, senator. I think the issue here is found in the quality and skill set of the counsellor. Those individuals in this chamber who have had the opportunity to fill parts of or understand those roles and who have been able to seek out or reach out to an individual who has skills in that area know that the discussion period and the support, when done properly, should not have an impact on them, in my opinion.

(On motion of Senator Duncan, debate adjourned.)

• (1740)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Petitclerc, for the second reading of Bill S-208, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Josée Forest-Niesing: Honourable senators, I rise today to speak in favour of Bill S-208, An Act to amend the Criminal Code with respect to the independence of the judiciary.

I want to congratulate Senator Pate on taking up the torch by introducing this public bill and all her work to ensure that we make an informed decision on the independence of the judiciary.

[*English*]

The Canadian judicial system, with its solid constitutional foundation, the rule of law, freedom under the law, democratic principles and respect of rights, is the envy of many other countries around the world. Despite these positive elements, our system is not without its challenges.

[*Translation*]

Despite some improvements, the system is still burdened by lengthy delays. We must find ways to better respond to the needs of victims of crime. We know all too well that Indigenous people, especially Indigenous women, are heavily overrepresented in our prisons. Police stations, like prisons, are on the front lines and often serve as inappropriate substitutes for the treatment and rehabilitation of people with mental health or addiction problems.

[*English*]

With mandatory minimum sentences, our judges have less discretion than ever to ensure that the punishment imposed upon the individual before them truly fits the crime. Our judges are the pillars of the Canadian judicial system, and the independence of the judiciary is one of its key elements.

[*Translation*]

I agree with the view shared by many that mandatory minimum sentences cause a great deal of harm to the judicial system and do not meet the objectives they were set out to achieve. Through this bill, we must give back to judges the discretion they need to ensure that the objectives of the sentences they hand down are achieved, while taking into account the circumstances on a case-by-case basis.

[*English*]

Honourable senators are no doubt aware that my husband and I have two children because I constantly talk about them. We are very proud of the kind, generous and engaged adults they have become. I have often said that being a parent is the best and worst job on Earth, but for better or worse, it remains my most meaningful contribution to the world. Neither of my children came with an instruction manual; believe me, I looked. What I discovered as I nurtured, taught, guided and disciplined them was that I had to adapt my approach to conform with their respective personalities.

[*Translation*]

As every parent here will recall, as soon as babies begin to crawl, they touch everything. This is often the first time parents have to discipline their children. In my home, the mandatory minimum sentence was having to sit in a corner without getting

up before receiving the signal. I remember noticing that my son valued his freedom above all else. For him, having to sit quietly in the corner without getting up before receiving the signal was enough to keep him from reoffending. For my daughter, it was a completely different story.

A house plant, or more specifically the potting soil in which it grew, had piqued my daughter's interest. I cleaned the soil off her hands and, without another word, gave her a time out in the corner. As soon as I gave her the signal, she got back on her hands and knees and, looking me in the eye, crawled purposefully towards the plant and began digging her hands into the soil once again. After repeating the same cycle of time outs a few more times, I had to stop and rethink my strategy. Clearly, my cookie-cutter approach was not working with her.

I brought my daughter back to the plant and explained that besides harming her health, she would stain her lovely dress and she could kill the plant. She listened to me, thought about what I had just told her and, having accepted my reasoning, did not put her hands in the black soil any more.

[*English*]

Clearly, the same punishment yielded a different result with each child. For one, it was fair and effective; for the other, it wasn't. Why, then, does our criminal justice system apply a one-size-fits-all approach to sentencing?

[*Translation*]

Canada's judicial system is built essentially on the notion of rehabilitation and, ultimately, reintegration into the community at large. It is not designed for purely punitive reasons.

Section 718 of the Criminal Code of Canada states the following, and I quote:

> The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:
>
> (a) to denounce unlawful conduct and the harm done to victims or to the community that is caused by unlawful conduct;
>
> (b) to deter the offender and other persons from committing offences;
>
> (c) to separate offenders from society, where necessary;
>
> (d) to assist in rehabilitating offenders;
>
> (e) to provide reparations for harm done to victims or to the community; and
>
> (f) to promote a sense of responsibility in offenders . . . .

All these elements and principles are rooted in the fundamental concept that any sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. The Criminal Code also provides for the consideration of aggravating or mitigating factors, sentencing that reflects sentences imposed on offenders for similar offences committed in similar circumstances and paying particular attention to the situation of Indigenous accused.

The main political reasons behind the introduction of mandatory minimum sentences were equality, transparency and crime prevention. Although these are laudable objectives, none of them hold up under scrutiny. Mandatory minimum sentences do not take into account the type of offence committed. Factors such as circumstances, the offender's individual situation, the motive for the crime or the offender's age, sex and race are not taken into account.

Enforcing mandatory minimum sentences is akin to treating the symptoms of an illness without trying to treat the cause. There is no empirical, real-world evidence proving the theory that mandatory minimum sentences make Canadians safer by reducing crime. There is extensive literature indicating that mandatory minimum sentences in no way reduce crime, and papers that claim the opposite show no measurable empirical evidence.

Michael Tonry, a leading American researcher in this field, says that reviews of mandatory minimums show that they fail to meet their stated objectives. Far too often, the sentence in question is deemed much too harsh by the parties involved.

• (1750)

[*English*]

Professor Tonry says:

> Experienced practitioners, policy analysts, and researchers have long agreed that mandatory penalties in all their forms . . . are a bad idea.

He adds:

> Mandatory penalties often result in injustice to individual offenders. They undermine the legitimacy of the courts and the prosecution process by fostering circumventions that are wilful and subterranean. They undermine . . . equality before the law when they cause comparably culpable offenders to be treated radically differently.

Research over the past 40 years has demonstrated the complete failure of mandatory minimum sentences as a deterrent of crime.

