



# DEBATES OF THE SENATE

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(HANSARD)

Tuesday, October 27, 2020

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Tuesday, October 27, 2020

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

Prayers.

### SENATORS' STATEMENTS

#### SMALL BUSINESS WEEK

**Hon. Dennis Glen Patterson:** Honourable senators, last week marked Small Business Week. Last week I also released the preliminary findings from my survey of businesses in Nunavut, and the results were disconcerting, to say the least. Of the 162 respondents, 153 said they were unsure if their business could return to pre-pandemic levels without government intervention, and 88% that expressed an opinion expressed some level of concern regarding the survivability of their business.

These businesses represent 13 different sectors across all 25 communities in Nunavut, and 34 of them are Inuit-owned businesses. Together they provide 4,226 precious jobs, 1,327 of which belong to Inuit beneficiaries, and 3,337 are permanently based in the territory. Since the start of the pandemic, they have already cut 793 jobs, with more cuts being imminent.

Colleagues, the average decline of revenues as reported by respondents was 59%. That total varied by sector, with the five hardest-hit sectors being training at 87%, consulting and professional services at 75.6%, arts and culture at 73%, tourism at 62% and retail at 61%. The survey results also clearly indicate that the federal programming to date has been slow to roll out, included a cumbersome application process and disqualified many businesses from applying due to overly exclusive eligibility requirements.

This situation is untenable, and it is important for the government, in the wake of a second wave and a projected third wave, to immediately provide sector-specific support. Several suggested solutions were put forward in the survey, and I look forward to publishing a more in-depth report and analysis on the findings.

One of the examples I want to highlight is that of the hotel industry in Nunavut. I asked a question about this very issue during the last sitting. Only 3 hotels out of the 22 that responded did not see a decline in revenue since March, and of the 5 hotel respondents that do not have any other revenue streams, such as the retail division, the average income decline was 92%.

A reasonable proposal was brought forward to the federal government in early June. It proposed a modest subsidy based on vacant rooms. Four months later, there has still been no response, let alone action — troubling, to say the least.

Honourable senators, hotels provide a vital service to the territory. We cannot allow these companies to falter.

#### THE LATE HONOURABLE NICHOLAS WILLIAM TAYLOR

**Hon. Mobina S. B. Jaffer:** Honourable senators, I deliver this statement on behalf of Senator Paula Simons:

They called him Alberta's truest Grit. Here in Ottawa, people knew the Honourable Nicholas Taylor as a distinguished silver-haired senator. In Alberta, people knew Nick Taylor as the Don Quixote of provincial politics, who never lost his courage or his wicked sense of humour.

Nick Taylor died in Calgary on October 3, one month before his ninety-third birthday.

Born in Bow Island, in southern Alberta, he graduated from the University of Alberta with degrees in geology and mining and engineering. After 10 years as an oil company geologist, he started his own exploration company, which, in its heyday, had offices in Calgary, London, Syracuse, Tel Aviv, Cairo and Istanbul.

In 1968, Nick Taylor made a most unusual move for an Alberta oilman: He joined the Federal Liberal Party and ran for a seat in Calgary. He lost. But that that didn't stop him.

In 1974, he became the Leader of Alberta's Liberal Party, at a time when "Liberal" was a dirty word in Alberta, when the party didn't have a single seat in the legislature. Without a seat of his own, Nick Taylor would sit up in the gallery, watching the debate and entertaining reporters.

He never gave up. In 1986, he finally won a seat in Westlock, in rural Alberta, and led a caucus of four onto the floor of the Legislative Assembly of Alberta. There he used his wit to win the hearts of Albertans, even if his party couldn't win their votes.

"In a battle of wits, these people are totally unarmed," he once said of the Progressive Conservative government. Of another political rival, he joked, "If there are only two cow patties in a cow pasture, he'd step in both at the same time."

Another time he sang the Star-Spangled Banner during Question Period to protest the government's attempt to bring in more private health care. Reportedly, two different Alberta premiers actually forbade their own members from laughing at Nick Taylor's jokes and heckles. Predictably, it didn't work.

Nick Taylor sat in the Alberta legislature for 10 years before being named to the Senate in 1996. He served here until 2002, when he retired and went back to oil exploration.

