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Thursday, February 27, 2020

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Thursday, February 27, 2020

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

Prayers.

### SENATORS' STATEMENTS

#### AGRICULTURE IN THE CLASSROOM

**Hon. Robert Black:** Honourable senators, I rise today to draw attention to a wonderful Canada-wide education initiative called Agriculture in the Classroom. Agriculture in the Classroom Canada is a charitable organization that delivers education programs and resources related to agriculture to students across the country. They have member organizations in most provinces and, in 2018, reached over 1 million students in schools.

Agriculture in the Classroom aims to share knowledge about agriculture and food in a way that makes it tangible and easy to understand for students of all ages. Their programs are based on curriculum objectives and are inquiry-based, allowing students to get their hands dirty — sometimes literally — and use critical-thinking skills. Connecting agriculture to food lets students clearly see how it affects their daily lives and how agriculture is an important part of our economy and way of life. Among other things, students learn about food safety, how their food is produced and how to make informed choices about food.

Agriculture in the Classroom also provides high school students with information and resources about careers in agriculture. Our youth don't always think about agriculture when considering their future careers, but there are so many opportunities and different ways to get involved. Working in agriculture doesn't just mean farming, as we know; there are jobs in business, information technology, science, research, marketing, environmental protection, non-profit work and much more. Working in the agriculture industry can even get you into the Senate of Canada.

I thought today would be a good time to speak about this topic, as we're almost in March, which is Canadian Agriculture Literacy Month. With spring approaching — not fast enough for my liking, given today — it's a great time to learn about agriculture and the major effect it has on our everyday lives.

Thank you very much for your attention. *Meegwetch.*

#### JANNA'S LAW

**Hon. Lillian Eva Dyck:** Honourable senators, I rise today to applaud Janna Pratt, a Treaty 4 woman from the George Gordon First Nation in Saskatchewan. In 2013, she decided to run for council in the George Gordon First Nation election. After giving notice to her employer of 15 years of her decision to run for council, she was surprised to be informed that she might not be granted a leave of absence nor a guarantee of job protection during the course of the election. The reason for that was based on the Saskatchewan Employment Act, which states that

participating in municipal, provincial or federal elections are afforded these securities. The provision does not include First Nations or Métis elections.

Janna's experience identified an unequal application of law regarding employment and running in an election. Thankfully, Janna and her employer were able to come to an agreement that allowed her to participate in the election, but the whole process left her wondering how many Indigenous people were unable to participate in band elections because of this inequitable piece of legislation.

From there, Ms. Pratt was invited to many conferences to talk about her experience. She was both pleasantly surprised and disheartened to find that many others empathized with her situation.

In 2016, Ms. Pratt took the issue to Saskatoon Centre NDP MLA David Forbes, who acknowledged the exclusionary policy within the Saskatchewan Employment Act and sent a letter to the provincial Minister of Labour Relations, Don Morgan, stating that the concern needed to be addressed and consultation was needed. As a result, an amendment to the Saskatchewan Employment Act was introduced in the Legislative Assembly of Saskatchewan's October 2019 Throne Speech. The proposed amendment, which is being called "Janna's Law," will extend job protection and guaranteed leave of absence to those participating in First Nations or Métis elections. Consultation will be taking place over the winter months, with the amendment expecting to come into force in March, when the bill is most likely to be passed.

Mr. Forbes said:

I think this is all done in the spirit of Truth and Reconciliation. I am very proud of this and very hopeful the government will deliver on this.

Colleagues, I applaud Janna Pratt for her advocacy and persistence in finding a solution to the discrimination in the Saskatchewan Employment Act, with thanks to NDP MLA David Forbes and provincial minister Don Morgan as well. Thank you. *Kinananaskomitin.*

#### THE LATE FRANCIS ALLAN PLUMMER, O.C., O.M.

**Hon. Stan Kutcher:** Honourable senators, Frank Plummer is a name many Canadians will not know, but it is a name Canadians should know. His scientific work and health improvement legacy have positively impacted the lives of people across our nation and across the globe.

Sadly, we recently and unexpectedly lost Dr. Plummer. He died in Africa, while working on yet another life-enhancing project, a death reported by most national news organizations in the Western world and beyond. Today in this chamber, I would like to recognize and memorialize his achievements.

• (1340)

Frank Plummer's passion was science, and his legacy is the application of the best available science to improve health and health care.

He was the Scientific Director of the National Microbiology Laboratory, one of the world's leading laboratories, which strives to study and respond to lethal viruses, such as the coronavirus we are now facing. He was the Special Advisor to the Chief Public Health Officer of the Public Health Agency of Canada.

Some of his groundbreaking work in Kenya provided the foundation for our ability to understand and effectively address the HIV/AIDS epidemic. He played a leading role in both our national and the global response to SARS, and he oversaw the development of the vaccine for Ebola and viral hemorrhagic fever. Dr. Plummer was recognized for his work with the Order of Canada, the Killam Prize for AIDS research, the McLaughlin Medal, the Gairdner Wightman Award and the Order of Manitoba, just to name a few.

He was also not afraid to face adversity. He spoke openly about his alcohol abuse and the innovative deep brain stimulation neurosurgery that finally helped ameliorate his alcohol dependence, changing stereotypes of who suffers from this scourge and how alcoholism can be treated.

Dr. Frank Plummer was a Canadian health and science hero. He helped save the lives of countless people in our country and all over the world.

So, honourable senators, today I am raising our awareness of this outstanding Canadian and, through you, I am sharing his name with all Canadians. My deepest condolences to his family. Thank you, Frank Plummer, for all that you have given to us.

[Translation]

#### INTERNATIONAL WOMEN'S DAY

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, March 8 is International Women's Day.

In 2017, a woman in Canada was murdered by a partner or former partner every seven days. In 2019, it was every three days. A total of 118 women were murdered in 2019, more than half of them during incidents of family violence.

We can't mark International Women's Day on March 8 without keeping these shocking statistics in mind.

As I have said over and over since my daughter Julie was murdered in 2002, violence against women is above all a men's issue.

It is up to men to take action. That is a pledge I made 18 years ago.

This spring, I will be tabling two bills in this chamber that I hope will save the lives of many women in Canada. These two bills will amend the Criminal Code to introduce preventive measures for keeping women safe.

These bills were designed and drafted in collaboration with women who survived spousal and family violence and who are fighting for this cause today. The preventive measures will not only guarantee women's safety, but will also help us find solutions for improving rehabilitation strategies for violent men.

I think we need to be pragmatic and stand in solidarity when it comes to this societal challenge that concerns all of us and that continues to create victims who could have been saved.

A petition will soon be circulated across the country to call on the government to implement practical measures to better protect women and children who are facing domestic violence.

Honourable senators, we will need you, your voices and your support, so that, together, we can overcome this major challenge. On March 8, we will celebrate International Women's Day, which should bring hope to all women who are prisoners of spousal and family violence. March 8, International Women's Day, must be about more than rhetoric. It must be about taking action to help these women who, in 2020, still have to fight to be understood and heard in our justice system.

These women are our mothers, our sisters, our daughters and our friends. It is for them that, together, we will succeed. Thank you.

**Hon. Senators:** Hear, hear!

[English]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Wanda Robson, an author and educator who fights for human rights and social justice in Canada. Moreover, she is the sister of Viola Desmond. She is accompanied by her husband, Joe Robson. They are the guests of the Honourable Senator Bernard.

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

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Trina Fraser and Marina Brooks from the East Preston Day Care Centre. They are the guests of the Honourable Senator Bernard.

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

[Translation]

**Hon. Senators:** Hear, hear!

### BLACK HISTORY MONTH

**Hon. Wanda Elaine Thomas Bernard:** Honourable senators, it is my pleasure to stand today to acknowledge Black History Month. This year's national theme is "Going Forward, guided by the past," represented by the image of the Sankofa. Sankofa represents a philosophy that I have shared with many students in moments of mentorship as a valuable teaching. Sankofa is an African bird moving in one direction, glancing backwards; it represents the need to move forward without forgetting our past, our ancestors and our histories. Our past informs the present.

Honourable colleagues, I've had the pleasure of getting to know Wanda Robson, the sister of Viola Desmond, over the last few years, and I am looking forward to our discussion tonight at the Canadian Museum of History. We often hear the story of Viola, the young African-Nova Scotian woman who dared to sit in the whites-only section of the movie theatre in New Glasgow, Nova Scotia. A lesser-known story is that of Wanda Robson, who, after completing her degree at Cape Breton University at the age of 76, advocated for her sister's charges to be dropped posthumously. When we teach our children about Viola's tenacity and strength, we should also recognize Wanda Robson for her work in fighting for racial justice through advocacy and education.

The Sankofa philosophy is embodied in reparations. As we identify past harms to African Canadians caused by slavery and segregation, we connect those harms to the justice, remuneration, programming and funding owed to Canadians of African descent. This is necessary to build a strong future. Wanda Robson enacted Sankofa by advocating for the posthumous pardon of her sister. She has set an example for us by standing up against the forced segregation, false arrest and conviction of Viola Desmond.

Honourable senators, Wanda Robson's work is a form of reparations, and an incredible example of how to move forward from past harms. Join me in thanking Wanda Robson for all that she has given to us.

**Hon. Senators:** Hear, hear!

## ROUTINE PROCEEDINGS

### PARLIAMENTARY BUDGET OFFICER

#### FISCAL SUSTAINABILITY REPORT 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 *Fiscal Sustainability Report 2020*, pursuant to the *Parliament of Canada Act*, R.S.C. 1985, c. P-1, sbs. 79.2(2).

• (1350)

[English]

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### FOURTH REPORT OF COMMITTEE TABLED

**Hon. Sabi Marwah:** Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with the financial statements of the Senate of Canada for the year ended March 31, 2019.

[Translation]

### NATIONAL FINANCE

#### REPORT PURSUANT TO RULE 12-26(2) TABLED

**Hon. Percy Mockler:** Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on National Finance, which deals with the expenses incurred by the committee during the First Session of the Forty-Second Parliament.

(For text of report, see today's Journals of the Senate, p. 377.)

### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

#### REPORT PURSUANT TO RULE 12-26(2) TABLED

**Hon. Leo Housakos:** Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the expenses incurred by the committee during the First Session of the Forty-Second Parliament.

(For text of report, see today's Journals of the Senate, p. 378.)

[English]

**THE SENATE****NOTICE OF MOTION TO CALL ON THE GOVERNMENT TO ADDRESS  
THE ISSUE OF INTERPROVINCIAL TRADE**

**Hon. Frances Lankin:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in order to promote national unity, to improve collaboration with provincial and territorial initiatives, and to support the competitive needs of domestic business, the Senate now:

- (a) call on the government to:
  - (i) address the issue of inter-provincial trade and assert in law, for judicial clarity, that Section 121 of the *Constitution Act, 1867* is the law of the land;
  - (ii) clarify key principles of inter-provincial trade, such as accelerating mutual recognition, formal harmonization and introduction of federal standards when applicable;
  - (iii) develop institutional architecture to facilitate inter-provincial trade which would include creating an internal trade commissioner or expanding the *Canada Free Trade Agreement* Secretariat powers; and
  - (iv) create a binding investor-state dispute-resolution process where complaints, negotiations, decisions and appeals might occur;
- (b) urge the government to move toward enacting a revised *Canada Free Trade Agreement* as law, cutting back on specific exemptions within the CFTA; and
- (c) recommend that the government clarify longer-term integration objectives, such as how to more consistently relate them to urban projects and innovation superclusters.

[Translation]

**PARLIAMENTARY PRIVILEGE****NOTICE OF INQUIRY**

**Hon. Pierre J. Daphond:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the use of parliamentary privilege in the context of employee relations and inquiries of the Senate Ethics Officer.

[English]

**QUESTION PERIOD****NATIONAL DEFENCE****SUPPORT FOR POLICE SERVICES AND CIVILIAN OPERATIONS**

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. Leader, the railway blockades are hurting the Canadian economy — we've spoken about this many times — in addition to putting the health and safety of Canadians at risk. And all of this is due to Prime Minister Trudeau's weak leadership. Last week, the Prime Minister rejected the option of ever asking the Armed Forces to support the police in ending the blockades. He said that the army could not be used in operations against civilians, regardless of what the civilians were doing.

It seems that the Prime Minister does not understand the concept of military aid to the civil power. And that is certainly not what another Prime Minister Trudeau thought back in 1970 when he had the military dispatched to the streets of Montreal to help the police arrest more than 400 civilians without a warrant.

Leader, has the current Prime Minister made up new rules on how and when the Canadian Armed Forces can be called in to support the police or other civilian operations in Canada?

**Hon. Marc Gold (Government Representative in the Senate):** Senator, thank you for your question. How well I remember those days as a young man in Montreal, astonished to see the Armed Forces in our streets. Happily, Canadians, at least those of my generation, were not used to that.

I do not believe, honourable senator, that this Prime Minister has made up new rules nor changed the rules. As I best understand it, the decision to bring in the military in the 1970 crisis was at the request of the premier of Quebec, as we say outside of Quebec, known as the prime minister of Quebec. Indeed, it is a convention, as I understand it, of the Canadian parliamentary system that when a premier of a province requests such assistance — as Premier Bourassa requested from then Prime Minister Mulroney during the Oka Crisis — the Prime Minister will respond. To the best of my knowledge, I do not know that such a request was made to the Prime Minister in the instant case.

**Senator Plett:** Leader, as this crisis continues and given that it could well escalate, I wonder why the option of aid to civil powers was taken off the table by the Prime Minister. After all, we have a situation where vital infrastructure is being occupied by masked individuals who could, as Premier Legault stated yesterday, be armed with illegal firearms like AK-47s. Let me be clear, Leader. I am not suggesting anything here, but we must allow provinces, as you have already stated, to keep all of their options open.

So, Leader, if the Quebec government or any other province asks for support from the Canadian Armed Forces to end blockades in order to further protect Canadians, will the Trudeau government agree?

**Senator Gold:** I thank you for the follow-up question. I think it would be inappropriate for me to assume an answer to a hypothetical question, the answer to which would be within the prerogative of the Prime Minister. However, I can say this: We all recognize, as I've said on a number of occasions in this chamber, how delicate the situation has been.

There is reason to be encouraged in that, at long last, a meeting is being held today with the hereditary chiefs and the Government of Canada. The fact that a quick solution has not yet been found reflects the complexity of the issues and the situation, but the meeting today is promising. And the government has asked the hereditary chiefs to agree to a period of peace and respect during these talks, as it is the position of the Government of Canada, which I hope we all share, that we need to create a space for productive and respectful discussions.

## HEALTH

### DRUG SHORTAGES

**Hon. Judith G. Seidman:** Honourable senators, my question is for the Leader of the Government in the Senate, and it concerns persistent drug shortages. Near the end of 2019, almost 2,000 drug shortages had been reported. Tamoxifen, used as part of hormone therapy to treat breast cancer, experienced a nationwide shortage in late 2019. As well, last year, cancer patients across Canada had to deal with shortages of three intravenous drugs used to treat different forms of that disease, including lung cancer.

Doctors at the Jewish General Hospital in Montreal pointed to what they say is a new, exceptionally difficult situation. The Canadian Pharmacists Association pointed out that, over the course of the 2019 federal election campaign alone, over 200 new drug shortages were listed on Canada's mandatory reporting website. Since New Year's Day, another 288 actual shortages have been reported and 47 anticipated shortages.

• (1400)

Senator Gold, does Health Canada have concerns that any drug manufacturing disruptions in China due to the coronavirus may lead to further drug shortages here at home? And if so, what is the plan to deal with them?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. It raises a concern for all of us as Canadians. As the honourable senator's question acknowledges, though Canada has a vibrant pharmaceutical manufacturing sector, we rely on imports significantly to fulfill the health needs of Canadians. It is disturbing to know that we are always facing some challenges in some sectors with shortages.

I can assure this chamber that the government and the Minister of Health are monitoring the situation very closely with regard to our supply generally throughout the world, and the challenges we face currently and going forward. I do not know and am not in a position to answer specifically whether the focus is exclusively on the issue in China. I can certainly make inquiries and provide an answer as soon as I get the response.