[*Translation*]

In 1992, when she was Minister of Justice in the Mulroney government, the Honourable Kim Campbell said the following with regard to sentencing:

> Restraint and balance are vital:
>
> Restraint should be used in employing the criminal law because the basic nature of criminal law sanctions is punitive and coercive, and, since freedom and humanity are valued so highly, the use of other, non-coercive, less formal, and more positive approaches is to be preferred whenever possible and appropriate. It is also necessary because, if the

> criminal law is used indiscriminately to deal with a vast range of social problems of widely varying seriousness in the eyes of the public, then the authority, credibility and legitimacy of the criminal law is eroded and depreciated.

[*English*]

A study published in 2013 by Darcie Bennett and Scott Bernstein entitled *Throwing Away the Keys: The human and social cost of mandatory minimum sentences* confirms that:

> Young people, mothers separated from their children, Aboriginal offenders, and people with disabilities (including mental health issues and drug dependency) are disproportionately negatively affected by prison.

[*Translation*]

The disproportionate impact of mandatory minimum sentences on vulnerable groups also has negative long-term effects. The negative effects of imprisonment transcend generations and have a high social cost for communities and society as a whole. Simply put, they perpetuate systemic criminalization.

[*English*]

Implemented in 1988, the judicial appointment process in Canada is quite extensive and it takes several factors into account. There are no less than 14 required professional competencies to which is added a long list of 19 personal qualities. Without listing them all, I do wish to highlight the following relevant few: analytical skills, listening skills, ability to exercise sound judgment, interpersonal skills with peers and the public, sensitivity to gender and racial equality issues, assessment of social issues, awareness of the evolution of social values, responsiveness to new ideas, a sense of ethics, patience, courtesy, common sense, impartiality, empathy, tolerance, a sense of responsibility.

We are fortunate to have among our colleagues in the Senate several judges who possess these and many other qualities.

[*Translation*]

Thanks to the judicial appointment process, judges are more likely to impose just and proportionate sentences based on the merits of each case. Judges must be able to exercise their judicial discretion unencumbered so they can impose fair and equitable sentences that take into account the accused's personal circumstances and the context of and motives for the offence. The solution proposed in Bill S-208 would have no negative consequences and would enable competent judges to depart from a minimum punishment and craft a proportionate sentence that takes into account all the relevant facts.

Let's remember that, unlike prosecutors, judges are accountable. Judges are required to explain their grounds and reasoning for imposing an appropriate punishment. If they fail to do so, their decision can be overturned on appeal. The checks and balances are in place.

Fairness is not sameness for everyone because circumstances are not the same for everyone. If I hadn't considered my children's different personalities, and if I had used the same disciplinary approach for each one, my home would have been plagued with injustice, frustration and conflict, and I would not have achieved the desired outcomes. If we ensure that our criminal justice system can tailor a sentence by taking mitigating factors, unique situations and the context of the offence into account, there will be fewer injustices and better outcomes.

Thank you for your attention. *Meegwetch*.

[*English*]

The Hon. the Speaker: I should caution you, Senator Moodie, that we are approaching 6:00 p.m. at which time I will have to seek the views of the house on whether or not we decide to see the clock, but if you wish to begin, please do so.

Hon. Rosemary Moodie: Honourable senators, I rise today fully understanding that this may not last very long, but it is my intention to speak to Bill S-208, An Act to amend the Criminal Code (independence of the judiciary), a bill that amends the Criminal Code to give judges more discretion not to impose minimum sentences when they consider it just and reasonable.

For me, this bill addresses the need to restore judicial discretion to our legal system after years of regressive reform, and it is about addressing the human and social cost of imposing mandatory minimum sentences. We have the results of decades of research available to us, and the evidence is clear. Mandatory minimum sentences do not deter crime, they do not reduce recidivism rates and they do not make our community any safer.

We also know that the Supreme Court of Canada, along with numerous judicial bodies, commissions, parliamentary committees and organizations, have concluded that they do not deter crime.

As a Parliament, we have also heard this. There are hours of documented evidence presented at parliamentary hearings that support this evidence, along with earlier documentation by the Library of Parliament in 2007 of the potential constitutional difficulties, lack of utility and negative impacts of these sentences. Additionally, Senator Lankin earlier made reference to the 2017 report of the Standing Senate Committee on Legal and Constitutional Affairs entitled *Delaying Justice is Denying Justice*.

A meta-analysis of the evidence on the impacts of minimum sentences was commissioned by the Department of Justice in 2016. The government's review concluded that harsh penalties like mandatory minimum sentences are ineffective at deterring crime, and noted that experienced practitioners and social science researchers agree that mandatory penalties are a bad idea for many practical and policy reasons.

The eradication of a judge's ability to develop a fair sentence based on the individual's circumstances is a major concern. A judicial system that is forced to impose mandatory minimum sentences and one that is blinded to the human perspective and

social implications of its decision is another concern. Bill S-208 addresses this issue and helps bring back the person, their circumstances and their perspective sharply into focus.

• (1800)

The Hon. the Speaker: Excuse me, Senator Moodie.

Honourable senators, it now being 6 p.m., pursuant to rule 3-3(1), I'm required to leave the chair unless it's agreed that we not see the clock.

Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: I thought I heard a "no." Is it agreed, honourable senators, that we not see the clock?

Senator Martin: No.

The Hon. the Speaker: I hear a "no." The sitting is suspended until 8 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

Hon. Rosemary Moodie: Honourable senators, in view of the vast array of information that we have learned in the research of mandatory minimum sentencing, it is not surprising that there are many who recognize the need for reform and the need to remove the constraints currently placed on judicial discretion. Ministers and parliamentarians, both past and present, have recognized this, along with the current government, which maintains support for needed reform.

We have learned that excessive use of incarceration has an enormous cost implication, both financial and social. Honourable senators, I'd like to focus a bit on the second of these implications, the human and social cost of imposing mandatory minimum sentences.

I quote researcher Jessica Hardy in saying that there are "numerous challenges that effect the family as a whole and each family member individually" but that "one of the most difficult challenges a family may face" is the removal of one of its members, either temporarily or permanently.

We know that the impact of incarcerated parents on dependent children is both profound and complex. It's hard to define the exact numbers, as Canada has not been very good at collecting this date, but a 2007 study by Correctional Service Canada estimates that at least 4.6% of Canadian children, a number that approximates 350,000, are impacted by the incarceration of their parents.