But he never lost his passion for politics or for Alberta.

In 2019, the Standing Committee on Energy, Environment and Natural Resources held hearings in Calgary on Bill C-69, the impact assessment act. The bill was deeply unpopular in Calgary and there were heated demonstrations outside and inside the hotel where the hearings were taking place. That didn't stop oilman Nick Taylor, at the age of 91, from striding into the hotel ballroom to testify passionately in favour of the bill.

Nick Taylor won the affection and respect of Albertans. He will be severely missed. Our sympathies to his wife, Peg, and their children Patrice, Jennifer, Terry, Sheila, Ally, Susan and Sarah.

### OCANADAMASKS

**Hon. Robert Black:** Honourable senators, I rise today as we enter the start of a new session to stress the importance of supporting local vendors and artisans as we continue to face the COVID-19 pandemic.

• (1410)

In particular, I would like to take this opportunity to highlight OCanadaMasks and their creator Ann-May Cheng, president of TAMA Designs Inc. from Toronto. For over 26 years, Ms. Cheng has been operating an apparel manufacturing business in Toronto. TAMA was a manufacturer of high-end ladies' sportswear until the beginning of the COVID-19 pandemic.

As I'm sure you will all remember, retail operations were shut down soon after the pandemic began. It quickly became apparent that hospitals were in desperate need of non-medical-grade masks for patient and visitor use, so Ann-May mobilized some of her workers to make reusable, fabric face masks for donation to local hospitals.

I am pleased to share that they have since donated over 2,000 masks with more donations to be made. Toronto General Hospital, Sunnybrook Health Sciences Centre, Princess Margaret Cancer Centre, Humber River Hospital, SickKids Hospital, and Lakeridge Health's Ajax Pickering Hospital are just some of the hospitals that have benefited from Ann-May's donations.

Ann-May also found that friends, family members and colleagues were interested in purchasing locally-produced, well-made reusable masks for personal use, and so the "OCanada" online shop began.

This summer I purchased the signature OCanada masks for my Canadian Senators Group colleagues. These Canada flag masks, which I and many of my CSG colleagues are wearing today, serve as an important reminder that we continue to support each other to overcome this pandemic, as we are all in this together.

I would like to thank Ann-May and her team for creating these masks and supporting medical health care workers across the province. Your work, alongside the work of many other local mask makers across Canada, has been critical throughout the pandemic.

Honourable colleagues, if you are looking to purchase reusable fabric masks, I urge you to support local vendors. While last week was Small Business Week, we should continue to buy local and support small businesses each and every week. Our support can help people in your community keep their small businesses afloat, especially during these challenging times. It also helps boost our local economies, meaning that more small and family-run businesses will survive and thrive. Thank you, *meegwetch*.

### THE LATE HONOURABLE ALAN ABRAHAM, C.M., O.N.S.

**Hon. Terry M. Mercer:** Number one, it's a pleasure to be back.

Honourable senators, it was with sadness that I learned earlier this month that the Honourable Alan Abraham, former Lieutenant-Governor of Nova Scotia and trusted friend of many passed away.

Al's resume is too long and extensive to repeat here. Suffice to say, it was not a surprise when the Right Honourable Pierre Elliott Trudeau appointed him as Lieutenant-Governor in 1984.

A lieutenant-colonel in the Princess Louise Fusiliers, his experience in engineering and construction, combined with his dedication to volunteerism, perfectly placed him in the position that he served with respect and humility.

Honourable senators, I remember first meeting Al. From that encounter on, you always felt like he genuinely cared about how you were and what was going on in your life.

Whether it be a conversation about politics, or community-building or family, he always had a smile and always made you feel like you mattered.

If you were having a moderate to bad day, His Honour always cheered you up and put a positive spin on things.

He fully embodied the term "honourable."

My sincere condolences go out to his children Louise Abraham-Pace, Alan Abraham Jr., and Robert Abraham and his six grandchildren. Halifax, Nova Scotia, and Canada have lost him, but we are all better for having known him.