**Senator Seidman:** I would really appreciate it, and I'm sure the chamber would appreciate it if you made inquiries specifically with regard to China, the production there and the impact of the coronavirus.

I do have a supplementary question. Last July, the U.S. Department of Health and Human Services announced an action plan to enable Americans to legally import prescription drugs from Canada. At the time, the previous health minister's office said they were not consulted in advance on the specifics of the American plan. December's Question Period notes for the current Minister of Health, Patty Hajdu, only mention that the government is monitoring developments in the U.S.

Senator Gold, has Minister Hajdu spoken with her American counterpart about their action plan and its possible impact on drug availability in Canada?

**Senator Gold:** Thank you again for that very important question. I am advised that the government is seized with this issue and engaged with its counterparts in making clear Canada's position that our first and foremost responsibility is to ensure Canadians have access to medications and other health services. That is our primary responsibility as a government.

## INDIGENOUS AND NORTHERN AFFAIRS

### STATUS APPLICATION PROCESS

**Hon. Marilou McPhedran:** Honourable senators, my question is to the Government Representative in the Senate.

Senator Gold, it has recently come to my attention that in Manitoba, there is a separate processing unit responsible for filing all applications for status under Bill S-3, meaning applications under Bill S-3 are actually not being processed as "normal" applications at the Winnipeg registry office. This processing unit is not at all open to the public, whether it be in person, by phone or email. It remains unclear how or if staff at their Winnipeg registry office have been trained to help applicants under Bill S-3.

What steps are being taken by the government to ensure that applicants under Bill S-3, particularly those who are ill or elderly, are getting the necessary information and support to successfully complete their applications and have them processed in a timely and efficient manner?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you very much for your question. I will be brief on the answer because the situation that you raise is one of which I was not aware, and therefore I cannot answer and wouldn't presume to offer an answer.



If you would permit me a comment, as I have said in this chamber before, I want to be useful to senators and to provide information in a timely fashion. We all understand that some questions are more important to be asked than to be answered in this chamber. For those of you who want answers, I invite you to advise me as soon as you know of the question so that I might have an opportunity to seek the answer. Regrettably, as those of you with more experience know, delayed answers are really delayed answers because they have to go through a rather complicated system before — I wish wholeheartedly to improve upon that record, but that is out of my control.

What is in my control is that with enough notice — if one wants the answer — I may be able to expedite that and break through some of the bureaucracy. Thank you for the question. I'll try to find out, but please be patient for the answer.

[*Translation*]

## CANADIAN HERITAGE

### CBC/RADIO-CANADA

**Hon. René Cormier:** My question is for the Government Representative in the Senate.

This year, the Government of Canada promised to modernize the Broadcasting Act, which covers CBC/Radio-Canada's mandate. In its final report, the review panel the government tasked with reviewing the act stated the following:

Given the vital role that Canadian cultural content can play in connecting Canadians to one another and in sharing our different stories, it is important to find new ways within the emerging media landscape to encourage this mutual exchange, so that Canadians are shaped by our own values, cultures, and perspectives. The Broadcasting Act should explicitly state that CBC/Radio-Canada should reflect national, regional, and local communities to national, regional, and local audiences.

Here is my question for you, Senator Gold. Given that CBC/Radio-Canada makes its programming choices independently, and in light of its efforts to fulfill its regional mandate, how is the government planning to change that mandate to ensure that our public broadcaster truly reflects regional and local realities, such as those of official language minority communities, across its nationally broadcast programming?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question.

I would like us to come back to the context of the Yale report tabled just a few weeks ago. As you know, the report of the review panel is very ambitious and comprehensive. I've received confirmation that the government will look at all the recommendations, including those at the heart of your question. The government will take measures fairly quickly, or as quickly as possible.

Let me come back to your question about CBC/Radio-Canada. As the honourable senator knows, the broadcaster's current mandate is to provide primarily Canadian programming services that reflect the diverse geographic, cultural, linguistic, and identity realities of Canadians. Any new measure that is taken will have to reflect the government's ongoing commitment to supporting the growth and prosperity of official language minority communities and promoting both our official languages across the country.

**Senator Cormier:** I would like to ask Senator Gold a supplementary question.

Do you agree with me that, yes, CBC/Radio-Canada does a great job of carrying out its mandate in the regions — although there is always room for improvement — but in the case of programs produced for the national network from coast to coast to coast, the issues relevant to francophone and Acadian communities and to regions outside major centres do not receive as much attention as those of major centres?

**Senator Gold:** That is a very good question.

You are asking for my personal opinion. I am somewhat embarrassed to say that I am probably not attuned enough to this issue when I watch television, in English or French, and I have to say that I cannot tell you whether I agree with you or not.

However, if that is the case, I hope that improvements will be made to better reflect the regional reality of our country, because we are a country of regions. To conclude, when I have the opportunity, I will watch television with a more discerning eye.

• (1410)

[*English*]

## TRANSPORT

### DELIVERY INFRASTRUCTURE FOR THE ATLANTIC PROVINCES

**Hon. Diane F. Griffin:** Honourable senators, my question is for the representative of the government in the Senate.

Senator Gold, the rail blockade highlights a recurring problem for the Maritime provinces. Our critical infrastructure supply chains are vulnerable due to a lack of redundancy. This is having a negative economic impact in our region, and most of our essential goods arrive from Central Canada, which creates a long supply chain.

How is the federal government ensuring that backlogged essential goods for the Maritime stakeholders are given priority when shipped by rail or trucking companies rather than what is profitable to the shippers? Does the government have an advisory group to address these concerns from Maritimers?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, senator, for the question. I have been assured that the government understands very well that blockades anywhere across the transportation network can have — and, in fact, have had — very significant impacts on the entire supply chain.

I have also been advised that the government has facilitated an agreement between CN and CP to alleviate the effects of the blockades on the transportation network and to help facilitate the movement of goods, notably by prioritizing the transport of commodities that are necessary for public health and safety. This would include, of course, the needs of Maritime communities.

I have been advised as well that the agreement is still active in parts of the country that have to deal with blockades.

With regard to the last part of your question, I am not aware of any advisory group that is specifically organized for Maritime concerns. I can make inquiries and report back to the chamber.

## CROWN-INDIGENOUS RELATIONS

### DISPUTE RESOLUTION DIRECTIVE

**Hon. Lillian Eva Dyck:** Honourable senators, my question is for the Government Representative in the Senate.

As you know, Senator Gold, in 1997, the Wet'suwet'en chiefs won a transformational decision in the Supreme Court of Canada. The *Delgamuukw* decision established the rights of Aboriginals to title of their unceded land. In other words, the Supreme Court justices declared that nations like the Wet'suwet'en still hold unextinguished title to their lands. The court ruled that a further trial was required to determine the extent to which that judgment applied to the Wet'suwet'en lands. In other words, the justices noted further litigation was required to reconcile the Wet'suwet'en title with Crown title.

However, according to a recent release of access-to-information documents, the federal and provincial governments went to extreme measures to prevent any such litigation from being filed. Consequently, nearly 25 years later, the long-awaited litigation has yet to take place, and that is why we are in the critical situation today with the Wet'suwet'en, the Province of B.C., the RCMP, Coastal GasLink LNG and the federal government.

An agreement with the Wet'suwet'en in Canada can be made outside of the courts through this government's own ministerial litigation directive. The directive emphasizes the importance of resolving conflicts expeditiously and collaboratively, reducing the use of litigation in the courts.

Will the Prime Minister and Minister Bennett publicly assure the people of Canada that the government will immediately invoke its ministerial litigation directive so that Canada will be able to resolve the situation outside of the courts and reassure Canadians and the world that the Government of Canada does respect the rule of law, including the *Delgamuukw* decision?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you very much for this important question. I think the most accurate way to answer it is that we must await, at least for a day or so, what emerges from the discussions that are happily taking place today. I think as an accredited mediator, notwithstanding my legal background, avoiding court and settling these matters nation to nation is and ought to be the preferred route. I'm confident in thinking that this would be the preferred solution for all the parties here.

I'm hoping that we will all be apprised of the fruits of the discussions soon, but at this point, I cannot commit the government, and I think it would be inappropriate, as they have only begun to enter into discussions with the hereditary chiefs.

**Senator Dyck:** Thank you. It was just announced, of course, that the meetings are occurring today and probably tomorrow. Obviously it's too late to start that litigation because it will probably take months, if not years, so something else has to be done.

Will the Government of Canada, through the Minister of Crown-Indigenous Relations and the Prime Minister, recognize and agree to the use of Wet'suwet'en legal traditions in their negotiations with the Wet'suwet'en? In other words, will Canada respect Wet'suwet'en rule of law through Minister Bennett in their negotiations today with the Wet'suwet'en and in the future?

**Senator Gold:** That's a great question. Thank you for it. I will be very brief, simply to remind this chamber — and it's not necessarily well known — that in Canadian constitutional law, Indigenous law is considered Canadian law. The courts have been clear about that. I have every confidence that the ministers and the Government of Canada understand that and will use the full range of legal instruments and traditions in its nation-to-nation discussions on these important issues.

**Senator Dyck:** I hope you remind them of that.

**Senator Gold:** And I shall.

## HEALTH

### CORONAVIRUS

**Hon. Salma Atallahjan:** Honourable senators, my question is for the government leader in the Senate.

Senator Gold, the new coronavirus has spread to numerous countries beyond China, with at least 37 countries now reporting cases. I'm sure the number has gone up even as we speak. Although the World Health Organization has not yet declared it a pandemic, it has said that the virus has pandemic potential.

In light of this, what steps are the government taking to prepare itself for a potential COVID-19 pandemic?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you very much for the question. Regrettably, the numbers have increased, even from yesterday. I think we are up to 45 countries now, up from 27 last week.

I'm advised that although the risk in Canada remains low, the government and all health professionals and institutions understand we need to be prepared.

With regard to your question — because I know there are others in line for questions so I won't elaborate — Canada did develop, as you may know, a pandemic response plan in 2009, which includes accelerating research here and contributing to international efforts to develop a vaccine abroad. Unfortunately, vaccines are not the solution in the short term for what we are facing here.

Canada will choose its course of action. Regardless of whether or not the World Health Organization declares this a pandemic, the Government of Canada and its partners in the health networks in Canada are working very hard to prepare for the possibility of an increased number of Canadians infected. I have been assured that all of the institutions, health care agencies and workers are working very seriously on this.

**Senator Ataullahjan:** So while the Minister of Health is advising that there is low risk to Canadians of contracting COVID-19 while at the same time encouraging people to immediately begin stockpiling food, water and medication — in fact, Toronto has already run out of hand sanitizer and face masks — should we be remaining calm and not worry or should we be panicking? Senator Gold, is this not sending mixed messages to the country?

**Senator Gold:** Thank you for the question. Nobody could fault Canadians for being worried. Of course we should be worried, but that does not mean we should panic. I think there are measures that Canadians can and are taking to protect themselves, not the least of which is washing our hands diligently.

Other measures are being taken. As you may know, Air Canada has decided to cancel its flights between Canada and China, and other measures are being recommended to Canadians.

• (1420)

We have to be worried about the spread of this virus, as viruses can spread with the increasing interconnectedness of our world. It would be idle, foolish and irresponsible to be indifferent.

I have not been advised that there is a reason to panic. I don't think that panic will serve anyone well. The Government of Canada is monitoring this closely, and Canadians should have confidence in their health care system to be doing the best it can to protect our well-being.

**Hon. Elizabeth Marshall:** Honourable senators, I also have a question on the coronavirus.

I have been reading a lot of news coverage about it. In the last few days, we have been hearing from a lot of people. I have made a list of some: the Deputy Chief Medical Officer of health for Canada, the Chief Medical Officer of Health for Ontario, and the head spokesperson from the United States. There is information on the government website. Dr. Michael Garron, an

infectious disease specialist, was on television yesterday and again today. Way down the list we had our own Minister of Health talking about stockpiling food.

Who in this government is in charge of the coronavirus file? Who is the individual responsible? Everybody is in on it now.

**Senator Gold:** The punchline of an old joke in the Jewish tradition is: "On me you shouldn't depend." I'll tell you the joke later.

I am not going to hide behind federal-provincial jurisdiction despite my training as a constitutional lawyer. Health is a provincial matter. Health is a local, national and international issue. The Minister of Health in the federal government is the key responsible person and is working with her counterparts and colleagues throughout the country.

This is a complicated situation. There is no simple solution to it nor a simple answer to your question, valid though it is.

**Senator Marshall:** People are very concerned because not only is the news media covering stories from professionals, they are also talking to individuals, and people are very concerned. There is a disservice being done to Canadians, because there is a lot of contradictory information out there. Some say it's a pandemic, and some say we're on the brink of a pandemic. Some say the vaccines will take three months; some say a year. Now I heard it is going to be a year and a half.

On Friday of last week — I don't know if you watched it or not — the Prime Minister had a live press conference regarding the issue of the blockades. It was quite a lengthy press conference. I watched it from beginning to end, and it is what it is.

What I don't understand is why is there no press conference of that nature on this subject? Why could the Minister of Health not have a press conference? She could be there with the chief medical officer of health and all the specialists to answer questions. People are concerned, especially when you hear your Minister of Health saying, "Go out and buy tinned goods and start stockpiling."

I know you can't explain why it hasn't been done, but would you take that message to her? It is a disservice to Canadians. We don't know and we are all concerned.

Recently someone flew on a plane from somewhere in the East to Vancouver. They said that person is now in isolation. What happened to the plane? Most of the people here are flying on planes.

Could you deliver that message, please?

**Senator Gold:** I most certainly will.

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## ORDERS OF THE DAY

## THE SENATE

### ETHICS AND CONFLICT OF INTEREST FOR SENATORS

#### FIRST REPORT OF COMMITTEE ADOPTED

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.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

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

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE ADOPTED

**Hon. Sabi Marwah:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Committee on Internal Economy, Budgets and Administration have the power to meet later this day, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### MOTION TO INVITE MINISTERS OF THE CROWN WHO ARE NOT MEMBERS OF THE SENATE TO PARTICIPATE IN QUESTION PERIOD—MOTION IN AMENDMENT—MOTION IN SUBAMENDMENT—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.

And on the motion in amendment of the Honourable Senator Housakos, seconded by the Honourable Senator Mockler:

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”.

And on the subamendment of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Gagné:

That the motion in amendment be not now adopted, but that it be amended:

1. by replacing the words “Opposition in the Senate to make a short statement during any Question Period” by the words “Government in the Senate, after consultation with the leaders and facilitators of all the recognized parties and recognized parliamentary groups, to make a short statement at the start of the Orders of the Day during any sitting”; and
2. by replacing the words “by the Leader of the Opposition will be in attendance by making a brief statement during Question Period” by the words “pursuant to this order will be in attendance by making a brief statement at the start of the Orders of the Day”.

**Hon. Jane Cordy:** Honourable senators, I’m going to speak about the amendment proposed by Senator Housakos, but not about the makeup of committees or other outstanding issues that we have. I do want to state, though, that I have a very good working relationship with Senators Plett, Tannas and Woo.

I have sat in this chamber as a member of a government caucus and an opposition caucus; as Liberal and as an independent Liberal; and for 24 hours as a member of an officially recognized group, the progressive Senate group; and now as a member of an unofficial group, the progressive Senate group, which we are officially recognized as a non-affiliated group. As we would say in Cape Breton, I have been around the block a few times.

I have worked with many government leaders, some I was philosophically aligned with and others I disagreed with, but all of them, regardless of which government was in power, wanted what was best for Canadians.

I wish I could say that having someone answer questions in this chamber who sat at the cabinet table made a difference in how those questions were being answered, but in my experience it didn’t. However, I do recall that those government leaders who sat in cabinet meetings seemed to have larger briefing books.

Whether in cabinet or not in cabinet, over the years different government leaders have answered questions with prepared government talking points or various forms of non-answers or simply questions were taken as notice to be answered at some future date, and, yes, some questions were answered to everyone’s or at least to most senators’ satisfaction. I also want to say that it must be very challenging for three senators as the official government — I’m not even sure what your title is, but we refer to you as the G3 — to try and get legislation through. I don’t envy that. I wouldn’t want one of those positions at all.