Children of incarcerated parents face psychological stress, economic hardship, exposure to criminal activity, anti-social behaviour and difficulties at school, to name a few problems. Incarceration of a parent poses a threat to a child's emotional, physical, educational and financial well-being.

Some of the well-recognized potential risks for children, especially those with a mother who has been incarcerated, include child criminal behaviour; cycles of intergenerational criminal behaviour; mental health issues, such as the risk for depression, anxiety, post-traumatic stress disorder and childhood aggression. There is a well-established body of evidence demonstrating that children exposed to multiple adverse childhood experiences through their development have an increased risk of severe depression that leads into adulthood.

Anti-social behaviour is another problem, including criminal activity and persistent dishonesty. In fact, it is the most common side effect seen when a parent is incarcerated. Some also believe that the exposure to incarceration of a parent can reduce a child's resiliency and ability to cope with negative experiences later in life. We see increased drug use. And some researchers indicate an association with a low educational achievement, including an increased risk of school suspension and expulsion as increased risks.

Then, of course, there are restricted financial resources. The child is often exposed to precarious housing, including an increased risk for homelessness and food insecurity.

Moreover, we know all segments of society do not share the burden of parental incarceration equally. The negative effects of parental incarceration on children are felt, almost entirely, by children from the most disadvantaged families. Communities of colour and racialized communities are at increased risk. Indigenous communities are at increased risk. These communities are overrepresented in our prisons, as we've heard, because of the impact of mandatory minimum sentencing; for them, the risk is always increasing and the odds worsening.

If we consider the intersectionality of the effects of parental incarceration on families with other disadvantages, such as living in poverty, being a racial or ethnic minority or experiencing mental illness, we see an even greater increase in the overall risks of negative effects on family members.

The human and social cost of imposing mandatory minimum sentences on children is far too great and should be intolerable for us as a society. Research has shown that the child's ability to rise above these challenges and to succeed in life is dependent on factors such as the strength of the child-parent bond and the quality of the social support system available for this child and this family.

The pressure to address the social impact of a judicial system that continues to impose mandatory sentences is mounting. Judicial discretion would allow for the consideration of the impact of incarceration on dependent children, especially in situations where the sentence is disproportionate to achieving the aim of the sentencing. It would allow for consideration to reduce or delay sentencing where appropriate, and in situations when significant harm to others, such as dependent children, could result.

The welfare and best interests of the dependent child should be in the forefront of judges' minds as they weigh the factors that drive their sentencing decision. I would also propose that the rights of the child, set out by the UN Convention on the Rights of the Child and signed in 1989, should also be considered. These include Article 2, the right not to be discriminated against or punished because of anything their parents have done; Article 12, the right of their views to be considered; and Article 20, the right to be provided with special protections and assistance by the state if temporarily deprived of his or her family environment.

In my opinion, senators, this bill addresses a flaw in our current system that unjustly punishes children for their parents' actions.

In conclusion, I'd like to thank Senator Pate for the reintroduction of this bill and for her meaningful and tireless work in this area. I would also encourage you, senators, to give serious consideration to the disproportionate impact of mandatory minimum sentences on children and youth in your communities as you consider how to vote on Bill S-208.

(On motion of Senator Duncan, for Senator Jaffer, debate adjourned.)

• (2010)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Francis, for the second reading of Bill S-209, An Act to Amend the Department for Women and Gender Equality Act.

Hon. Yvonne Boyer: Honourable senators, I rise to lend my support to the bill that Senator McCallum is sponsoring, Bill S-209, An Act to amend the Department for Women and Gender Equality Act.

I will explain how it makes good sense to support this bill when understanding the close link between culture and gender for Indigenous women.

This bill is necessary for Canada in seeking a robust and effective policy and, most importantly, if Canadians are serious about reconciliation. Indeed, this is a necessary bill that will protect Indigenous women from the colonial harms they have historically been subjected to.

Bill S-209 would make an analysis of culture and gender, which is inseparable for Indigenous women, a statutory requirement to ensure future governments not neglect this important consideration in studying, debating and passing of legislation.

Gender-based analysis, GBA, is a tool that allows policymakers to align government actions with the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act. The Government of Canada has committed to supporting the full implementation of gender-based analysis across federal departments and agencies.

Currently, gender-based analysis is undertaken through the discretion and goodwill of government, which leaves future governments the opportunity to dismiss it if they so choose. Of course, departments working on bills are likely to think about their impact on different populations and would likely consider all risks. However, any GBA practices for reviewing proposed bills within the government are seemingly at the discretion of the government of the day.

We have seen how gender-based analysis shapes how the government identifies and defines problems in its policy responses. In their 2015 report, entitled *Implementing Gender-Based Analysis*, the Office of the Auditor General evaluated the progress of the work done by the Status of Women Canada and found a number of areas where improvements were required. However, the office remained silent on the question of cultural relevancy, which leaves a significant gap for Indigenous women.

Status of Women Canada did clarify that gender-based analysis should also include the consideration of diversity factors among groups of women and men, such as age, education, language, geography, culture and income. Considerations can also include race, ethnicity, religion and mental or physical disability. This is called GBA+.

Further accounting for the relevancy of culture in recognizing the unique realities of Indigenous women in Bill S-209 is an important step towards implementing a culturally relevant gender-based analysis.

The Native Women's Association of Canada has been a leader in advocating and implementing a culturally relevant gender-based analysis since 2007. This approach recognizes culturally relevant factors when implementing their analysis.

For example, in the health sector, where I have done much of my work, health research in clinical trials has historically been conducted on Caucasian males, thereby creating a gap, at best, or a failure, at worst, to meet women's health needs. This placed women at great risk because findings derived from male-oriented clinical trials were considered the gold standard and applied to all women, thereby rendering false and at times dangerous results.

For example, when dealing with heart health, the unique considerations of women's heart co-morbidities is exacerbated for Indigenous women because of their additional health considerations due to the ill effects of colonialism, such as stress and depression from a loss of identity through the Indian Act and the effects of violence perpetrated against generations of residential school survivors. However, using the tools that Bill S-209 provides would remove or greatly reduce the gaps to obtain a more reality-based understanding of Indigenous women's lives and their health.

The Native Women's Association of Canada has provided clear direction for Indigenous roles of women in traditional society that contrast sharply with Canada's tradition of European concepts. This has made a very different and difficult history for Indigenous women in Canada. In fact, when Europeans arrived in Canada, the common law view of women was that they were chattel; that is, property that was dependant first on their fathers and then their husbands.

The historical and subordinate status of women in European societies is in stark contrast to that of Indigenous women, who commanded the highest respect in their communities as givers of life and keepers of the traditions, practices and customs of their nations. They were revered for their capacity not only to create life but, by extension, the creation of new relationships with the creator. Women made integral decisions about family, property rights and education. An Indigenous woman had considerable political power among her people.

Today, patriarchal and masculine assumptions continue to influence our laws and policies. For instance, as noted, a male-centric vision had a long-lasting negative effect on the health of Indigenous women. Colonial laws and policies were developed in part by targeting the power of Indigenous women as anchors of the family. Feminism and western legal traditions have made some gains in balancing out the injustices, but these conceptions do not entirely reflect Indigenous perspectives. For example, balance in Indigenous society cannot be equated with equality. Rather, balance is understood as respecting the laws and relationships that Indigenous women have as part of Indigenous laws and the ecological order of the universe.

How can a bill such as Bill S-209 assist in creating a more balanced and fair society for all women? Refined legislative tools could, for example, apply a culturally relevant gender-based analysis that takes into account the unique needs of Indigenous women when reviewing things such as environmental legislation that typically produces camps of male workers for resource extraction in rural and remote areas. Senator McCallum shared these thoughts eloquently in her speech.

A culturally relevant gender-based analysis would assess these risks at the legislative drafting and amendment stage and highlight the need to take into account the potential for violence against Indigenous women in these remote areas.

I have spoken in this place about forced and coerced sterilization of Indigenous women. It remains a deep concern of mine. Presently, my office is working on a map of Canada that will highlight the population of Indigenous women who have been forcibly or coerced into sterilization. It will have an overlay of the location of Indian hospitals and tuberculosis sanitoriums to see the correlation between the two. Further maps will highlight and overlay the placement of residential schools, prisons, trafficking corridors, mental health centres and resource camps to better understand any correlations that may exist in relation to the acts of forced sterilization. Maps could also be created and similar overlays used for approximately 5,000 murdered and missing Indigenous women and girls.

These intersections are a few examples of how a culturally relevant, gender-based analysis will help guide us in this most critical step to putting corrective and mitigating policy strategies in place for Indigenous women.

Once these maps are completed, we hope to undertake similar work with other sectors that were noted during the short study undertaken on the topic in the Standing Senate Committee on Human Rights. For instance, the study noted how African Nova Scotian women were subjected to unwanted hysterectomies, as were intersex people, people with disabilities and other vulnerable people in Canadian society.

Bill S-209 moves us in the direction of considering the important role culture and gender plays in policymaking and how some Canadians are treated — often unequally.

In a multicultural society like Canada, a culturally relevant analysis can include a number of intersections. In our commitment to reconciliation, we take a first step toward recognizing other cultural realities and the biases that make up the current practices of law and policymaking.

Bill S-209 is a critical and positive step forward in protecting the specific realities of Indigenous women. The government has committed to reconciliation, and this requires a distinctions-based approach to ensure that the unique rights, interests and circumstances of First Nations, Métis and Inuit are acknowledged, affirmed and implemented. Bill S-209 does just that.

Sending Bill S-209 to committee and for eventual passage is an important step for Canada and, indeed, for the future of all Canadians.

Thank you, *meegwetch*.

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

• (2020)

MODERN SLAVERY BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Klyne, for the second reading of Bill S-211, An Act to enact the Modern Slavery Act and to amend the Customs Tariff.

Hon. Frances Lankin: Honourable senators, I'm pleased to rise to speak to Bill S-211 today, a bill, as you know, that was introduced by our colleague Senator Miville-Dechêne. It requires certain entities to report what measures they have taken to prevent modern slavery and child labour from being part of their supply chains. It would also block imports of goods

manufactured or produced by forced or child labour. I want to applaud the senator for her leadership in bringing this bill forward to us.

I think, as you know by now, that I am very interested in workers' rights, and modern slavery around the world and here in Canada represents the worst form of worker exploitation and, as we have heard, child exploitation.

This bill gives businesses the responsibility to look at their supply chains and report back on what they have done to address the problem of modern slavery. I want to stress that there are some companies that have already started down this path. Canadian banks — again, I applaud them — such as RBC and BMO have published statements against modern slavery, and some companies that operate in Canada — such as Adidas, H&M, Under Armour, Ernst & Young and Walt Disney Company — are members of the Mekong Club. That's a leading organization working with the private sector to bring an end to modern slavery. If you're not familiar with that organization — and I wasn't — do an internet search because I think the work is really interesting, and it's interesting to see who their corporate partners are and what is happening.

I want to point out — and this is an important factor for me in my consideration — this is not against business or an anti-business bill. It's not about creating additional red tape. We know the struggle that many companies have with that. It is not a useless PR gesture, as some have characterized it.

Responsible business is good business. Transparency is at the heart of good governance, and as someone who has been active in the world of corporate governance and a member of the board of the institute of corporate governance, I know that these are issues that risk committees and boards are taking seriously and are looking at more and more from a governance perspective.

In our age of social media, businesses will and have suffered reputational damage if they don't address modern slavery. I would point you to the example of Tesco in the U.K. With increasing investor activism and shareholders and investors who are looking to invest in businesses that respect basic human rights, this is an elevated issue of interest. Again, I would point you to the case of Monster Beverage, where it was shareholder and investor activists who brought pressure on that company to investigate slavery risks in its supply chain.