The argument of whether or not the Government Representative in the Senate must be a member of cabinet is a discussion for another day. In fact, we could probably discuss the matter for weeks and make suggestions, but ultimately that is not the decision of the Senate to make.

Honourable senators, it is my belief that one of the best changes that we’ve had in this new independent Senate is having a minister in our chamber for Question Period each week. In fact, I’m very disappointed that it hasn’t happened to date. The Senate first sat in December, and next week is March. We still haven’t had a minister in this chamber to answer questions.

By the way, it was our former colleague Senator Eggleton, who was a member of the Modernization Committee, who first suggested inviting ministers to our chamber to take part in Question Period.

Honourable senators, I disagree with the amendment made by Senator Housakos. I’m sure the Leader of the Opposition would be very pleased to have the responsibility for hand picking ministers to appear here. I might also suggest, if he were the government leader and not the opposition leader, he just might, Senator Plett, not have the same reaction to the opposition having this responsibility.

**Senator Plett:** Either way, he would want to do it by himself.

**Senator Cordy:** Senator Gold did ask for suggestions as to which ministers be invited, and to the best of my knowledge, the ISG, the CSG and the progressive Senate group responded to that request. In fact, our list from the progressive group could have been much longer in light of everything that’s happening in Canada and around the world. My hope is that we can move forward with the motion and start inviting ministers to our chamber sooner rather than later.

• (1430)

I also hope that the progressive senate group, along with all the non-affiliated senators, will be afforded the same opportunity to participate in ministerial Question Period as other senators in this chamber.

**Hon. Grant Mitchell:** Honourable senators, I have several points I’d like to make about this debate. I’ll address three points that have been raised by colleagues in the debate.

The first point I would like to address is one that was raised in comments by Senator Housakos. He says that if you look at the vote record and debate in this place, it’s only normal that government-appointed senators reflect the view of the government more often.

I want to address that because it is fundamentally a myth. In some sense, I’m addressing this on behalf of the ISG, and that’s not because they can’t defend themselves. They absolutely, fundamentally can. I know that, after three and a half years of being in a position, which I first held in the history of the world. Nobody else has ever held that position. There’s only one other person who can begin to appreciate the perspective I had, which is unique because of that, and that’s my colleague from Alberta, Senator LaBoucane-Benson. As you can see her becoming more and more serious day after day, you understand exactly how important, significant and unique this particular perspective is.

I want to address that point because it is often used by very limited numbers of people in this Senate — about 22 Conservatives — who, it seems to me, are the only people in

the whole world that are as obsessed with whether or not the ISG are actually independent. Nobody else raises their interest to that level — because there is an argument to be gained on behalf of the Conservative senators who have a very legitimate view of how this chamber and the Senate should function. They have absolutely every right to argue it and press it wherever they can. But I'm pressing back because it is not true that somehow the ISG is, from my experience — vivid, visceral, day-to-day, intense — in any way, shape or form, beholden to the government.

I want to address it because I don't think it's fair to the ISG that this should be continuously raised when it's not true. And I don't think it's fair because it betrays the progress and the success of this reform, which has been very well served by the appointment of independent senators to this chamber.

I know for a fact that the Conservatives — and the ISG knows this as well — will vote to defeat government legislation. It is fundamentally consistent with their view, and a traditional view of how chambers like this work. It's true; it's an empirical fact.

If, on the other hand, we understand that it's very risky and not entirely appropriate at all that unelected senators should defeat government legislation, that creates a very interesting formula. On the one hand, you have a hard place, called the Conservative senators, who are almost always going to vote against government legislation to defeat it. And on the other hand, you have this other hard place, a rock, which says we have to be very careful about defeating legislation.

Confronted by that, I believe that the independent senators have continuously made a decision that was responsible and appropriate. They have said, knowing that we're going to be facing a block of negative votes, we can't take the risk that this government legislation will be defeated. They vote for government legislation because of that conundrum. It's not that they all want to support government legislation all the time, by any means, believe me. I have had infinite numbers of sleepless nights worried about that. Many of them will tell you that I've over-worried it and, in fact, bothered them because I've been quite intense in approaching them and making that very specific argument.

Second, we should hire some PhD graduate student to do a study on the nature of the speeches from the ISG on every one of those government bills. I bet you will find almost no one in the ISG — Peter, Diane and I were practically the only people that spoke unabashedly, positively, about government legislation. If you assessed what was said in this Senate about government legislation, you will find that almost nobody is positive about government legislation, for different reasons; the Conservatives because they don't like it, and the ISG probably because — while they give much of it a positive pass — they focus on those places that they deem to be inadequate so that they can approve it. The outcome is in Hansard. Add it up. You'll find there are almost no overwhelmingly positive speeches about government legislation.

So it is not true. And the metrics being used in Senator Housakos's statement — those two metrics, the voting record and debate — need to be further analyzed because they do not

indicate the outcome that those who want to support the old, tired, archaic method of structuring this place continue to make because it strengthens their position.

A second statement that was made was the concern — and it was made well by Senator Martin, the deputy leader of the Conservative caucus — that this opposition should get some sort of preference in the number of questions they get to ask and those shouldn't be proportional. That is certainly consistent with the theory of how this place should be run. We can solve that problem. There is plenty of time to ask all the questions we need to ask if we refine the way in which those questions are asked.

Questions are almost statements. Day after day, we listen to long preambles to questions, which are statements. We confronted that problem in the Alberta legislature when I was first elected. I think there had been only two members of the opposition for a number of years prior to the breakthrough in 1986. Those were the days. It was overwhelming. I don't know how many of us there were, probably 20 or 22 opposition people, who were inclined to ask questions, and lots of them.

So very quickly, we had to come to some accommodation because there wasn't enough time in Question Period. What did we do? As a house, we agreed that you would get three discrete, specific sentences in the preamble to your first question. If you went over that, the Speaker would cut you off; bang, you're done. They had a button they would press and that would be it. Then you would get one sentence to preamble your subsequent supplementary questions. Let me tell you, you get way better questions.

Half the time I listen to these preambles, I'm drifting off after two or three sentences anyway. You lose the thread. You want to get a punchy, specific idea of what you're going to ask and then, bang, ask it. The ideal is not to give them so much that they can answer an infinite number of possibilities. You want to get them in a preamble in a way that they have to answer what you want answered. You've already indicated that there is only one answer. It doesn't matter what they answer because it's embarrassing already for them.

If I can say this tongue-in-cheek, one reason why the Conservatives want to limit Question Period and not have cabinet ministers — you think you would be over the top having cabinet ministers — is that it's not working out very well for you. If you ask effective questions of cabinet ministers, you would love to have them here. But if you're not getting the results you want on TV, it may be that you have to recalibrate and ask better questions. I would say if you focus it to three sentences, one sentence and subsequent supplementary preambles, you will have effective questions. You will say, "Whoops, never mind, forget this motion, we want to have cabinet ministers. Can we have them three times a week?" Sure, because I think that's what will happen.

Finally, I was encouraged to hear the clear statement by Senator Woo that said we believe all senators are equal. It's true. If we are going to have the reformed Senate that so many of us want, it is fundamentally, irrevocably important that you don't have to be in a group to get special privileges. That's not to say there shouldn't be some leadership positions to help run it and a budget to do it. Absolutely, no problem with organizing groups.

But you can't say that you get some special privilege because you're a member of a group and we don't get it because we're not. Because that is fundamental to one of the things we're trying to reform, which is fear and favour — whipping, to use a horrible word — or discipline to get some kind of result that you want.

• (1440)

So if I have to ask some other group if I can please, pretty please, have one of your positions on a committee, that's not right. And we're falling into that same rabbit hole where you get some privilege because you're a member of a group. That is fundamentally wrong if we want to reform the Senate the way it needs to be reformed.

I would say there are 13 unaffiliated senators. If you put 13 as a percentage of 105, do you know how many chairs unaffiliated senators get? They get two chairs of two committees, and they should. Anybody in here who believes this is real reform should make sure that the unaffiliated senators get two chairs — period.

You can follow that down a little bit further to what positions we should get on committees and so on. But if it comes down to your having to be in some group to get some favour, we're not where we need to be in reform, and we have made huge progress.

I leave that with you, and I thank you for the chance to say it.

**Hon. Leo Housakos:** Would Senator Mitchell take a question?

**Senator Mitchell:** Do I have to? Okay, I will, sure.

**Senator Harder:** Two sentences.

**Senator Housakos:** Thank you for your benevolence, Senator Mitchell. Senator Mitchell, I thank you for being courageous enough to confess on the floor that you're the impediment to why I assume members aren't as independent as they want to be. Because the truth of the matter is an 86% voting record, regardless of the reasons — and you can justify them as eloquently as you like — is still an 86% voting record.

You've touched upon a number of issues in your speech but nothing in regard to the actual sub-motion that you were debating, and that is, at the end of the day, we are all equal in this place. We're equal before the rules; we all ask questions.

I have two questions for you. When you were in opposition and there was a majority, a Senate appointed by a Conservative Prime Minister, how tolerant, in all honesty, Grant, would you have been if 40% or 50% of the questions during QP were being asked by senators appointed by that Prime Minister? I'd like an honest answer as to what your reaction would actually be.

Furthermore, in the spirit of equality, how is equality somehow hindered by the fact that we take away the final decision of which minister comes before QP from the Government Representative and just give it over to the opposition leader in the Senate? I think it would be a little bit more respectful of the principled fashion upon which QP is supposed to work in a Westminster Parliament.

**Senator Mitchell:** Thanks. With respect to your first point about the 86% and how that somehow colours or is a metric, I meant to mention that it isn't only the ISG — it was unfair of me not to mention this point, and I'm going to mention it — that believes you cannot defeat government legislation. It is dangerous to do that and could precipitate a constitutional crisis. It's also true that at critical moments in that session, the GRO, the government relations officer, was very grateful — I don't want to put you on the spot here — for support we got from the Conservative caucus to make sure some bills weren't defeated at critical moments. So it isn't as though I don't appreciate — and I want to say very clearly that the Conservative members of this Senate also love this place deeply, and they appreciate it and respect it. Their arguments are coming from a very good place; it's just a different view of how this place might work. Thank you for that.

It isn't just endemic to one perspective or one group. There is a consensus about that.

Your idea of how upset I would have been about not getting our fair share of questions is a really good point. That was under a completely different system. If I were concerned that Conservatives or the people who were always on the side of government got all kinds of questions that were puffball and didn't, in fact, hold their government to account because they were of the same stripe, I would be very concerned about that.

But I've sat in this session, under this reform process, for about four years. I don't think I can remember any questions from an ISG member that was a softball question to the government — quite the contrary. I would be concerned if I didn't feel the questions that were being asked were holding the government to account. I don't think that's a problem here. We do not have people who are beholden to government.

It's interesting that early on, a number of times — not so much lately — the Conservative members have said that, well, of course, people are beholden to the person who appoints them, so once Mr. Harper went, you became more independent. That's a horrible indictment of your colleagues. It also conjures up a rule that was fundamental to how we operated in the Alberta legislature, which was that you couldn't impugn the motives of another member. We do that quite a bit here and it's not right to do that, and I think we should entrench that in our rules as well.

So I think that in 30 minutes — three sentences, question, one sentence, question — you would get plenty of questions. You'll find that members of the ISG would ask questions that you would

want to ask of the government to hold them accountable, and it's embarrassing because they do it all the time. And do you know what? They do it extremely well.

(On motion of Senator Cormier, debate adjourned.)

## ADJOURNMENT

### MOTION ADOPTED

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate)**, pursuant to notice of February 26, 2020, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 10, 2020, at 2 p.m.

**Hon. Patricia Bovey (The Hon. the Acting Speaker)**: Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators**: Agreed.

(Motion agreed to.)

[*Translation*]

## 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. Marilou McPhedran**: Honourable senators, I rise today in support of Bill S-209. I would like to begin by thanking Senator McCallum for sponsoring this bill.

[*English*]

In particular, I want to acknowledge that Senator McCallum has taken action to address the current gap in the government's implementation of gender-based analysis plus, or GBA+, in legislation and government policies and programs.

GBA+ is an analytical tool that considers multiple factors related to identity, gender and individual experience. Because gender is intersectional, GBA+ helps ensure that policies, programs and legislation include consideration of different lived experiences and realities. In turn, this helps us develop programs and policies that are more inclusive, accessible and effective.

[ Senator Mitchell ]

During Senator McCallum's speech, she referenced her experience as a First Nations woman. She provided examples of the specific disproportionate impact government policy can have on Indigenous women.

She also spoke to the need to entrench in law the requirement that future legislation considers potential impacts on Indigenous women. As legislators in an institution meant to represent the voices of minorities, and given the paternalistic and often antagonistic nature of the relationship between Canadian law and Indigenous women, Bill S-209 is relevant to how we do our work in this chamber.

Given the significance of GBA+, the government must mandate, through statute, a policy that requires GBA+ to be implemented across government departments. Without GBA+, women and girls are significantly impacted by policies in ways the government does not and often cannot foresee. Unintended consequences are a part of making law.

• (1450)

Moreover, in the absence of a statutory mandate, future governments are also free to do away with the GBA+ process altogether. Currently, GBA+ is implemented inconsistently and incompletely across government departments, and there is no uniform requirement that government departments specifically consider the gendered impacts of legislation or policy.

In 2015, the government renewed its commitment to GBA+, including mandating the then-Minister of Status of Women to ensure that government policy, legislation and regulations are sensitive to different impacts decisions can have on people of all gender identities and expressions.

Despite this, GBA+ is not yet being implemented the same across all levels of government. In 2009 and 2015, the Auditor General highlighted how GBA+ has been applied inconsistently. Again, despite the government's commitment to GBA+, there is still no government-wide policy requiring departments and agencies to perform it. In 2016, a report of the Standing Committee on the Status of Women confirmed that, despite the federal government's commitment to implementing GBA+, it is not yet being fulfilled.

A 2018 internal survey conducted by Status of Women Canada, measuring how GBA+ is implemented, found fewer than half of departments and agencies have a GBA+ plan. Most departments said they lacked the internal mechanisms to create one and implement it.

While some departments, such as the Department of Justice Canada and Global Affairs Canada, have implemented key elements of GBA+, other departments have no GBA+ framework at all. For departments that have implemented some elements of GBA+, the analyses are not always complete and the quality is inconsistent.

Additionally, in centralizing the responsibility for GBA+ in Women and Gender Equality Canada, or WAGE, through Bill S-209, we would standardize the GBA+ process and create an oversight mechanism to evaluate how GBA+ is or is not carried out. For example, government departments are expected



to conduct gender-based analyses when submitting memoranda to cabinet or Treasury Board. But oversight and tracking of departments' GBA+ responsibilities is lacking. Further, even in these contexts, departments need only conduct GBA+ if they preliminarily identify GBA+ issues that arise. So if you don't see them and if you don't have the skill to identify them, then you don't pay any attention to them.

While departments are required to provide evidence to support their conclusions that GBA+ issues do not arise, there is currently no mechanism to make this justification available to the public. The proposed legislation would mandate that GBA+ considerations are not dismissed before an actual analysis takes place and that the results of analyses are made available to the Canadian public.

In terms of legislation, only government bills are currently required to include a GBA+ analysis. However, this is still not done consistently due to the lack of a uniform process and a lack of law. If GBA+ issues are raised in relation to legislation, the government is free to ignore them and move the legislation forward without non-government parliamentarians or the public being made aware of the issues that arose or the justifications for ignoring them.

Bill S-209 creates much-needed transparency in the GBA+ process by requiring all analyses to be made public. As we know, transparency in government processes is essential to maintaining trust in the system and assuring Canadians that their government is committed to understanding the differential impact legislation can have on individuals and groups of individuals.

Bill S-209 would make GBA+ a statutory requirement for every future piece of legislation, including private members' bills. If legislation is amended, Bill S-209 would require additional analyses to ensure the legislation remains compliant with GBA+. Honourable senators, Bill S-209 would create a yardstick against which the practical effects of legislation on women and gender-diverse people can be assessed more accurately and efficiently. It would also create a record of the considerations that arise in GBA+ analyses, which will be useful for future governments seeking to learn from past experience to make better laws and policies.