Canada has already made commitments. We need to join our allies in taking concrete steps at this point in time towards increasing supply chain transparency in the efforts of eliminating modern slavery. The U.K.'s 2015 Modern Slavery Act and Australia's 2018 Modern Slavery Act are a couple of examples of similar legislation. So there are other jurisdictions that are moving on this, and this bill calls for us to do the same.

I mentioned that we already have, as a country, made some international commitments. Ninety governments, including the Canadian government, have endorsed the 2017 call to action on modern slavery. And we have adopted the UN's 2030 Agenda, which aims to end all forms of modern slavery and human trafficking by the year 2030.

I believe this bill is a helpful step forward in that it is part of Canada's message to the international community and our allies that Canada will be part of this effort to eradicate modern slavery and that we will not fall behind. As a supporter of the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking, I understand this to be a multi-partisan issue. The Liberal member of Parliament John McKay introduced his private member's Bill C-423, a modern slavery act, in the last Parliament, and he was supported by Conservative MP Arnold Viersen, who co-chairs the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking.

I know over the years, having listened, that leaders from the Conservative Party have made very strong commitments and sometimes campaign commitments on the eradication of modern slavery and cracking down on human trafficking. In 2012, the Conservative Party of Canada created the National Action Plan to Combat Human Trafficking, which — I'm quoting now — "provides aggressive new initiatives in order to address human trafficking in all its forms."

The NDP and the Green Party have offered multiple public statements condemning human trafficking and modern slavery and calling for action.

My last message to us is, regardless of our large "P" or small "p" political stripes, here we are finding ourselves united across all these groups. So my message is let's get together and let's get it done.

(On motion of Senator Duncan, debate adjourned.)

CARBON EMISSIONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Coyle, calling the attention of the Senate to the importance of finding the right pathways and actions for Canada and Canadians to meet our net-zero carbon emissions targets in order to slow, arrest and reverse human-caused climate change to ensure a healthy planet, society, economy and democracy.

Hon. Grant Mitchell: Honourable senators, this is my first time speaking from this particular seat so I need to get oriented. I have to find somebody who might want to listen to me whom I'll look at while I speak.

In any event, I do want to start by saying thank you to Senator Coyle for her inquiry and for her speech supporting it. It's a very timely and required debate, and she did a great job in starting it and in speaking to it.

She has, in my estimation, accomplished at least a number of things and many more than I will mention. Three of them I will mention. First, she has powerfully delivered a call to action on climate change. Second, she has encouraged each of us to consider what the Senate might do to facilitate that action. And

third, having made the case for the urgent need for urgent action, she has, perhaps inadvertently, begged the question of why there is still so much resistance to action.

Given the overwhelming scientific consensus on the problem of climate change and its impacts, it is surprising that speeches today on climate action still have to argue for its urgency. It would be tantamount to us having to argue today that the world isn't actually flat.

I think it is fair to say that much of the resistance — in fact, its centre of gravity — is largely based upon concern that attacking climate change definitively is somehow a threat to our economy. I would argue quite to the contrary. We had to fundamentally restructure our economy to win the Second World War, and that certainly did not ruin that economy. In fact, it created a powerful, industrialized economy that has sustained unprecedented Canadian prosperity and quality of life for upwards of 80 years. Climate action will, in fact, in turn, catalyze a new innovative, entrepreneurial and powerful 21st-century economy. Moreover, clinging to the economic status quo, no matter what it means for advancing climate change and the dangers that raises, flies in the face of the ever-mounting scientific evidence that climate change impacts are in fact an existential threat to our existing economy and to so much more.

• (2030)

Let me illustrate what I mean. First, consider the risk to critical economic infrastructure. Consider that Vancouver's airport today is already below sea level and that Vancouver's port facilities, of course, by definition, are at sea level, at least for now. I say "at least for now" because science tells us that sea levels are rising rapidly and the rate, in fact, is accelerating.

In the 20th century, the sea level off our west coast rose by more than 15 centimetres. It is now rising at a rate 2.5 times faster than that. Science predicts it will rise by at least another 20 centimetres in the next 30 years and by another metre in the last half of this century.

This means that within the lifetimes of my children and my grandson — and your children and grandchildren as well — two critical pieces of Western Canadian economic infrastructure are very likely to be inundated. While raising berm levels might delay the inevitable in the case of the airport, it is pretty much impossible to do that for an ocean port.

The Vancouver port handles 160 million tonnes of cargo per year. I'm an Albertan. Think about the implications for the Alberta economy. That cargo includes exports of Alberta's agriculture, forestry, petrochemical and other products. It also includes imports of products and equipment vital to Alberta's businesses and economy. The Vancouver port is essential to sustaining Alberta's economy, period; there is no argument about that.

Canada's ports, more broadly — not all of them as vulnerable as others, but all of them at some point vulnerable to rising sea levels — in total handle $400 billion of cargo annually. That is 20% of Canada's entire GDP; 20% of our entire economy goes through our ports, and they are vulnerable to being inundated by rising sea levels. I think you can see where I'm going with this.

Arguments for sustaining the economic status quo, which over time have tremendously inhibited necessary climate action, raise a critical question: How do we ensure these ports will stay open to support any kind of economic activity at all if we do not overcome sea level rise caused by climate change?

Mark Carney, former governor of the Bank of Canada, has warned of the increasing financial risks of climate change. He identifies three: losses in the insurance system; climate change liability, or getting sued for creating it; and stranded assets.

I'll focus on insurance risk for a moment. Business relies upon the experience-based knowledge of what might be termed "normal" or "predictable" risk. Managing risk, as we all know, is essential to the success of our free-enterprise economy. Insurers' ability to predict the kinds of risks they can cover is an essential element of managing these risks. However, rapidly increasing insurance losses due to unprecedented weather-related disasters — and there is much documented evidence of this — is bringing into question the ability of the insurance industry to provide insurance at affordable rates over the long term. Unable to afford insurance, businesses and individuals will be increasingly unable to countenance taking the risks fundamentally necessary to drive a thriving economy.

Again, this begs a critical economic question: How do we ensure that the mounting financial risks induced by climate change, and markets' reaction to them, will not crumble the basic foundations of market-based economies? It is something to ponder.