We know this government has put gender equality at the forefront of its mandate. However, it is clear that without statutorily mandated GBA+, Canadian women, girls and non-binary individuals will continue to experience gendered inequalities. Bill S-209 creates a tool for all Canadians to hold decision makers accountable to our constitutional promise of gender equality, and I am honoured to speak in support of this bill. Thank you. *Meegwetch.*

(On motion of Senator Mégie, debate adjourned.)

## MODERN SLAVERY BILL

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Miville-Dechéne, 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. Diane F. Griffin:** Honourable senators, I rise today to speak to Bill S-211, An Act to enact the Modern Slavery Act and to amend the Customs Tariff.

As colleagues will recall from Senator Miville-Dechéne's speech last week, Bill S-211 will require entities to report yearly to the Minister of Public Safety and Emergency Preparedness. This report must set out:

. . . the steps the entity has taken during its previous financial year to prevent and reduce the risk that forced labour or child labour is used at any step of the production of goods in Canada or elsewhere . . . .

The report must also include information respecting the entity's structure, the goods that it produces, the entity's policies regarding forced labour and child labour, activities that carry a risk of such labour being used and the steps taken to manage that risk, any measures taken to remediate any forced labour or child labour, and training provided to employees regarding forced labour and child labour. The report must be featured prominently on the entity's website. The Minister of Public Safety and Emergency Preparedness will, in turn, have the role of ensuring compliance with the act and reporting annually to each house of Parliament a summary of those reports.

The bill also amends the Customs Act to prohibit entry into Canada goods manufactured or produced, in whole or in part, by forced labour or child labour.

Colleagues, I applaud Senator Miville-Dechéne for bringing forward this piece of legislation.

• (1500)

I agree with Senator Miville-Dechéne's assertion in her speech that laws such as these are important because:

. . . investors, particularly millennials, are increasingly making this an investment criterion.

Many companies know that their reputation is at stake and that finding slaves in their supply chain may result in a drop in sales and profits.

This point was also emphasized in a report entitled *A Call to Action: Ending the Use of All Forms of Child Labour in Supply Chains*, which was authored last Parliament by the Subcommittee

on International Human Rights of the Standing Committee on Foreign Affairs and International Development in the other place. The report notes that:

Transparency and due diligence legislation both give an important role to civil society and consumers to reward socially responsible behaviour. Witnesses thus stressed the importance of ensuring that disclosures are of high quality and readily comparable.

In citing some of the limitations of Bill S-211, Senator Miville-Dechêne noted this bill is a first step. It's a good first step. I admit that I'll be watching this bill's progression with interest, both because of its laudable goals and because it could inspire other policies regarding socially responsible corporate practices. For instance, fast fashion has ethical implications, both because of the poor labour conditions of which it is so often a product and the environmental impact of cheap, disposable clothes made of plastics that will never break down in a landfill. However, the more access to information consumers and investors have, the more socially responsible behaviour they can demand of the companies they buy from and invest in. For instance, consumers can reference the website "Good On You" when deciding whether to patronize a clothing business. Companies are given a rating based on labour conditions, environmental impact and animal welfare. Brands are given ratings of "we avoid," "not good enough," "it's a start," "good" or "great." But such websites can only work with data that's available.

That is why I'm impressed with the reporting parameters laid out in Bill S-211. They ensure that the disclosures will be of high quality and readily comparable, as was called for by witnesses at the Human Rights Committee in the other place. This data will help fulfill recommendation 6 of the *Calls to Action* report in that it will allow consumers and investors to engage meaningfully on this important issue.

Many of you will be familiar with the concept of full cost accounting. In the paper *Full Cost Accounting: An Agenda for Action*, Professor Jan Bebbington et al. described full cost accounting as a system that allows current accounting and economic numbers to incorporate all potential actual costs and benefits into the equation, including environmental and social externalities to get the prices right. Externalities arise where private decisions do not reflect either the public cost of these decisions, which are costs borne in society as a whole, or private costs, which are borne elsewhere in the system by someone other than the individual causing these costs.

In the case of fast fashion, more data on labour conditions will help inform consumers and investors on the true cost of goods. If a company is taking shortcuts and not considering the human consequences of their practices, consumers and investors might consider whether the company is also taking shortcuts in their

environmental practices. The two are not mutually exclusive, of course. Elimination of the use of harmful chemicals in manufacturing is good for both workers and the environment.

Thank you, Senator Miville-Dechêne, for introducing this legislation. It is a first step in the right direction, which I hope will lead to more transparency and more discourse about the true cost of the goods we consume. I look forward to supporting it at second reading and following its progress in committee.

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

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### FIRST REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Senate Budget for 2020-21*, presented in the Senate on December 12, 2019.

**Hon. Sabi Marwah** moved the adoption of the report.

He said: Honourable senators, this report deals with the Senate's budget for 2020-21. The anticipated budget is \$115.6 million and is based on the recommendation of the Subcommittee on the Senate Estimates. This amount represents an increase of \$1.4 million, or 1.2% over the 2019-20 budget.

For a background on the process of arriving at this budget, the work of determining the Senate's budget rests with the Subcommittee on the Senate Estimates, where members met with each of the Senate Administration's executive committee and the majority of the directors. The members had the opportunity to discuss and question all funding requests during each directorate's detailed presentation to the subcommittee. Directors were also asked to identify any risks to their operations and to address how any new funding would mitigate the identified risks.

Throughout its consideration of the Main Estimates, the committee took into account the changes taking place in the Senate and various ongoing modernization processes. The Main Estimates were prepared based on the assumption that the Senate's level of activity for the planning year would be similar to the level observed in 2018-19 and early 2019-20.

Moving briefly to some of the details of the expenditures, there are two parts within the budget. One is statutory and the other is voted. The statutory portion deals with money allocated by legislation. This includes senators' basic and additional allowances and pensions, senators' travel and living expenses, telecommunications, and employee benefit plans. Any shortfalls in these categories at the end of the year are covered by the Treasury Board. The total amount of the statutory budget is \$35.8 million, almost flat with last year.

The voted items are for the workings of the Senate. They cover senators' office budgets and Senate administration. The total financial envelope for the voted portion is \$79.7 million, an increase of \$1.3 million, or 1.7%.

Within the voted amounts, the senators' office budgets are increasing by \$513,000. This increase is entirely related to the inflation rate of 2.1%. There is also a net increase of \$175,000 for the senators' statutory budget, which includes an increase of \$285,000 for senators' additional allowances and pensions, an increase of \$79,000 for senators' travel and living expenses, and a reduction of \$189,000 for senators' telecommunications expenses.

The next major category of expenses is the Senate Administration, which is increasing by \$225,000, or 0.5%. This amount represents new expenditures of \$1.5 million less the reduction in funding from previous years that ends this year totalling \$1.3 million. For further elaboration, the new funding requirements include the following major items.

One is an increase of \$538,000 for the Chamber Operations and Procedure Office to maintain editing, proofreading and text coordination and for the Human Resources Directorate for reclassification and providing better support in areas such as labour relations and compensation.

• (1510)

Next is an increase of \$261,000 for employee meal and taxi allowances, position reclassifications and additional personal budget for standby provisions.

The last is an increase of \$240,000 for cafeteria services and maintenance services in the new Senate of Canada building.

From a staffing standpoint, the budget includes 10 additional positions, which include three previously approved at CIBA. Management also presented temporary funding initiatives totalling \$1.7 million. These requests, however, will be funded out of the current budget envelopes and there will be no increase. Most significant among the initiatives is a \$1.4 million investment for information technology infrastructure renewal.

The Subcommittee on the Senate Estimates noted that after a \$1.4 million total net increase proposed for 2020-21, \$995,000 has specifically already been approved by CIBA in the current fiscal year. This includes \$544,000 for the organization of two international conferences, \$300,000 for three legal service positions and \$151,000 for corporate services mainly related to software licence costs.

To conclude, I would like to thank the subcommittee for its work and encourage all senators to adopt this report.

**The Hon. the Acting Speaker:** Senator Marwah, will you take a question?

**Senator Marwah:** Yes.

**Hon. Pierrette Ringuette:** Senator Marwah, I know that maybe you don't have this particular information on hand, but I would like for you to provide us with the information that comes under the statutory regime. What is the amount of money for the five following positions: the Leader of the Opposition in the Senate, the Deputy Leader of the Opposition in the Senate, the Senate Opposition Whip, the Senate Deputy Whip of the Opposition and the Chair of the Opposition Caucus? I would like to know what the amount of money is, if there was any increase

in that and how that compares to the three government representatives in the Senate now, instead of the old system where there were five positions. I would certainly appreciate an answer to that.

**Senator Marwah:** Thank you for that question. I don't have the very specific details of each of those lines, but what I can tell you is that, for budgeting purposes, the budgets for the House officers and caucuses were held flat compared with the previous year. However, this morning at CIBA we approved the actual estimates for next year, which are decreased from last year. But I can get you the exact details line by line in due course.

(On motion of Senator Plett, debate adjourned.)

[Translation]

#### THIRD REPORT OF COMMITTEE—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Saint-Germain, seconded by the Honourable Senator Woo, for the adoption of the third report (interim) of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Policy on Prevention and Resolution of Harassment in the Senate Workplace*, presented in the Senate on February 6, 2020.

**Hon. Marilou McPhedran:** Dear colleagues, I rise to speak to the amendment I just proposed to the third report of the Standing Committee on Internal Economy, Budgets and Administration.

[English]

I stand today to ask for your support to amend the third report so ably presented by Senator Saint-Germain. Before I say more about my proposed amendment, allow me to express sincerely both admiration and appreciation for the dedicated work of the senators and officials who produced the proposed policy on the prevention and resolution of harassment in the Senate workplace.

The amendment that I will present at the end of my remarks is in no way an attempt to delay or derail our consideration of this collective decision to update and strengthen this policy. It is because this proposed policy will have such a tremendous impact on many lives and on the reputation of this constitutionally entrenched institution that I am asking to have the proposed policy referred to one more committee for review through the lens of human rights.

In addition to sending the policy to the Ethics and Rules Committees, this amendment, if adopted, would also send it to the Human Rights Committee, or RIDR, to be authorized to study and recommend amendments to the policy.

In the report, a deadline of April 30 has been set for the Ethics and Rules Committees to report back. My amendment has been guided by the importance of timeliness for strengthening our commitment to prevention and resolution of harassment in the Senate workplace.

RIDR would have 30 days to report after they have been formed. If their report was adopted by the Senate, the content of that report would be deemed referred to the Ethics and Rules Committees so that they would have the benefit of human rights analysis in following through in preparing their reports back to this chamber.

To ensure that this human rights analysis is available to the Ethics and Rules Committees before their reports are completed, this motion asks that the RIDR report be tabled with the clerk and made available within 30 days of RIDR being formed.

Colleagues, in my legal career as a human rights specialist and an educator prior to being appointed to the Senate, my experience included representing victims of harassment by more powerful individuals in cases that originated in corporations, universities, governments and other institutions; developing new policies and laws addressing harassment; chairing three independent inquiries into the sexualized exploitation of patients and co-authoring a textbook on preventing sexual abuse in health care professions.

You may be familiar with what is now a worldwide standard used extensively that speaks to zero tolerance of exploitation and abuse. That term was developed in the early 1990s and can be traced back to the first report of the first inquiry that I chaired, where we developed and explained why a zero-tolerance standard was so important.

Since my appointment, I established a confidential line for reporting harassment experienced in the Senate work environment and, along with a number of other senators, I have advocated for better protections for Senate employees who face harassment, with particular attention to the example of the staffers who suffered under former Senator Don Meredith. It was ably sponsored by Senator Nancy Hartling, and many senators faced and named the power imbalances on Parliament Hill.

At the forefront of our consideration in the last Parliament of Bill C-65 — An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act — at the gracious invitation of Senator Saint-Germain, Chair of the CIBA subcommittee, I was pleased to participate on occasion in the early work on modernizing the Senate's anti-harassment policy. While CIBA's thirty-seventh report from the last Parliament is an important part of our next steps in this matter, the final report ultimately presented by the CIBA subcommittee is of some concern and I do believe that giving the Human Rights Committee the opportunity to also look at this report would be very constructive.

We now have the opportunity and the obligation to pay close attention to our responsibilities in ensuring that a new policy is fair to staffers and does not exacerbate dynamics of privilege and power in Senate workspaces. This is no longer a process delegated to a subcommittee of very proficient individuals. This is now our collective responsibility.

Without human rights analysis, I am concerned that we will not have had the opportunity to consider how this report may impact those who are most vulnerable in this institution. As such,

I would like to highlight several points of concern with the proposed policy, which I respectfully offer for your consideration within the context of this amendment.

• (1520)

First, while confidentiality is a mainstay of any complaint process that would create a safe mechanism for vulnerable complainants, I am concerned that the proposed policy effectively enforces non-disclosure provisions — or NDAs, as they are often known — on all participants in the process, from beginning to end, while raising the spectre of disciplinary measures for employees who contravene this requirement.

This is a particular concern given that there seems to be no prospect of an effective appeal for complainants. A complainant who has been wronged will not be able to speak out without risking job-related sanctions. As senators, the secrecy of this regime means that we will have no way of knowing if the proposed policy is meeting its objectives.

Second, and related, the fact that the proposed policy provides that remedial, corrective or disciplinary measures will remain confidential and will not be shared with the complainant is of significant concern. Of course we must respect confidentiality, but to leave a gap for a complainant in not knowing what actually happened as a result of the complaint process is not likely to enforce trust within a system like this.

Third, unlike the 2009 policy, the proposed policy requires claimants to renounce other means of redress, such as under their collective agreement, the Canadian Human Rights Act or even the protections of Bill C-65, once in force, before accessing the formal complaint process in this policy.

The former process reserved discretion to the Director of Human Resources to address instances of overlapping complaint procedures on a case-by-case basis. At a minimum, that discretion should be maintained for the impartial third party under this proposed policy.

Under the 2009 policy, whips were the ultimate decision-making authority for complaints involving senators and staff in senators' offices. Under the proposed policy, CIBA steering committee is responsible for complaints involving staff in senators' offices. The Ethics Committee and a subcommittee of CIBA will be responsible for senator-to-senator complaints.

I suggest we can learn from the thoughtful work of the Standing Senate Committee on National Security and Defence last year. It is perhaps ironic that in the last session of Parliament, in its twenty-third report entitled *Sexual Harassment and Violence in the Canadian Armed Forces*, our very own SECD was of the view that the Canadian Armed Forces required an external body with the ability and authority needed to conduct "stringent external oversight."

External oversight, whether stringent or any other kind, is completely lacking from the proposed anti-harassment policy. When I say this, it is because the impartial third party and the determining authorities, as they are set out, will be employed by CIBA. In effect, they would be employed by us. And I think it is worth at least looking at this through a human rights lens as to whether or not, over time, there is a tilting toward the institution by the proposed new positions.

Given these points of concern, I am wary that the approach articulated in the proposed new policy may perpetuate the Senate as a closed work environment augmented by increased and forced secrecy of the complaint process. This is not likely to benefit those who provide their labour from less privileged positions, positions that we may not always be receptive to as senators.

I note that the Human Rights Committee studied Bill C-65 in the last Parliament, and in their study, I am hopeful that we might receive the benefit of external advice and expertise with respect to the ways in which we might offer the greatest protections for those who assist us in completing our important mandate as senators.

If there are non-disclosure agreements in place for support persons, as the new policy indicates, how can those persons give evidence related to what did or did not happen in the Senate's process? Does their knowledge or the complainant's own knowledge of events become subject to the confidentiality clause that could lead to disciplinary measures because it is information that is likely to reveal the identity of a person involved in a complaint — parties or witnesses — outside of the complaint resolution process?

Furthermore, as making a complaint pursuant to the Canada Labour Code is not a disclosure that is required by law, I am finding it difficult to see how a complainant who brings in an unsuccessful use of the Senate's process will not fall afoul with the letter of that confidentiality wording and would open that employee up to some form of disciplinary action as making an unauthorized disclosure.

These issues are deeply concerning. There is a preliminary examination that has led to my making this amendment. I conclude by reminding honourable senators that secrecy far more often serves perpetrators and their host institutions than it actually helps victims of abused power and breaches of trust.

I will now read into the record the motion that I propose.

MOTION IN AMENDMENT—DEBATE ADJOURNED

**Hon. Marilou McPhedran:** Therefore, honourable senators, in amendment, I move:

That the report be not now adopted, but that it be amended:

1. by replacing paragraph 1 with the following:

“1. (a) That the revised *Policy on the Prevention and Resolution of Harassment in the Senate Workplace*, appended to this report, be adopted;

(b) That the Standing Senate Committee on Human Rights be authorized to study and recommend amendments to the Policy adopted pursuant to paragraph 1(a), when and if the committee is formed;

(c) That the papers and evidence received and taken, and work accomplished, by the Standing Senate Committee on Human Rights in relation to Bill C-65, An Act to amend the Canada Labour Code (harassment and violence), the Parliamentary Employment and Staff Relations Act and the Budget Implementation Act, 2017, No. 1, during the first session of the Forty-second Parliament, be referred to the committee for the purposes of its study of the Policy pursuant to paragraph 1(b);

(d) That the Standing Senate Committee on Human Rights submit its final report on its study pursuant to paragraph 1(b) to the Senate no later than 30 days after the adoption of this report or the formation of the committee, whichever comes later; and

(e) That the content of any report from the Standing Senate Committee on Human Rights presented to the Senate in relation to its study pursuant to paragraph 1(b), if the report is adopted by the Senate, be deemed referred to the Standing Committee on Rules, Procedures and the Rights of Parliament, and the Standing Committee on Ethics and Conflict of Interest for Senators for the purpose of their respective studies pursuant to paragraphs 2 and 3;”;

2. in paragraph 2, by:

(a) adding the words “,when and if the committee is formed,” after the word “Parliament”; and

(b) by replacing the date “April 30, 2020” by the words “60 days after the adoption of this report or 60 days after the formation of the committee, whichever comes later”;

3. in paragraph 3, by replacing the date “April 30, 2020” by the words “60 days after the adoption of this report or 60 days after the formation of the Standing Committee on Rules, Procedures and the Rights of Parliament, whichever comes later”; and

4. by adding the following new paragraph 6:

“6. That the Standing Senate Committee on Human Rights, the Standing Committee on Rules, Procedures and the Rights of Parliament, and the Standing Committee on Ethics and Conflict of Interest for Senators be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, any reports authorized by this report, if the Senate is not then sitting, and that the reports be deemed to have been presented in the Chamber.”

**The Hon. the Acting Speaker:** In amendment, it was moved by the Honourable Senator McPhedran, seconded by the Honourable Senator Hartling, that the report be not now adopted, but that it be amended — may I dispense?

**Hon. Senators:** Dispense.

**The Hon. the Acting Speaker:** On debate.

**Hon. Percy Downe:** Thank you, Senator McPhedran, for your speech. I wasn't going to speak, but I must say, I share your concern about the third party oversight of the harassment policy.

• (1530)

First of all, it's a tremendous improvement. Like you, I want to compliment everyone who worked on it. I know the Senate Administration and staff have been in a difficult position over the years with some of the problems we've had, but the third party has to be beyond reproach and beyond independent. You indicated in your comments that there is a concern they're going to be accountable or somehow overseen by the Senate Administration. Quite frankly, that's a major problem. You're an expert in this area, not me, but we need to find a way to give that group complete independence, in other words, a one-time contract of 10 years non-renewable, so they have no perception of influence by the Senate Administration.

We've had a problem here. We're all talking about recent events, but I've been here a while and we've had this problem for a long time, unfortunately, in the Senate. A number of years ago, I was on Internal Economy. An employee approached me about someone going around the Victoria Building making inappropriate comments. The person came to see me because I was on Internal. What should they do? I said, of course, you go to the human resources department, the administration of the Senate, and it will be resolved.

I did not think to check back because I believed what I was telling the person was correct. It went around in circles. That employee of the senator was eventually charged with very serious crimes in Toronto and went to jail. However, various employees in the Victoria Building had put up with the person's behaviour for a long time with no action being taken.

The heart of the problem, in my opinion, is that the governance model is wrong. Senate employees work for senators. They complain to the Senate Administration. I don't call into question the motives of the Senate Administration at all in my comments, but they're in a conflict because they report to senators.

We must have a strong outside group that is completely independent. Given what has happened here in recent years, I'm amazed most employees, when looking for rights and protection, have not formed either an association or a union. Many employees in the Senate would come to the conclusion that they've seen the enemy, and it is us. If I was a Senate employee, I would be looking for an association or a union, in addition to what we're doing on this harassment policy, to protect themselves. Their rights have to be protected collectively.

One of the groups in the House of Commons has unionized employees. We may want to consider an association. However, that's up to the employees of senators to decide. We need to solidify the rights of the employees so everyone is protected, so nobody goes through what has happened in the past. I share your concern that we have to strengthen that particular area as well. Thank you, colleagues.

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

#### STUDY ON HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS

NINETEENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE DEPOSITED WITH CLERK DURING FIRST SESSION OF FORTY-SECOND PARLIAMENT AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the nineteenth report of the Standing Senate Committee on Agriculture and Forestry, entitled *Made in Canada: Growing Canada's Value-Added Food Sector*, deposited with the Clerk of the Senate on July 15, 2019, during the first session of the Forty-second Parliament.

**Hon. Diane F. Griffin** moved:

That the nineteenth report of the Standing Senate Committee on Agriculture and Forestry entitled *Made in Canada: Growing Canada's Value-Added Food Sector*, originally deposited with the Clerk of the Senate on July 15, 2019, during the first session of the Forty-second Parliament, and placed on the Orders of the Day in the current session pursuant to the order of February 20, 2020, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Agriculture and Agri-Food being identified as minister responsible for the report.

**The Hon. the Speaker:** It is moved by the Honourable Senator Griffin, seconded by the Honourable Senator Black, Ontario, that the nineteenth report — may I dispense?

**Hon. Senators:** Dispense.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## NATIONAL SECURITY AND DEFENCE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROSPECT OF ALLOWING HUAWEI TECHNOLOGIES CO., LTD. TO BE PART OF CANADA'S 5G NETWORK—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Mockler:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the prospect of allowing Huawei Technologies Co., Ltd. to be part of Canada's 5G network, when and if the committee is formed; and

That the committee submit its final report no later than April 30, 2020.

**Hon. Thanh Hai Ngo:** Honourable senators, I rise today in support of Senator Housakos's motion to authorize the Standing Senate Committee on National Security and Defence to study the prospect of allowing the Chinese company Huawei to be part of Canada's 5G network.

Allowing the committee to study the implications of permitting or not Huawei to have access to our 5G network is of paramount importance. Huawei's bid to build the next generation of mobile communication in Canada is causing some grave concerns for the future of our safety and privacy because of the real threat China poses to our national security and cybersecurity.

[Translation]

China's communist government is using state-owned enterprises and private Chinese companies to interfere in our and our allies' communication networks.

In October 2018, *Bloomberg* reported that China had spied on and hacked into more than 30 American companies, including Amazon and Apple, using tiny microchips that are not much bigger than a grain of rice.

Assembled on a motherboard by the Chinese manufacturer, these microchips were discovered in Department of Defense data centres, the CIA's joint operations centre and the onboard networks of navy warships.

[English]

More recently, on February 10 of this year, four members of the Chinese People's Liberation Army were charged by the U.S. in what is considered to be one of the largest hacks in history, the 2017 Equifax breach. That breach consisted of stolen trade secrets as well as the personal data of 145 million Americans, namely their names, dates of birth and Social Security numbers.

On that day, U.S. Attorney General William Barr held a press conference announcing the charges. Those charges came after two years of investigation. During that press conference, Barr said:

Indeed, about 80 percent of our economic espionage prosecutions have implicated the Chinese government, and about 60 percent of all trade secret theft cases in recent years involved some connection with China.

He further stated that the hack:

. . . caused significant financial damage to Equifax . . . and imposed substantial costs and burdens on [Americans] as they have had to take measures to protect against identity theft.

This data has economic value, and these thefts can feed China's development of artificial intelligence tools as well as the creation of intelligence targeting packages.

Colleagues, almost half of the U.S. population was affected by this staggering hack, which was perpetrated by China's military. That is utterly outrageous. These two examples are amongst many others when it comes to China.

Colleagues, as far back as October 2012, the U.S. House of Representatives' Permanent Select Committee on Intelligence released its *Investigative Report on the U.S. National Security Issues Posed by Chinese Telecommunications Companies Huawei and ZTE*, after fully investigating their operations for almost a year.

In that report, the committee referred to:

. . . an ongoing onslaught of sophisticated computer network intrusions that originate in China, and are almost certainly the work of, or have the backing of, the Chinese government.

The report then concluded:

China has the means, opportunity, and motive to use telecommunications companies for malicious purposes.

Honourable senators, as you all know, three of our Five Eyes allies have now recognized the surveillance threat that Huawei represents. The U.S., Australia and New Zealand have all expressed their concerns about Huawei, barring Huawei from implementing its technology based on national security grounds as this Chinese company poses a significant national security risk.

• (1540)

Colleagues, it is not only our Five Eyes partners that have expressed their concerns about this Chinese company, but also other countries, as well as many security intelligence agencies and reputable experts.

Poland and even Japan have also recognized the cybersecurity risks Huawei's technology represents to their national security.

In December 2018, the Canadian Security Intelligence Service Director, David Vigneault, warned us in his first public speech about increasing state-sponsored espionage in Canada that namely targets our companies and universities, and even the government. He defined foreign interference and espionage as “the greatest threat to our prosperity and national interest.”

[Translation]

In August 2019, the *National Post* obtained notes and speeches given by Mr. Vigneault since 2018, through an access to information request. The newspaper reported that in a presentation to university administrators in the spring of 2018, he said that China represents “the most significant and clear” challenge when it comes to espionage targeting Canadian campuses. In the fall of 2018, at a cybersecurity workshop in Ottawa, Mr. Vigneault warned attendees that China’s building of 5G networks around the world was giving rise to “new espionage and disruption risks” and described China as “one of the biggest threats facing our countries” because of the wide range of its cybertargets.

[English]

Furthermore, three of our former top CSIS Directors, who are leading national security experts — Ward Elcock, Richard Fadden, and John Adams — have also warned the federal government that Huawei cannot be trusted.

At the end of January, Ward Elcock cautioned on not letting Huawei in our 5G network rollout and to not even follow what Britain has done by giving partial access to Huawei. He said that when it comes to the intelligence sector, compared to Canada, Britain is a “bigger player.” He also stated that:

China is, at the end of the day, not a friend. . . . it is our major counter-intelligence target. Why would you bring your major counter-intelligence target inside the tent?

Honestly, colleagues, I agree with him. Why would we do that? Why would we deliberately expose and risk our national security and ourselves? It is literally like handing over your house keys to a thief.

Richard Fadden, in his *Globe and Mail* op-ed from January 2019, mentions a number of reasons as to why so many security intelligence experts have warned us and sounded the alarm when it comes to letting Huawei get involved in our 5G network.

[Translation]

One of the reasons is the very close relationship between Huawei and a Chinese government that, it must be said, has an impressive history of cyberespionage. Another extremely significant reason is China’s 2017 National Intelligence Law, which gives Beijing the power to compel individuals and companies, both public and private, and those who do business abroad, to cooperate with Chinese intelligence agents on demand or go to jail.

[ Senator Ngo ]

As far back as 2010, Mr. Fadden warned that China was trying to infiltrate and influence Canadian institutions, including provincial and local governments and universities. Like all the other experts, Mr. Fadden is also calling on the government to ban Huawei in order to ensure Canadians’ protection and safety.

[English]

Colleagues, two weeks ago, even our senior military officials and Canada’s top soldier came out in the media asking the government to ban Huawei as this Chinese company is a real threat to our national security.

This week, the Special Committee on Canada-China Relations released documents provided by Global Affairs in which it is stated that Canada, instead of working with China, should actually look into distancing itself from China and work instead with like-minded allies and nations. Those documents further state:

The crisis has demonstrated Beijing’s readiness and ability to use aggressive economic and political levers to punish Canada (a pattern observed in China’s other bilateral relationships), and to propagate norms of international relations inimical to Canada’s interests.

Furthermore, do we really want to risk the U.S. cutting off intelligence sharing with us, as they said they would if we allow Huawei in our 5G network? This situation isn’t something to take lightly; it is extremely serious.

Our most prominent security advisers, our Five Eyes allies and many others are taking a clear stance on this and their sound advice must be imperatively followed.

Honourable senators, it is quite clear that Huawei will most probably be called upon at any time by the Chinese single ruling party to spy and gather data on adversaries and competitors — if it hasn’t happened yet.

As such, Huawei cannot and must not be trusted with our 5G network since it is not free of the Chinese government’s influence. Canadians are anticipating their governments’ implementation of 5G mobile technologies but not to the detriment of their security and privacy. They deserve to know all of the implications and risks this Chinese company poses. They deserve to know the dangers they could be exposed to from a foreign threat hovering over their heads. The importance of this shouldn’t be sold short. This motion is unequivocally of paramount importance.

The Standing Senate Committee on National Security and Defence should most definitely be allowed to study the implications of permitting Huawei — or not — to have access to our 5G network.

**The Hon. the Speaker:** Senator Duffy, do you have a question?

**Hon. Michael Duffy:** Yes. Would the honourable senator take a question?

**Senator Ngo:** Sure.



**Senator Duffy:** Given the fact that telecommunications are a federal responsibility, and given the fact that this is not a secret issue — it's been around for a while — is the honourable senator at all reassured by any of our major telecoms about the position they are taking on this critically important issue? Have we heard anything from the phone companies about standing up for Canada?

**Senator Ngo:** Thank you for your question. I think that's a question we should ask the Government of Canada because they know all the companies and they vetted the security for those companies. I don't have any of those phone companies approaching me. You also have there the Leader of the Government in the Senate. He will be able to answer your question. Thank you.

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

• (1550)

## 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. Rosa Galvez:** Honourable senators, I rise today to speak to Senator Coyle's inquiry on Canada's path to decarbonization.

Current average global temperatures are close to 1.2 centigrade above pre-industrial levels. Canada has experienced twice that warming and the Arctic three times. These changes are leading to intense heatwaves, melting permafrost, sea-level rise, intense and frequent extreme weather events, loss of biodiversity and species extinction. Each of these impacts, in turn, cause a series of domino effects that infiltrate every facet of our society.

We have upset the delicate balance of the life-support systems provided by our planet. Stresses to our atmosphere, cryosphere, hydrosphere and biosphere result in the destabilization of natural systems, which are becoming less predictable. For example, changes in temperature and precipitation patterns are reducing crop yields in some regions, and severe weather events are displacing families. Both disproportionately affect vulnerable populations.

The thawing of permafrost is causing \$51 million worth of damage to the Northwest Territories' public infrastructure each year. Canada's Northern communities and industries are particularly vulnerable because they rely heavily on permafrost for the foundations of their buildings and roadways. Through my

work on cumulative impacts in the Mackenzie River watershed, I learned that this huge watershed is a key natural water-ice-climate system that helps stabilize the whole Earth's climate.

When we look at coastal erosion in the Arctic, some islands are experiencing coastline loss at a rate 20 to 30 times faster than anywhere else in Canada. We are talking about losses of over 40 millimetres per year. Last spring, during a mission to the Arctic with the Canadian Navy, I learned that, in less than 10 years, we have gone from measuring erosion in millimetres per year to metres per year. Senators, we are literally losing our territory to the oceans.

The science is clear, and if we don't listen and act, this generation of politicians — you and I included — will be remembered as indifferent. We all know dramatic negative impacts associated with climate change are not a distant future; they are getting worse day by day. If we wish to maintain any semblance of the prosperity and well-being that we enjoy today, we must act now on two fronts: attenuate emissions and adapt to climate change.