Certainly, major investment interests are increasingly concerned. BlackRock, the world's largest asset manager, with nearly $7 trillion in investments under management, recently announced that it would be looking to drop investments for which the "sustainability risk" was too high. Norway's $1.3-trillion sovereign wealth fund, $700 billion of which is in stocks, is reassessing its investment in oil and gas stocks. This is a growing trend in the investment world.

To a country and provinces that are as reliant upon the fossil fuel industry as we are, intense, and perhaps sudden, recognition of these risks by domestic and world markets constitutes a significant risk to this bedrock of our economy. Say what you will about Greta Thunberg; she represents the face of a new and hugely powerful economic, social and cultural force — a market force that we ignore at our own peril. We need to be assessing where changing market forces and risks will take us in the face of intensifying climate change impacts. We need to be prepared to take advantage of the former, market forces, and manage the latter, market risks.

We cannot allow our resolve in confronting climate change to be eroded by this dated and tired argument that doing so will somehow kill our economy. As I've said before, and I will emphasize again, it is quite the contrary. That argument is old, tired and fundamentally wrong. Not attacking climate change definitively constitutes the much more profound, clear, and present danger to our future economic prospects and to so much more.

In dealing with all of this, we are burdened with a confounding and difficult impasse. On the one hand, many people in my province, and elsewhere, fear that turning away from or reducing the momentum of the fossil fuel economy will mean that they — people in provinces like mine, based on the economy they have enjoyed — will be unable to feed their children or pay their mortgages. Many cannot do so now, and many more are afraid they won't be able to do so in the near future. We cannot dismiss this. This is a real and legitimate fear; it is visceral and it is experienced by good and decent Canadians. They're our neighbours.

On the other hand, someone from Ontario made this point to me: Why can't the people of Alberta see how frightened so many of the people of Ontario are — and elsewhere — of the impact of climate change? Again, this fear cannot be dismissed. It, too, is held by good and decent Canadians who are equally afraid for their children's futures and their well-being. They're our neighbours too.

If we are to succeed in confronting the climate change challenge, this now deeply imbedded impasse needs to be replaced by a national consensus. Great nations have confronted issues, challenges and dangers like this throughout their histories, and great nations find a way to bring their populations together to find a way to solve these problems. Canada is a great nation. We have done this over and over again, and it is time we did it right now. We have to find a way to confront and fix that impasse, and to bring these powerful and wonderful Canadians together to create and back solutions to solve this problem.

A concept called "deliberative democracy" offers a way to help us. The deliberative democracy model brings together representative groups of citizens in public forums to discuss given issues and to develop actionable recommendations to solve them. Sophisticated sampling techniques are used to select the citizen participants, designed in such a way as to reflect the broader society and the competing interests at stake over a given issue.

Experience confirms that participants, some would say "ordinary citizens," with even fiercely competing views are frequently able to find consensus amongst each other for solutions to the most difficult and divisive issues. It has been shown time and again that these groups, selected objectively using the tenets of deliberative democracy and unencumbered by the pressures of the next election, have credibility amongst the broader population and can facilitate public buy-in on solutions to perplexing policy problems.

Nathan Heller summarizes an essential element of this process in his recent article in *The New Yorker* entitled "Politics Without Politicians."

• (2040)

My first encounter with what would become known as deliberative democracy was actually close to home. It was in Alberta. It was in the mid-1990s, when Premier Ralph Klein initiated what I would say was a remarkable public consultation process — and coming from me that means something because I was his Leader of the Opposition eventually — to address challenges facing Alberta.

Separate conventions — we referred to them as round tables — were organized on a number of issues. We addressed five issues: the economy, health care, education, agriculture and the energy industry. Each convention involved about 100 people. It included issue experts, some elected politicians, including some opposition politicians, which is why I happen to have been invited, and about 50 members of the public at large who applied to participate. Through facilitated discussion, each convention/round table developed papers with specific recommendations. These were presented to key policy-makers, including Premier Klein, at a public plenary session in Edmonton at the end of the process. Following that, plans of action were developed and undertaken by the government, to some success.

In December 2019, France created a process to advise Parliament on how to cut carbon emissions by 40% by 2030. A group of 150 citizens reflecting the demographic, professional and geographic diversity of France was convened to discuss and develop recommendations to be presented directly and unedited to legislators. The process took several weeks. The meetings took place between December of last year, and January and February of this year. The meetings were held on weekends so that ordinary citizens wouldn't be encumbered by their jobs and could go to these meetings. There were six or seven of them, and it was done in a very efficient way.

One participant is quoted in a recent *Guardian* article as saying:

> I've become really passionate about the human experience of putting so many different people together. . . . When you take 150 different people, with different complaints and incoherences and indiscipline, and then they get together to produce a work of collective intelligence, I find that remarkable and very touching.

Over a five-year period in the middle of the last decade, Ireland implemented a very successful deliberative democracy process to build public consensus on a range of issues, some of them constitutional, that had plagued their nation for some time. It involved three citizen consultation processes and resulted in two national referenda that endorsed the right to same-sex marriage and women's choice. The process is all the more remarkable given the extent to which these issues had fundamentally divided Irish society for so many decades.

The Hon. the Speaker: Senator Mitchell, your time has expired. Are you asking for five more minutes? Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Mitchell: Thank you. I'm almost done.

Many countries have utilized the deliberative democracy process model — Denmark, Spain, Poland, the U.S. to some extent, and Australia. Interestingly, Canada is considered to be the first country to utilize modern deliberative democracy techniques to define citizens' assembly processes in the technical way that I've referred to, and that was the 2004 B.C. assembly to consider electoral reform. A number of other examples have been undertaken in the Canadian case.

I believe that the Senate can provide the leadership to structure a modern deliberative democracy process to consider the profoundly difficult climate change challenge facing Canadians. It's really not an option. We absolutely, fundamentally have to do it. It is well within our capacity and within our mandate to do so. The stakes we face demand this kind of leadership. Thank you.