Earth's support systems, like emissions, do not know borders. It is essential to see the Earth in a holistic manner, a network of interconnected systems that must be considered as a whole. Emissions from each country are shared with others, and our fates are intertwined. For example, the downstream emissions associated with the combustion of the fossil fuels that Canada exports every year are just as important as the emissions that occur within our borders, doubling our annual footprint. These emissions will have an impact in Canada even if they occur abroad. We all share the same atmosphere.

The extraction, processing and combustion of fossil fuels for energy are the primary emitters of greenhouse gases. In fact, 78% of the total increase in emissions between the 1970s and 2010 are due to fossil fuel combustion and industrial processes. Our reliance on them and reluctance to switch to less carbon-intensive sources are resulting in a slow and inefficient decarbonization process.

Our past inaction means the era where incremental reductions would have sufficed is behind us, unfortunately. Only rapid transformation can be meaningful at this point. We need to avoid the improvement trap where some reductions occur in the short term but impede the essential need to see the big picture of transition.

Colleagues, the climate protests of 2019 and the prominence of climate action as an election issue have demonstrated the public concern for this issue. The majority of Canadians from all provinces believe energy transition is necessary, and they voted for parties with climate plans.

Financial institutions are reacting. We have to listen to the economy. In 2017, global investments in renewable energy exceeded \$279 billion, adding to a cumulative \$2.2 trillion since 2010. Investments in fossil fuels are melting away, exactly as our Arctic. To date, \$14 trillion from over a thousand institutions have been divested from oil and gas companies. Divestment includes the Norwegian \$1-trillion sovereign wealth fund and BlackRock, the world's largest fund manager, announced its

withdrawal. Insurance companies, such as AXA, Swiss Re and Zurich Insurance, have announced they will no longer provide coverage to unconventional oil projects.

Rather than rally Canadian financial institutions and our pension funds to shore up a sunset industry, we would be better placed putting these resources toward a just transition for workers. This year, a government research report produced by Finland's government warns that the increasingly unsustainable economics of the oil industry could derail the global financial system within the next few years. We are not talking decades.

This government has committed to exceed Canada's 2030 emissions reduction goal and make Canada a net-zero emitter of greenhouse gases by 2050. To accomplish this, they will set legally binding five-year milestones and appoint a group of experts to recommend the best path for reaching that target. Enshrining accountability mechanisms in law will be the key to ensuring we don't keep following this trend of adopting targets that are not achievable and that we keep missing.

In the spirit of Senator Coyle's inquiry, I urge the government to act on this promise. It is time to take advantage of this opportunity to fundamentally improve upon our social and economic institutions; to shake off past and wrong ideologies; embrace evidence and facts; and create a plan that is ambitious, transparent and accountable.

We are not alone in this objective. Two nations have already achieved net-zero emissions and 67 countries, including the whole EU, have taken significant steps toward implementing net-zero targets. The leading countries have enshrined their policies in law or formed cross-party coalitions to set their plans in motion. We, the tenth largest economy in the world, remain lagging with 102 other nations behind the most important issue of the 21st century.

A domestic discussion has started budding around decarbonization. The Deep Decarbonization Pathways Project, the Energy and Materials Research Group, the Trottier Energy Futures Project, The Solutions Project and the Winning on Climate Action Plan have all proposed ways forward and collectively point to the need to reimagine how cultural norms and behaviours must change. Hopefully, the brand-new Canadian Institute for Climate Choices, a collection of some of our nation's leading experts in climate change mitigation and clean growth, will contribute to this important endeavour.

[*Translation*]

Canadians are innovators, and we must allow individual creativity to reinvent the future around a great social dialogue, starting by ensuring that the issue of climate change is incorporated into curricula and training programs across Canada, using Italy's recent initiative as an example.

[ Senator Galvez ]

• (1600)

I would like to draw your attention to one initiative in particular. Quebec's Front commun pour la transition énergétique has proposed a road map that will enable that province to achieve net-zero emissions by 2050 in all key sectors of society. The document is the result of a collective, iterative process that required the participation of community-based NGOs, NGOs dedicated to the environment, human rights, development and the economy, as well as civil society groups, Indigenous communities, farmers, unions and academic researchers. Everyone must participate. Those groups established an iterative process so that reflection and consultation could continue with the goal of developing a social consensus around a transformational and positive vision of the future.

I hope to see more such initiatives across the country, and I hope that we, as parliamentarians, will do everything we can to encourage them.

[*English*]

The best decarbonization plan will span many sectors and invoke a variety of tools and technologies. One such set of tools are nature-based solutions which employ ecosystem services to reduce emissions and store carbon. They present cost-efficient, energy-passive, low-maintenance and resilience-building solutions that also bring co-benefits such as constructing carbon sinks, developing habitats and protecting biodiversity and ecological services, but most importantly, it opens opportunities for economic development. Forest management, wetland preservation and conservation and agriculture are examples of nature-based solutions. It was the topic of the panel of discussion that I hosted yesterday, and I thank very much those who came and participated from all parties.

Another low-hanging fruit is the mandatory adoption of building codes. Energy efficiency in the construction industry and electrification of our mass transport are easy steps forward that we must adopt now.

Often we hear arguments about the cost of action and how much it is going to cost for these initiatives. Colleagues, I challenge you to justify the economic, financial, societal and moral costs of our inaction.

In 2011, the National Round Table on the Environment and the Economy predicted the cost of inaction could reach \$91 billion per year in Canada by 2050. Severe weather events have already cost \$1.9 billion in insured damages in 2018, up from an average of \$405 million per year between 1983 and 2008. Who is paying all of those costs? All of us. Of course, the more vulnerable pay the bigger bill.

In conclusion, I wholeheartedly support Senator Coyle's initiative on this. The time for rhetoric has passed, and our window for action is narrowing.

In that regard, I want to note that the other house has an all-party climate change caucus which organizes educational events for MPs. I urge my colleagues to participate in these events and to think about forming such a caucus in the Senate.

Nelson Mandela said:

Our deepest fear is not that we are weak. Our deepest fear is that we are powerful beyond measure . . . . As we are liberated from our own fear, our presence automatically liberates others.

We have the knowledge and technology. There has never been more economic means than today. The only thing missing, dear colleagues, is the courage to move forward boldly and together. It is time to be powerful.

(On motion of Senator Pate, debate adjourned.)

### ARCTIC ISSUES

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Bovey, calling the attention of the Senate to the need to renew and further its interest in Arctic issues.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today to talk about a topic that is, for obvious reasons, very close to my heart as a senator from the Arctic. I won't cover the same ground that Senator Bovey so eloquently described in her speech when launching this inquiry, except to say that I agree with and fully endorse everything she said. We do need to have a dedicated committee studying the Arctic, a huge region comprising the longest coast and 40% of Canada's land mass.

In the last Parliament, we focused our study on the six — which later became eight — main themes of the current government's Arctic and Northern Policy Framework, with a view to helping put flesh on those bones. In the end, I feel the report our committee produced was not only timely and relevant but full of actionable recommendations and formed a basis for clear policy directives.

As Senator Bovey aptly pointed out, there are many "interrelationships between the myriad issues." It is integral to the future safety and prosperity of the Arctic, and so of Canada, that policy decisions are undertaken with a full understanding of these interrelationships.

I want to give some examples of current issues which do not neatly fit into ministerial portfolios. For example, I draw to the attention of my honourable colleagues a policy statement recently made at the International Maritime Organization. Minister of Transport, Marc Garneau, and Minister of Foreign Affairs, François-Philippe Champagne, announced Canada's full support for a full ban on heavy fuel oils. On June 21, I stood in this chamber and supported the initiative as it was driven by Inuit leaders. I have always supported the right of Inuit to make decisions about their traditional homeland. However, at the time, none of us had access to the information we have today.

*Nunavut News* recently reported that:

A Transport Canada report estimates that sealift could cost four to 11 per cent more — \$248-\$679 per household — if ships are no longer allowed to use heavy fuel oils. That would affect the cost of food, furniture, appliances, construction materials, harvesting supplies, medical equipment, electricity and mining operations.

The report goes on to state:

Any increase in consumer goods costs, even as low as four per cent will impact the purchasing power of already vulnerable communities.

Nunavut's Minister of Economic Development and Transportation, David Akeagok, in response to this report, said:

The cost of banning the use and carriage of heavy fuel oil in Arctic waters cannot further add to everyday expenses like food, household items, materials . . . . The Government of Nunavut will advocate that any ban include measures to offset the cost to Nunavummiut and industry.

It was just announced yesterday that a subcommittee of the IMO is proposing a ban on heavy fuel oils but with a proposed provision that could exempt Canadian Arctic sealift vessels from the new rules until July 1, 2029. So we need to ask: Has the Government of Canada discussed potential offset measures with the Government of Nunavut and other Arctic jurisdictions? What are the potential impacts of this ban on resource development, shipping and other related industries?

Equally worthy of parliamentary scrutiny is our approach to protected areas. Canada's increased targets for terrestrial and marine protected areas may also have an impact on development in the Arctic. Many will immediately think I mean resource development. While I have not hidden my support for responsible development in the North, I must point out to senators an important distinction: Canada's position is that areas that count as protected lands adhere to the strictest of the International Union for Conservation of Nature's six protected areas categories. These categories not only disallow natural resource development but also require that areas have:

. . . the absence of permanent infrastructure, extractive industries, agriculture, motorized use, and other indicators of modern or lasting technology.

• (1610)

Colleagues, permanent infrastructure and indicators of modern or lasting technology refer to roads, deep-sea ports, broadband infrastructure, energy infrastructure and other investments that northerners are clamouring for. Our report had several recommendations related to infrastructure and development due to the frequency with which it was brought up as a priority for those in Canada's Arctic.

According to *Canadian Geographic*, Nunavut is the largest contributor to Canada's protected areas, making up 21.4% of the total. Second to Nunavut is Quebec at 14.3%. What will happen in this increased push to protect even more land? How much of the territory must have opportunities for growth and economic independence closed to it?

If Canada wants to be able to point to a higher percentage of protected areas to burnish its environmental credentials, perhaps it would be open to including land that falls under IUCN Category VI protected area with sustainable development.

As Premier Savikataaq stated in his statement to the Nunavut Legislative Assembly just last week:

The creation of any new conservation and protected areas in Nunavut would have a significant impact on our ability to manage our lands and resources and carry out negotiations for decision-making, leading to potentially very serious consequences.

Should we not then look at how Canada's policy objectives and the objectives of northern leaders can be married in such a way that both sides win? A dedicated committee with parliamentarians who have built up expertise in northern affairs could make common sense recommendations like this, and there is no equivalent committee on the House of Commons side.

Finally, let's turn to a topic of interest for many Canadians — our safety, security and sovereignty. On February 13, 2020, U.S. General Terrence O'Shaughnessy told the U.S. Senate Committee on Armed Services that the U.S. and Canada have lost our military advantage in the North to Russia. President Putin has made it clear that his first and highest priority is to develop Russia's Arctic as a powerhouse economy for a nation whose overall economy is struggling. He also means to instill pride in Russia as a great northern country and an attractive and lucrative transportation shortcut to Asia, the so-called Northern Sea Route.

The evidence of Putin's vision for developing Russia's significant energy resources onshore and offshore is plentiful. In January of this year, four new acts were passed to spell out Russia's Arctic strategy until 2035.

This strategy includes strong tax incentives for offshore and onshore extraction of hydrocarbons, with an emphasis on LNG onshore and an ambitious infrastructure program of seaports and pipelines. Russia is also making huge investments in the Northern Sea Route not only to give Russia access to Arctic natural resources but also to provide a maritime corridor for Chinese goods travelling to Europe.

A significant theme of Russia's strategy recognizes that the Arctic zone in Russia, which contributes about 10% of Russia's GDP, is significantly underpopulated. Russia has recognized that all the major components of the Human Development Index in the North are higher than the Russian average. If this sounds familiar, it may be because that's the situation in Canada's North as well. As a result, the Russians have noted the population of the Russian Arctic has decreased substantially over the past 15 years. In response, Russians have decided to increase the attractiveness of the North by welcoming foreign investment in new economic

opportunities, creating jobs through large regional megaprojects and welcoming youth and young professionals through mortgage subsidies.

Turning south, we see Donald Trump has his eyes on developing the energy resources of Alaska as another means of reducing U.S. demand for foreign oil sources to meet its energy needs. Professor John Higginbotham, at Carleton University, a recognized expert on northern affairs, also describes measures being taken by the U.S. to bulk up its presence in the Arctic in his op-ed entitled, "We need an economic vision for the Arctic, but Canada lacks the leadership." He describes a bill introduced in the U.S. Senate for new Alaskan Arctic ports and marine transportation systems to support newly authorized heavy Coast Guard icebreakers and increasingly active U.S. Navy surface ships in the Arctic.

A more sinister aspect of Putin's vision for the Arctic is the development of advanced weapons systems, including hypersonic missiles which will apparently be able to fly up to five times the speed of sound, which can be launched from the air in the Soviet Arctic — and China may well be following in developing such advanced weapons.

Canada has so far not budgeted to modernize our aged north warning system, and Canada has declined to join the American anti-ballistic systems. What of Canada? What is Canada's vision for the Arctic?

The Arctic policy framework gave goals but left questions. Professor Higginbotham had this to say:

The APF was originally billed as a blueprint for Canadian Arctic strategy and actions up until 2030, integrating domestic and international challenges and directions. For three years, the government has repeatedly promised, pirouetted and postponed the "co-development" and release of this framework.

Many hoped the result would be a bold and comprehensive white paper on the future realization of Canada's nation-building project in the high north, balancing security, social, environmental, Indigenous and economic goals, especially through a long-term, wealth producing infrastructure plan.

Such a national Arctic investment plan with a strong maritime emphasis could enable the communities and regional governments to flourish in this new tough, competitive environment.

Instead, a patchwork of ad hoc departmental policies and budget announcements appeared, reflecting the progressive identity and social narrative of the Trudeau team, but before a guiding framework was developed and debated by northern and southern Canadians.

Honourable senators, this is why we need a committee dedicated to the Arctic. We cannot allow investments and decisions to continue being made for the North without the proper scrutiny and a transparent and accountable avenue for northerners to ensure that their perspectives are heard and accounted for. A committee on the Arctic would be able to provide that. Thank you.

**Hon. Rosa Galvez:** Good afternoon, Senator Patterson. I'm happy to see you back in the Senate. Will you take a question?

**Senator Patterson:** Yes.

**Senator Galvez:** I think we all agree that what is happening in the Arctic and the changes in the Arctic are important and are reasons for study, and that we are not very present in the North. It's true that the Russians are more present in the North. Research and the army say that.

What should be the mandate of this committee, and what should be the three priorities that this committee should look into?

**Senator Patterson:** Thank you for the question. Well, the mandate of the Special Committee on the Arctic, which really only had about one year to do its work once it was established, was to examine the rapid changes taking place in the Arctic, and I think that is still a fundamental mandate that the committee should deal with.

As to priorities for study, I think that would have to be up to the new committee, but I will say that, for example, referring to your recent speech here on climate change, for years there has been talk in our government of reducing the dependency on fossil fuels in the Arctic. As you know, my territory of Nunavut is 100% relying on diesel for power generation and home heating. There is no significant alternate energy.

If Canada is committed to climate change, why are we not developing new alternative technology, which we would love to embrace in the North to replace difficult-to-handle and highly greenhouse gas-emitting fuels? That question of sustainable energy would certainly be one priority.

The other priority that clearly came out of our committee study was the need to develop infrastructure and how it could benefit not just the North but all of Canada and contribute to the growth of Canada's GDP.

I'll stop there but those are thoughts off the top of my head.

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

• (1620)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

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

**Hon. Leo Housakos,** pursuant to notice of February 25, 2020, moved:

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.

He said: Honourable senators, in many ways, today's Senate is a very different institution than the one that I was appointed to more than a decade ago.

I do not wish to be political. Politics has no place in this issue that we're about to discuss. I'm not referring to the changes that have been implemented over the last four years; I'm talking about the much-needed changes that started almost seven years ago. These are changes that were made through leadership cooperation and the willingness on the part of all senators.