[*Translation*]

The Hon. the Speaker: Senator Mockler, do you want to ask a question?

Hon. Percy Mockler: Could the honourable senator from Alberta answer a question?

Senator Mitchell: Yes.

Senator Mockler: I was listening carefully to the comments of the Senator from Alberta.

[*English*]

I have to admit, there is quite a change in some of the speeches I've heard the honourable senator from Alberta giving in the Senate. But I have to ask him a question. Knowing what Alberta is going through right now, as a senator of Alberta, what are your solutions?

Senator Mitchell: I appreciate the question very much. Thank you. I am very proud to be from Alberta, and I'm very concerned about Alberta's economy and its impacts on Albertans, my neighbours. But it's not as straightforward as current rhetoric and often vitriolic argument would have us believe.

It is one thing to sustain the energy industry, and I think there's a very strong place for our energy industry, and I'll get to that in the long term. But it's also true that our economy isn't just energy. The Alberta economy is also agriculture, forestry, high-technology development, consulting mind kind of work and all kinds of things. In fact, interestingly, a study by an economist at the University of Calgary recently pointed out that Alberta is probably one of the two most diversified provincial economies in the country.

We're not only an oil-based economy. We have to be very careful when people stand up — people do, I don't want to mention names — and say that because of the regulatory process it's impossible or so difficult to invest in Alberta. Well, why would anybody do that? What marketing genius would want to send that message around the world and say it's difficult to invest in Alberta? We've got to stop doing that because that doesn't help the oil industry or any other industry.

All oil industries are facing extremely powerful headwinds. When I say Greta Thunberg — and say what you will about her — she represents a fundamental change in market force. If we don't ask the right questions about what is affecting our economy, if we don't begin to ask that question, we can't find the right answers.

My argument is that there is a place for our energy industry, particularly the oil sands, because it is very predictable and very dependable oil — fracking oil isn't — and it provides a base. The question is, if the world begins to turn on that — and I believe it has — then we have a serious problem because we have to be prepared for that new market condition. It's happening. I'll exaggerate for emphasis, but Harley-Davidson is making electric motorcycles. Every major car manufacturer in the world is going to electric cars. This is a fundamental change in what could happen to fossil fuels.

It's also true that if climate change continues, there will be economic consequences that will not only affect our ability to sustain our energy industry but to sustain every other feature of our economy in Alberta. The point I was making in my speech was that we need the port in Vancouver to sustain our Alberta agriculture, forestry, petrochemical and energy industries, all kinds of other elements of our economy. If that is inundated by 2060, you tell me how that is going to work for our economy. I say to the Government of Alberta, "You tell me how it is that we are going to get our agricultural products out through a port that is inundated."

That is exactly what we're looking at. I'm not making this up; it's science. I'm not going to bet my grandson's future against science. I'm not going to do that. I believe that is a problem. I believe we need to confront that problem. We can't set it aside and say it's going to go away, because it's not going away; it's coming to get us.

The Hon. the Speaker: I'm sorry, Senator Mockler, but Senator Mitchell's time has expired.

(On motion of Senator Duncan, debate adjourned.)

GUARANTEED LIVABLE INCOME

INQUIRY—DEBATE ADJOURNED

Hon. Kim Pate rose pursuant to notice of February 19, 2020:

> That she will call the attention of the Senate to the need to examine and evaluate concrete measures available to the Senate to support the implementation of guaranteed livable income initiatives and to promote substantive equality for all Canadians.

She said: Honourable senators, I rise today to call attention to the need to examine and evaluate concrete measures available to the Senate to support the implementation of guaranteed livable income initiatives and to promote substantive equality for all Canadians.

• (2050)

Canada's Constitution entrenches a Charter of Rights and Freedoms that guarantees substantive legal rights and equality for all. Despite this legal reality, far too many people in Canada do not experience that equality of opportunity.

[*Translation*]

Poverty is one of the main obstacles to equality. Poverty affects the way Canadians live, the choices they make and the opportunities available to them.

[*English*]

Poverty also intersects with and amplifies sexism, racism, colonialism and other forms of systemic discrimination. Half of Indigenous children in this country are growing up in poverty.

The Canadian Human Rights Tribunal, in the *First Nations Child and Family Caring Society* decision, has ruled that since 2006, at least 44,000 Indigenous children have been needlessly taken into state care largely due to their lack of access to services or resources. Even though Bill C-92 prohibits the apprehension of Indigenous children by child welfare services based on poverty, absent concrete provisions to remedy systemic inequality, First Nations have rightly criticized this as essentially an empty perfunctory gesture.

[*Translation*]

Millions of Canadians live in poverty.

[*English*]

The majority of Canadians live paycheque to paycheque. Many of those living under the poverty line are employed but are not paid enough to get by. In 97% of neighbourhoods in cities across Canada, a person working in a full-time, minimum-wage job cannot afford to rent a one– or two-bedroom apartment. For young Canadians, this is part of being "Generation Squeeze," young adults who are facing stagnant earnings; high costs of education, housing and child care; and mounting debts, including public debts associated with environmental degradation.

[*Translation*]

For nearly 50 years, senators have been studying the poverty problem and recommending a guaranteed livable income as a solution.

[*English*]

A guaranteed livable income is an unconditional transfer of income sufficient to meet basic needs. It could replace social assistance payments — sometimes known as "welfare" — while working alongside other social supports, including health care, pharmacare, pension and education supports. Guaranteed livable income would not obviate the need to carefully regulate such sectors as employment and housing to ensure that human rights are upheld; rather, it would be just one component of a vital social safety net.

By comparison, current social assistance schemes perpetuate and entrench poverty. People receive inadequate resources that, rather than providing a leg up and out of poverty, keep them on the brink of crisis. They are also subject to complex, moralistic and, too often, arbitrary rules. If individuals are able to accumulate some savings, if they receive a loan from a family member or if they decide to train for more stable employment instead of searching for non-existent jobs or work that doesn't pay a living wage, they can find themselves without any supports.

By contrast, guaranteed livable income is intended to promote stability, to be unconditionally accessible to those in need and to create breathing room to plan a pathway out of poverty, or as former Senator Segal describes, giving people the boots to allow them to pull themselves up by their bootstraps.

In 1971, following three years of hearing from Canadians living in poverty, the Special Senate Committee on Poverty, chaired by Senator David Croll, reported:

> Poverty is the great social issue of our time. . . . The poor do not choose poverty. It is at once their affliction and our national shame. . . . No nation can achieve true greatness if it lacks the courage and determination to undertake the surgery necessary to remove the cancer of poverty from its body politic.

The Croll report called for a guaranteed income as the "first firm step in the war against poverty." The committee intended this to be an immediate measure because it "felt the poor could not be asked to wait years for the help they so urgently needed."

For nearly 50 years, this urgent call has gone unanswered. Recognizing that continued inaction is inexcusable, former Conservative Senator Hugh Segal and former Liberal Senator Art Eggleton worked to address the human, social and financial costs of poverty detailed in the Croll report. They championed guaranteed livable income in this chamber and beyond.

In 2009, along with our colleagues Senators Cordy, Dyck, Martin and Munson, they released a report of the Senate Social Affairs Committee's Subcommittee on Cities entitled *In From the Margins*. Focusing on poverty in Canada's cities, the committee asked:

> What does this mean for the millions of Canadians that live with these daily hardships? It means making tough decisions about putting enough food on the table or paying the rent. It means making the decision to stay in school or to drop out to find a job to help the family. It means that by just struggling to get by, these families cannot even dream about getting ahead.
>
> This problem reflects on each and every member of society and our inability or unwillingness to commit to significant changes.

The committee called on the federal government to examine the costs and benefits of a Canadian guaranteed livable income by the end of 2010. In 2017, this chamber passed Senator Eggleton's motion calling on the government to support provincial, territorial and Indigenous initiatives aimed at evaluating the cost and impact of guaranteed livable income programs.

Next year is the fiftieth anniversary of the Croll report. I hope that by that time we can work together to build on at least 50 years of studies, recommendations and pilots to ensure action for millions of Canadians still waiting for equality.

Honourable senators, the time is right. The government has committed to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples by the end of 2020. Article 21 recognizes that "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions . . . ." and requires states to take ". . . effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions."

When the Arctic and Aboriginal Peoples Committees met with communities throughout the country, many elders expressed keen interest in the many human support and economic development opportunities and possibilities that guaranteed livable income initiatives could provide.

Canada has also committed to implementing the UN Sustainable Development Goals, the first of which is eliminating poverty. Guaranteed livable incomes have the potential to achieve this goal, as well as other UN Sustainable Development Goals relating to environmentally sustainable, inclusive and equitable communities and economies. Provincial governments, notably P.E.I. and British Columbia, have expressed interest in guaranteed livable incomes. Last month, the Basic Income Canada Network released a report outlining several routes for delivering immediate, feasible and fully funded guaranteed livable incomes across the country.

I hope that in the coming weeks this inquiry will allow us to explore together potential ways forward from the shortcomings of social assistance programs and the devastating impacts of poverty toward the successes of provincial pilot projects and our two existing varieties of guaranteed livable income: the Canada Child Benefit and the Guaranteed Income Supplement for seniors.

Today, however, I want to emphasize the importance of guaranteed livable income when it comes to the criminal legal system. Right now about 80% of those in prison come from among the approximately 11% of Canadians living below the poverty line. In past decades, as national standards for social assistance, health care and education were eviscerated, women — and particularly Indigenous and other racialized women — became and have remained Canada's fastest growing prison population.

Imagine trying to live in Toronto on $733 per month: $343 for basic needs and $390 for housing. Ontario's social assistance program expects individuals to pull off this impossible feat.

Supplementing this income, even by accepting a gift of groceries from one's family, can result in this already inadequate allowance being clawed back. If people do not report, they can be charged with a criminal offence. We have created a system in which people must choose between going hungry and breaking the law; between being homeless and breaking the law; between clothing their children and breaking the law. We have created a system where poor people are infinitely criminalizable.

Of women in prisons, 80% are there for poverty-related offences. The most common convictions for Indigenous women are theft under $5,000, theft over $5,000, fraud, and trafficking drugs or stolen goods.

• (2100)

The final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls demonstrates how poverty contributes to both the victimization and criminalization of Indigenous women. It puts women at greater risk of violence and creates barriers to escaping it. In Canada, two out of five women leaving an abusive partner are immediately rendered homeless.

Data shows that 87% of all women and 91% of Indigenous women in federal prisons have histories of physical or sexual abuse. As the national inquiry has highlighted, marginalized women seeking protection from abuse too often do not receive it. Worse still, if they take steps to protect themselves or their children, they too often end up criminalized and imprisoned.

The Canadian Resource Centre for Victims of Crime recently noted the role poverty plays in criminalization and the importance of addressing poverty as part of the rehabilitative process. Guaranteed livable incomes could do this and provide options for victims that are too often unaffordable for those who need them most, from the ability to take time away from work to resources for counselling. Senators Boisvenu and Moncion have reminded us that victims and jurors alike need such supports.

[*Translation*]

A guaranteed livable income would do much more than repair the harm done. It could also prevent it.

[*English*]

Honourable senators, millions of our constituents are impoverished and every single Canadian is negatively affected by poverty and inequality. In a human-rights-promoting democratic country as rich as ours, failure to end poverty is shameful. It also costs us between $72 billion and $84 billion per year.

[*Translation*]

We pay that amount every year in health care fees, legal costs and lost tax revenue directly attributable to poverty.

[*English*]

Imagine for a moment, honourable colleagues, how guaranteed livable income programs could spend that money to prevent human suffering before it happens. Give people a leg up and out of poverty and create more equal, more vibrant, healthier and safer communities. I look to your expertise and ingenuity to tackle what has remained for far too long the greatest social issue of our time. We have 50 years of work to build upon. The time to act is now. *Meegwetch*. Thank you.

(On motion of Senator Miville-Dechêne, debate adjourned.)

(*At 9:03 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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