Honourable colleagues, none of what I am about to say is intended to be self-congratulatory or defensive. It's not meant to discount mistakes that were made in the case of Don Meredith or what was felt and is still being felt by the people he treated so very poorly.

On the contrary, I want to take this opportunity to explain to those of you who were not here at the time a bit of what was happening and the enormous change in culture this institution has undergone as a result, which, of course, is for the better.

At the time this institution was hit with the Don Meredith harassment scandal, we were already fighting for credibility and relevancy in the midst of expense scandals. We knew it would not be enough to deal with either of these matters in the old way. We knew that remedies to these issues would put us in uncharted waters.

While it may be easy now to look back in hindsight and criticize and second guess, I assure you that at the time the Senate took the steps it did in a genuine effort to do the right thing and bring this institution in line with modern principles and practices. That is an effort that is ongoing and evolving.

It may surprise some of you to know that the Senate's *Ethics and Conflict of Interest Code for Senators* that we have today is a relatively new document. Prior to 2004, most conflict of interest rules for senators were encompassed in legislation and the *Rules of the Senate*.

Changes to the Parliament of Canada Act in 2004 first created the Office of the Senate Ethics Officer and required the Senate to adopt the *Conflict of Interest Code for Senators*. While there were various versions of such a code that were adopted through the years, it wasn't until 2014 that it became the *Ethics and Conflict of Interest Code* that was further strengthened and substantially changed in 2015. Up until 2014, the section on Rules of Conduct did not include anything about ethical behaviour or conduct unbecoming. The only actions covered under the section were those pertaining to items like furthering private interests and use of influence.

I won't read the whole clause of section 7.1 of the code, but I will start by quoting this:

7.1(1) A Senator's conduct shall uphold the highest standards of dignity inherent to the position of Senator . . . .

(2) A Senator shall refrain from acting in a way that could reflect adversely on the position of Senator or the institution of the Senate.

Colleagues, that section was added as recently as 2015 under then government leader Claude Carignan and opposition leader James Cowan and the Internal Economy leadership of the time. It was under their leadership in 2014 and 2015 that the Ethics Committee overhauled the code and gave us the robust ethics code that we have today. It was that particular clause that Don Meredith was eventually found to be in breach of.

That wasn't the least of the reviews and subsequent changes that were made under the leadership of Senators Carignan, Cowan and Speaker Nolin and his colleagues on steering. Two of those colleagues are still in this chamber. We had the audit of the Auditor General taking place at the same time at the Senate's own invitation. We embarked on other reviews by independent outside bodies to help us identify and address deeply ingrained deficiencies that we knew we had.

For one, we realized that senators had all but abdicated our authority and responsibility in overseeing the Senate's administrative operation. We also recognized that our administrative rules and policies were rife with redundancies and inefficiency. We knew that it was time for the Senate to pull back the curtain on what it was to do in terms of procedure and operationally.

The then Speaker Pierre Claude Nolin and his colleagues on Internal Economy took the decision to become more hands-on in the day-to-day operations of the Senate. A new management structure was put in place that ensured administrative staff were accountable to senators rather than to the Clerk of the Senate.

We undertook an extensive review, an amalgamation of rules and policies governing our office expenses that eventually resulted in the Senators' Office Management Policy. We also undertook a functional review of various directorates within the Senate starting with the Senate Communications Directorate. Later, we did a review of the Senate Human Resources Directorate, which, given what we now know about the handling of the Don Meredith case, we clearly needed to do.

Internal Economy started holding meetings in public and eventually broadcasting those meetings. That was unheard of at the time, but it needed to be done. We adopted a new proactive disclosure model and posted it online, along with attendance and rules governing the Senate. Imagine, that wasn't being done prior to 2015.

Colleagues, I'm telling you all of this because it is very important to note that we knew we had problems here and we knew we had to take unprecedented steps to address them.

That brings me, of course, to the case of Don Meredith. I was first told about the workplace assessment briefly in my capacity as Speaker pro tempore under Speaker Nolin. As Pierre Claude became increasing ill in 2014, early 2015, I began taking on more of his responsibilities as Speaker. When I became Chair of Internal Economy following Pierre Claude's passing, I received a full briefing on all matters before Internal Economy, including the matter of his workplace assessment.

At some point in 2014, something had Senator Nolin concerned enough about the staffing in Senator Meredith's office that he and his steering colleagues felt it wise to take the unprecedented step of hiring an outside firm to conduct a workplace assessment.

Taking that step wasn't written anywhere at the time, colleagues. There was a harassment policy in place that required the filing of a formal complaint before any action was triggered. That remains the case with the new draft policy that's currently before the Senate for consideration. A formal complaint is required before any investigation is initiated.

So absent a formal complaint, the Senate's hands were tied. We now know that at that time staff didn't feel comfortable filing a formal complaint because they were concerned that the Senate's Human Resource Directorate wouldn't act appropriately.

Knowing Speaker Nolin as I did, colleagues, I feel safe in assuming that's why Pierre Claude and his fellow senators on steering took the sage decision they did in hiring an outside investigator. I can't speak to what they knew. I just know that they clearly felt something had to be done.

At some point, CTV news reported that this investigation was taking place, and it was the news report that apparently prompted a teenage girl to go to another media outlet and tell the story of an inappropriate relationship Senator Meredith had been having with her.

Colleagues, it was that report in the *Toronto Star* that formed the basis of the first complaint that I sent to the Ethics Officer about Don Meredith. While these new allegations came as a complete surprise to us, we did not hesitate to ask the SEO to investigate. When the workplace assessment was complete, we didn't hesitate to file a second complaint with the Senate Ethics Officer.

This is where I want to make a few things abundantly clear on the record because there appears to be a great deal of confusion. This is also where I can speak with authority on the subject because I was the Chair of Internal Economy at this particular point.

First, the report was tabled in camera with steering as a privileged document because witnesses and victims wanted it that way. Many had cooperated with the investigation only under the condition of anonymity and confidentiality, much like the conditions of confidentiality and anonymity that were rightfully provided to the two people involved who went before Internal Economy and gave testimony last week.

That is what needs to be made clear. This was not done to protect Don Meredith. This was done to protect the victims and the witnesses. Remember, they weren't willing to file a formal complaint out of fear of reprisal. They certainly wouldn't have cooperated with an investigation if they weren't provided safeguards. The way to do that was to table the report with steering. Once that was done, there was no question that it warranted a second complaint to the SEO. That letter of complaint was written.

The other thing that seems to be causing confusion is because of lack of information. It was not just that the letter was sent to the SEO, the report in its entirety was also provided immediately to the SEO. I want to repeat that on the record: The workplace assessment report was provided in its entirety to the SEO within days of the Senate receiving it. It not only formed the basis of the complaint, but actually provided the office of the SEO with a road map with which to conduct their investigation.

• (1630)

Colleagues, I can't speak to who did or didn't invoke privilege as individual senators. I can only speak for my own actions, and I certainly didn't invoke such privilege. The workplace assessment had privilege attached to it by way of it being tabled at steering in a simple effort to protect the victims and witnesses who made the report possible. Privilege was not mine to invoke, colleagues.

This is a very important point that bears repeating because a lot of people wrongfully assume that the privileged nature of the document was an impediment to the SEO's work and that's just not the case. I understand that is cited by the SEO as something that added to the delay, but I think that is being misinterpreted. I will say it again: The report was an invaluable tool to the SEO, without which he couldn't conduct his investigation.

The SEO also noted several other causes of delay, including parallel investigations by the police which froze his investigation, one of which I believe was initiated by the SEO himself. There is no doubt that the many delays in this matter were unfortunate, to put it mildly. But it would be inaccurate and unjust to many people, including the victims, to characterize the delays as a deliberate attempt to stand in the way of getting at the truth. The Senate so strongly believed that these victims and witnesses deserved to see this matter come to a right and proper conclusion that even when, in accordance with the code, the office of the SEO ceased their investigation upon Don Meredith's

resignation, the Senate asked the SEO to continue their work on this particular complaint. I'm not sure most people realize that we, as an institution, had to do that.

Don Meredith resigned after the first report of the SEO that dealt with the matter of his inappropriate relationship with a teenager. Under the code, once a senator resigns, all investigations cease. However, senators felt very strongly that these victims deserved not only to see Don Meredith no longer sitting in this august chamber, they deserved to have their stories told and to be heard. That's what happened. It was left to the Senate's Ethics Committee to explicitly ask the SEO to continue the second investigation into Don Meredith based on the workplace assessment.

Colleagues, I'm not saying any of this to make excuses or to attempt to mitigate the pain and frustration felt by the victims. I don't know that I could ever truly understand the impact this has had on their lives. I just wanted to take the opportunity to address some of the confusion and inaccuracies about this matter that have been perpetuated by colleagues who, without being in possession of all the facts and context, continue to speak to the media and each other as if they are authorities on the subject matter.

I am moving this motion because it is clear that the current committee will be continuing its analysis of the decisions that were made and actions that were taken at the time, as is their prerogative. I can certainly empathize with the victims and understand their desire to fully air all of this out. In so doing, it is not only appropriate but imperative that the current committee have in its possession the same information that we had available to us at the time when we made the decision to file the complaint with the SEO.

Not to put too fine a point on it, but out of respect for someone who is no longer here to defend his decisions, in closing I want to say that I'm not surprised that the Honourable Pierre Claude Nolin would have taken the action he did in commissioning the workplace assessment into the office of Don Meredith. It was unprecedented. It required leadership, and that is what Speaker Nolin did.

I knew Pierre Claude for most of my adult life. He was a deeply principled man. He would have never let a flawed process stand in the way of doing the right thing and he certainly didn't do that here. I believe that he and his colleagues on steering at that time did the right thing. Despite not having guided policy for what they did, they instead allowed their principles to guide them. I know that Speaker Furey was on that steering committee and he needs to be commended for the leadership that was provided.

Don Meredith is no longer in this chamber as a result of the actions that were taken not only by the Senate, but more importantly by the victims themselves and the witnesses. They are all to be commended for stepping forward and telling their stories. We had to make sure that we provided the proper environment and a vehicle through which they felt safe enough to get it done.

That's one of the lessons we appear to have taken from this. Our policy at that time didn't allow that environment or vehicle, so members of steering went outside the policy and took the unprecedented steps of hiring that outside investigator. That is something that is now enshrined in our new proposed policy, which is a good thing. It will now be up to the new committee to deal with this by way of what they feel is the best path forward. In order to do that properly, they should have all the information available to them, have it in a timely fashion and have all the context as well.

For the victims of Don Meredith, I sincerely hope for some form of peace and knowledge that your voices have finally been heard and justice has been served to some degree. If sharing the report with the current committee can help in achieving that in any way, I certainly won't stand in the way. I hope, colleagues, all of us lift privilege in an expeditious fashion and provide this report to members of Internal Economy. That is why I want and I hope all of you support this motion. Thank you.

**Some Hon. Senators:** Hear, hear.

**The Hon. the Speaker:** Senator Housakos, I believe Senator Moncion would like to ask a question, but your time has expired. Do you wish to ask for more time?

**Senator Housakos:** I will ask for five more minutes. I would be happy to take the question.

[*Translation*]

**Hon. Lucie Moncion:** We have been working on the harassment file for nearly two years and maybe even longer. We have heard from witnesses and done a lot of work. This much-talked-about document has never been made available, and we were told several times that we could not have access to it. Can you tell us why we can have access to it now? Why now, after all this time?

[*English*]

**Senator Housakos:** It only recently came to my attention, senator, that there is a call to have this document. You're absolutely right, Internal Economy could be well served by having this document. Once you receive the document and members of Internal Economy read it, you'll realize there's nothing famous about it and there's nothing in that document that in any way, shape or form was designed to hide anything.

That's why I've taken this step. I'm no longer on Internal Economy. If Internal Economy wanted this document all they had to do was move a motion, as I've done now this week in the Senate, because the Senate, of course, is the only chamber that has the authority to remove privilege on a document. What we're essentially doing is returning that document to Internal Economy for perusal and review, as we had it back then. Of course, you're free to do with it whatever you wish.

One of the things that drove this initiative is that there were victims, through their lawyers in the papers who were complaining about the fact that they had never seen the report.

[ Senator Housakos ]

If Internal Economy deems it appropriate and they feel it would be helpful to the victims to provide them the report, that's for Internal Economy to determine. You can ask yourselves why it hasn't been done, because every member on Internal Economy could have come to this chamber, moved the motion as I have now. If we vote in favour of this today, you will have the document at your next Internal Economy meeting. It's as simple as that. I can't be held responsible if members of Internal Economy did not know they had the privilege, right and capacity to lift privilege through this chamber. I'm letting everyone know that any privileged document of any committee, if you feel it needs to be lifted, move the motion. This chamber is the authority of all committees.

[*Translation*]

**Hon. Pierre J. Dalphond:** If I understand your explanation correctly, the motion that we are adopting here gives the Standing Committee on Internal Economy, Budgets and Administration access to the Quintet report. It also gives the committee the authority to share that report with other people, if the committee deems it appropriate.

**Senator Housakos:** The Standing Committee is free to do what it wants with the document. Once we vote in favour of this motion, the document will be at your disposal. Then you can do whatever you want with it, yes, absolutely.

**Hon. Josée Verner:** Senator Housakos, you heard and read the victims' testimony in the media. My question is this: Why did you deny them access to a document that was about them at the time the Senate Ethics Officer, Pierre Legault, was conducting the investigation?

• (1640)

**Senator Housakos:** When we received this request, we wanted to protect the identity of all the victims. Indeed, you are right, we had the opportunity back then, and Internal Economy has the opportunity now, to decide whether to divulge the victims' names or not. The victims will be able to understand the testimony in the record and to know who said what. However, at that time, the only reason for deciding not to give this information to the victims was, once again, the reflex to protect the identity of all the victims.

[*English*]

**The Hon. the Speaker:** Senator Housakos, your time has expired. Are you going to ask for more time?

**Senator Housakos:** Could I ask for five more minutes?

**The Hon. the Speaker:** Is leave granted, honourable senators?

**Senator Plett:** No.

**The Hon. the Speaker:** I hear a "no."

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



**THE SENATE**

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

**Hon. Leo Housakos**, pursuant to notice of February 25, 2020, moved:

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.

He said: Honourable senators, I would like to move the motion for debate.

[Translation]

POINT OF ORDER—SPEAKER'S RULING RESERVED

**Hon. Marc Gold (Government Representative in the Senate):** Dear colleagues, I rise on a point of order regarding Motion No. 26. Motion No. 26 would give the Leader of the Opposition in the Senate the unilateral authority to summon a minister of the Crown to testify in the Committee of the Whole without any prior consultation with the other committee members or with the Senate leadership, including the government representative and the representatives of the largest groups. Motion No. 26 is inconsistent with the Rules of the Senate, Senate traditions and Senate practices regarding proceedings of the Committee of the Whole. The Committee of the Whole is just that — a committee.

Page 182 of *Senate Procedure in Practice* states the following:

A Committee of the Whole is a committee composed of all senators.

[English]

Rule 12-32(3) provides that:

The Rules and practices of the Senate shall apply in a Committee of the Whole . . . .

In practice, committees' witnesses are typically selected by steering committees and, alternatively, by full committees. When it comes to the Committee of the Whole, the invitation must come from the committee itself, which is the Senate as a whole.

Rule 12-32 deals precisely with the situation of ministers participating in the proceedings of a Committee of the Whole as well as other witnesses before a Committee of the Whole. Rule 12-32(4) is clear:

When a bill or other matter relating to the administrative responsibility of the government is being considered by a Committee of the Whole, a minister who is not a Senator may, on invitation of the committee, enter the chamber and take part in debate.

This is consistent, honourable senators, with rule 2-12(1), the general rule applying to Senate proceedings:

When a bill or other matter relating to the administrative responsibility of the government is being considered by the Senate, a minister who is not a Senator may, on invitation of the Senate, enter the chamber and take part in debate.

The principle behind 12-32(4) is that, both in theory and in practice, decisions on witnesses for the Committee of the Whole are made by the full Senate, where all senators are equal. Motion 26 would undermine that principle.

In this vein, *Bourinot's Parliamentary Procedure, fourth edition* states at page 70:

The Senate and the House of Commons have the right, inherent in them as legislative bodies, to summon and compel the attendance of all persons, within the limits of their jurisdiction, as witnesses, and to order them to bring with them such papers and records as may be required for the purpose of an inquiry.

Motion 26 is out of order because it would practically delegate to a single senator a right that is inherent in the Senate as a whole. Indeed, Motion 26 plainly confers upon the Leader of the Opposition a standing power to send for persons on behalf of the full Senate for the duration of this Parliament with respect to the appearances of ministers before Committee of the Whole.

Honourable senators, I would add further as a technical point that Motion 26 does not contain a clause stating that the process proposed is to apply notwithstanding other rules and practices of the Senate.

With Committee of the Whole it has been a consistent historical practice for witnesses to be determined by the full Senate. For example, on May 31, 2016, the full Senate decided, by motion, that the Senate resolve itself into a Committee of the Whole to consider the subject matter of Bill C-14 and to receive the Minister of Justice and Attorney General of Canada and the

Minister of Health. On December 13, 2017, the full Senate decided, by motion, to resolve itself into a Committee of the Whole to consider the subject matter of Bill C-45 and to receive the Minister of Justice and Attorney General of Canada, the Minister of Health and the Minister of Public Safety and Emergency Preparedness. In the case of back-to-work legislation, the full Senate has consistently decided collectively to receive ministers in Committee of the Whole.

I also want to bring the attention of the chair to the section of Motion 26 that would authorize the Leader of the Opposition to make “a short statement” during Question Period. Rule 4-8(1) provides:

During Question Period, a Senator may, without notice, ask a question . . . .

And under rule 4-8(2):

There is no debate during Question Period, and only brief comments or explanatory remarks shall be allowed.

Page 73 of the *Companion to the Rules of the Senate* further states:

The rules of conduct and decorum apply to Question Period. Only brief explanatory remarks may accompany questions or answers; however, they should not give rise to debate.

Motion 26 does not specify what constitutes a short statement and could be quantified as nothing more than a form of debate, which could exhaust time that is afforded to senators under our Rules to pose questions, whether to myself or to committee chairs.

A ruling by Speaker Kinsella, on May 10, 2006, reflected that:

The rationale for prohibiting debate during Question Period and for creating Delayed Answers is due, in part, to the limited time given to Question Period. The 30 minutes allotted for questions and answers is to promote the immediate exchange of information about the policies of the government or the work of a committee.

Your Honour, I believe I’ve identified several issues that warrant your review, and I would respectfully submit that Motion 26 is out of order.

**Hon. Leo Housakos:** Your Honour, the government leader has brought up a number of points, and he has reached into a number of elements of the Rules which I think might or might not apply. With the indulgence of the chair, I would like to know if it’s possible to have the chair allow me some time to research some of the claims made by the government leader and provide a response at the next sitting, if I have the indulgence of the Speaker.

**Hon. Pierrette Ringuette:** I would like to voice my opposition. The practice in this chamber and the precedent in this chamber is that when someone has a point of order that they want to argue, it’s not in 24 hours and it’s not in 48 hours; it’s now. So I would ask that this chamber respect this process.

**The Hon. the Speaker:** Honourable senators will know that I have, on two occasions — one in the last Parliament and one already in this Parliament — allowed debate to continue when I heard, after debate had closed off and I took the matter under advisement, that there were new matters that could be raised or may be raised. In both those incidents, I came back and informed the chamber that I was prepared to hear more new evidence on the matter.

I think it’s important that we have some flexibility because, otherwise, this could go on and on and on. I don’t like the idea of delaying a debate, but I do understand what Senator Housakos is saying. There is some very technical information that’s been raised by the Government Representative. If Senator Housakos were to reply now and find out later that he has some new information, we’re back to square one again.

• (1650)

With the indulgence of the house, I think I will grant Senator Housakos’s request. When we return following next week, we will return to debate on Senator Gold’s point of order.

**Some Hon. Senators:** Agreed.

## ETHICS AND CONFLICT OF INTEREST FOR SENATORS

### MOTION TO AFFECT COMMITTEE MEMBERSHIP ADOPTED

**Hon. Donald Neil Plett (Leader of the Opposition),** pursuant to notice of February 25, 2020, moved:

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.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## THE SENATE

### MOTION TO URGE THE GOVERNMENT TO SUPPORT THE GENUINE AUTONOMY OF TIBET—DEBATE ADJOURNED

**Hon. Thanh Hai Ngo,** pursuant to notice of February 26, 2020, moved:

That the Senate urge the Government of Canada to actively support the genuine autonomy of Tibet and, consequently, to also call for the People’s Republic of China to:

- (a) renew the Sino-Tibetan dialogue in good faith and based on the Middle Way Approach;

- (b) respect the religious rights of the Tibetan people and stop interference in the process of recognizing a successor or reincarnation of the 14th Dalai Lama;
- (c) respect the linguistic rights, freedom of movement, thought and conscience of the people in Tibet;
- (d) free all Tibetan political prisoners, including the youngest political prisoner Gendhun Choekyi Nyima (Panchen Lama), and cease all arbitrary detention of dissidents;
- (e) grant Canada reciprocal diplomatic access to Tibet without limitations; and
- (f) protect the Tibetan Plateau that serves as Asia's water tower, feeding over a billion lives in Asia; and

That the Senate urge the Government of Canada to raise Tibetan issues at every opportunity with China with a view to taking the additional steps necessary to de-escalate tensions and restore peace and stability in Tibet.

He said: Honourable senators, it is a pleasure to reintroduce my motion on Tibet. Since I last spoke in May 2019, I remain deeply distraught that the situation in Tibet has immensely worsened, as China is becoming more aggressive.

The fundamental rights and freedoms that we hold so dear, that we freely enjoy in Canada, are severely restricted and increasingly repressed in the Tibetan Autonomous Region, TAR, and Greater Tibet.

This motion is a timely one, as China, continuously denying Tibetans' fundamental rights and freedoms, has not only increased the systematic persecution against them but is also more determined than ever to interfere in the reincarnation of the 14th Dalai Lama, which constitutes a gross violation of religious freedom.

On January 28, the U.S. House of Representatives overwhelmingly voted in favour of a bill supporting Tibet by a vote of 392 to 22, sending a strong message to China. As parliamentarians, we cannot stand idly by on this issue. The Canadian government must follow suit. It's time to stand with the Tibetan people.

Colleagues, this motion urges the Government of Canada to actively support the genuine autonomy of Tibet. Consequently, the motion also requires the government to call on the People's Republic of China to renew the Sino-Tibetan dialogue in good faith and based on the Middle Way Approach; to respect the religious rights of the Tibetan people and stop interference in the process of recognizing a successor or reincarnation of the 14th Dalai Lama; for China to respect the linguistic rights, freedom of movement, thought and conscience of the people in Tibet; free all Tibetan political prisoners, including the youngest political prisoner, Gedhun Choekyi Nyima, the Panchen Lama, and cease all arbitrary detention of dissidents; grant Canada reciprocal diplomatic access to Tibet without limitations; and protect the Tibetan Plateau that serves as Asia's water tower, feeding over a billion lives in Asia.

In addition, the motion also urges the Canadian government to raise Tibetan issues at every opportunity with China and to take additional steps necessary to de-escalate tensions and restore peace and stability in Tibet.

Honourable senators, these actions are necessary to resolve the plight of the Tibetan people. Please allow me to elaborate on each one of them.

Renew the Sino-Tibetan dialogue. First, until this day, His Holiness, the 14th Dalai Lama, continues to believe "The Middle-Way Approach is the most realistic and pragmatic course to resolve the issue of Tibet peacefully." This approach, which is within the framework of China's constitution, consists of the Tibetan people having meaningful autonomy without seeking independence.

In June 2019, Dr. Lobsang Sangay, President of Central Tibetan Administration, testified in a joint special meeting of the Standing Senate Committees on Human Rights and Foreign Affairs and International Trade. He appeared again in June 2019 in front of the Standing Senate Committee on Foreign Affairs and International Trade. During his appearances, he declared that adopting a motion on Tibet is a good start to having Canada actively support the genuine autonomy of Tibet, which would initiate the Sino-Tibetan dialogue through the Middle Way Approach, His Holiness's preferred solution.

Based on China's constitution, TAR is an autonomous region that, in principle, can solely manage its own affairs, pass its own laws and make its own regulations. Unfortunately, in reality, the situation is quite different, since China's Communist Party is actually in charge.

[*Translation*]

Sadly, this situation has been going on for far too long. It is crucial that Canada support the Tibetan people and join other countries advocating for the middle way approach, a beneficial solution that would bring about peace and enable Tibet to achieve true autonomy.

Considering the approach's underlying principles, Canada would do well to promote a China-Tibet dialogue, because that is the best way to restore peace and stability in Tibet.

It is essential that we promote that dialogue and, by extension, the peaceful middle way approach. I urge parliamentarians and diplomats to adopt that approach at every opportunity.

[*English*]

The second and third provisions are interrelated. These provisions call upon Canada to urge China to respect the religious rights of the Tibetan people and to stop interference in the process of recognizing a successor or reincarnation of the 14th Dalai Lama, as well as respecting their linguistic rights, freedom of movement, thought and conscience.

As I mentioned in May 2019, China recklessly infringes upon Tibetans' fundamental rights and freedoms. The most egregious situations concern the continuous restrictions on freedom of religion, linguistic rights, and freedom of movement, thought and conscience.

Although freedom of religion is protected under the Chinese constitution, the government impudently engages in widespread interference in religious practices to assimilate the Tibetan people; for example, blatantly attacking monasteries and nunneries.

[Translation]

The Communist Party views the veneration of the Dalai Lama and adherence and devotion to Buddhism as an imminent threat to its authority. It is worth repeating my November 2017 remarks in response to Senator Patterson's inquiry on the state of political prisoners in Tibet.

[English]

During that speech, I mentioned that committees of government officials were set up within monasteries by China in order to oversee daily practices and enforce the party's doctrines. As such, deliberate attempts at re-education were put forward, resulting in forcing monks and nuns to reject the Dalai Lama's legitimacy.

It is well documented that Tibetans, because of their religious practices, have been unjustly arrested, unlawfully detained, forced out of their homes and many have disappeared.

[Translation]

Although Tibetan Buddhism is practised around the world, the Chinese government constantly and wrongly insists on its so-called role in selecting the next Dalai Lama.

The Chinese government is meddling in the process by arbitrarily detaining, since 1995, the 11th legitimate Panchen Lama, Gedhun Choekyi Nyima. China has designated its own candidate, who is viewed as an impostor by the Tibetan people.

• (1700)

In response to that, His Holiness released a statement in September 2011 explaining the spiritual traditions and observances fundamental to selecting the Dalai Lama and presenting his vision of the considerations and the process involved in selecting his successor. Only the reincarnated person has the legitimate authority to designate where and how he is reborn, how that reincarnation will be recognized, or whether it is necessary to recognize a 15th Dalai Lama. These words have been repeated countless times over the years.

[English]

China's highly intrusive and Orwellian surveillance systems within Tibet is well documented. Until this day, the Tibet Autonomous Region still has one of the worst possible ratings for both political rights and civil liberties. With China's ethnic unity legislation introduced in January 2020, Tibet's situation will most definitely worsen. This legislation is similar to that

implemented in the Xinjiang Uighur Autonomous Region to justify the increasingly ongoing persecution of Uighurs and other religious minorities. Colleagues, we all know how that worked out. This will have the same effects, ethnic cleansing aimed at assimilating Tibetans, destroying their unique culture, language and religion.

Honourable senators, we cannot and must not stay silent. We must urge the Canadian government to actively support Tibet's meaningful autonomy as this is too high a cost for Tibetans to pay.

The fourth provision concerns Tibetan political prisoners. In 2015, highly intrusive legislation was adopted by the People's Republic of China to allegedly protect national security and combat terrorism. Unfortunately, and to no one's surprise, the legislation makes it much easier for China to infringe upon fundamental rights, arbitrarily incarcerating people on unfounded charges. As a result, thousands of innocent Tibetans endure, at an alarming rate, arbitrary detention, imprisonment, torture and enforced disappearance for peacefully defending their rights and freedoms.

As mentioned previously, one of those political prisoners is Gedhun Choekyi Nyima, identified as the 11th Panchen Lama at 6 years old, the second-most important figure in Tibetan Buddhism. A few days after being declared the reincarnation of the Panchen Lama, Chinese authorities took him in captivity, and he is the world's youngest political prisoner. This May will mark its twenty-fifth year of detention.

As a nation, Canada has been, and will always remain, a champion in fighting for democracy, freedom, human rights and the rule of law. We have a responsibility to stand with the Tibetan people and to continue fighting for their fundamental rights and freedoms.

I therefore urge our government to demand that the People's Republic of China free all Tibetan political prisoners, including the 11th Panchen Lama, and cease all arbitrary detention of dissidents.

The fifth provision urges the Canadian government to call upon the People's Republic of China to grant Canada reciprocal diplomatic access to Tibet without limitations. In 2019, I mentioned that China denies access to the Tibet Autonomous Region, strategically to impede diplomatic efforts from advancing fundamental rights and freedoms. Canadian ambassadors have been deliberately denied access since 2013. Preventing the most basic level of diplomatic relations is utterly unacceptable.

As per his testimonies, Sikyong Dr. Lobsang Sangay stressed the importance for Canada to demand reciprocity in access to Tibet and that is exactly what it should do.

Lastly, this motion urges the Canadian government to call for the People's Republic of China to protect the Tibetan Plateau.

[ Senator Ngo ]

[*Translation*]

The Tibetan plateau is home to glaciers, rivers and prairies. It has vital geographic and ecological characteristics that support the growth of vegetation and biodiversity and that have a direct impact on the regulation of water flow and on the fresh water supply for approximately 1.8 billion people. The construction of major infrastructure projects and hydroelectric dams designed to send electricity to Chinese provinces outside of Tibet would displace thousands of Tibetans and have a negative environmental impact.

Tibet's prairies play an important role in carbon production and sequestration, while its rivers support wetlands that are essential to water storage, water quality and the regulation of water flow. What is more, these prairies serve, to some extent, as carbon sinks. The temperature on the Tibetan plateau is rising twice as fast as the global average, which is threatening the glaciers that feed the rivers of South and East Asia. These projects will affect the water supply, cause desertification and destabilize infrastructure. Traditional Tibetan prairie stewardship practices that help mitigate the harmful effects of global warming are being undermined by the resettlement of Tibetans.

China has approximately 20% of the world's population but only 7% of its water supply.

[*English*]

**The Hon. the Acting Speaker:** Honourable senator, I must inform you that your time has expired. Are you asking for another five minutes?

**Senator Ngo:** Please.

**The Hon. the Acting Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

**Senator Ngo:** Thank you.

[*Translation*]

China has implemented water transfer programs that are diverting billions of cubic metres of water a year and that could divert even more, all at the expense of many Asian countries that depend on that water for their survival.

[*English*]

If Canada doesn't take a clear position in favour of actively supporting Tibet's autonomy, it could have grave implications for the advancement of the Sino-Tibetan dialogue, for the prospect of China's appeasement of restrictions on the rights and freedoms of Tibetans, and for the environment.

In closing, this motion calls upon parliamentarians to urge the Canadian government to raise Tibetan issues at every opportunity with China at high-level meetings and in bilateral or multilateral statements. Honourable senators, this is imperative as it will bring about a public discourse that could condemn China's mounting state-sponsored campaign against the Tibetans.

[*Translation*]

It is incumbent on us all, as parliamentarians, to urge the government to actively support Tibet's full autonomy.

I am confident that we will take a principled stand on the situation in Tibet.

[*English*]

Honourable senators, thank you for your attention. I hope this motion is deserving of your support.

(On motion of Senator Housakos, debate adjourned.)

(*At 5:09 p.m., the Senate was continued until Tuesday, March 10, 2020, at 2 p.m.*)

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