[Translation]

### LATIN AMERICAN HERITAGE MONTH

**Hon. Rosa Galvez:** I rise today in honour of the third Latin American Heritage Month. Canada's Latin American community is strong, creative and resilient. It grows in numbers and in influence every year. I am very honoured and proud of its members' accomplishments in all fields. It is a community of good-hearted people with a strong moral compass, a community where love and collaboration abound.

[*English*]

I would like to recognize National Defence and Global Affairs Canada, which have active Latin American staff communities, organizations such as CALAREO, CALACS, Hispanotech, Hispanic Canadian Heritage Council and many others who serve the professional, research and graduate communities, and of course, the ambassadors of ParlAmericas who have been working diligently to reinforce the links between our nation and theirs.

October has been a very active month for us. The community has kept in touch with webinars covering a wide variety of subjects, such as the participation of Latin American women in politics and science, and the impacts of COVID-19 on our communities.

As these celebrations continue into November, I encourage all my dear, honourable colleagues to seek out and participate in them. I encourage you to participate in traditions and culture that you might not have experienced before. The Latin American community is very welcoming and would love to share its richness with you.

I wish everyone a happy Latin American Heritage Month. Thank you. *Gracias. Meegwetch.*

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## ROUTINE PROCEEDINGS

### THE SENATE

#### NOTICE OF MOTION TO AUTHORIZE HYBRID SITTINGS

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, I will move:

That, notwithstanding any provision of the Rules, previous order or usual practice:

1. as soon as practicable after the adoption of this order the Senate begin to hold hybrid sittings, with all senators able to participate in sittings either from the Senate Chamber or through an approved videoconference technology to be determined from time to time by the Speaker after consulting with the leaders and facilitators, with the provisions of this order applying until hybrid sittings cease;
2. the Speaker, after consulting the leaders and facilitators, determine the date on which such hybrid sittings shall commence;
3. hybrid sittings be considered, for all purposes, proceedings of the Senate, with senators participating in such sittings by videoconference from a designated office or designated residence within Canada being considered, for all purposes, including quorum, present at the sitting; the sitting being considered to

take place in the parliamentary precinct; and times specified in the Rules or this or any other order being Ottawa times;

4. subject to variations that may be required by the circumstances, senators, to participate by videoconference, must:
  - (a) use a desktop or laptop computer and headphones with integrated microphone provided by the Senate for videoconferences;
  - (b) not use other devices such as personal tablets or smartphones;
  - (c) be the only people visible on the videoconference from an active video feed, other than those in the Senate Chamber; and
  - (d) except while the bells are ringing for a vote:
    - (i) have their video on and broadcasting their image at all times; and
    - (ii) leave the videoconference if they leave their seat;
5. the Senate recognize that, except as provided in this order, there should generally be parity of treatment among all senators attending in person and those attending by videoconference and that proceedings should follow usual procedures, subject to such variations required for technical reasons as may be directed by the Speaker, subject to appeal to the Senate if technically feasible;
6. senators participating by videoconference need not stand;
7. without restricting the operation of rule 3-6 and the right of senators to move a motion to adjourn the Senate as allowed under the Rules, without affecting requirements in certain circumstances that the Senate continue sitting after receipt of a message from the Crown or the announcement that a message is anticipated, and except as otherwise provided in this order:
  - (a) when the Senate sits on a Monday, the provisions of rule 3-3(1) be suspended and the sitting:
    - (i) start at 6 p.m.; and

- (ii) adjourn at the earlier of the end of Government Business or 9 p.m.;
- (b) when the Senate sits on a Tuesday, the sitting:
  - (i) start at 2 p.m.; and
  - (ii) adjourn at the earlier of the end of business for the day or 9 p.m.;
- (c) when the Senate sits on a Wednesday, the sitting:
  - (i) start at 2 p.m.; and
  - (ii) adjourn at the earlier of the end of Government Business or 4 p.m.;
- (d) when the Senate sits on a Thursday, the sitting:
  - (i) start at 2 p.m.; and
  - (ii) adjourn at the earlier of the end of business for the day or 9 p.m.; and
- (e) when the Senate sits on a Friday, the sitting:
  - (i) start at 10 a.m.; and
  - (ii) adjourn at the earlier of the end of Government Business or 4 p.m.;
- 8. the Speaker be authorized to suspend the sitting as required for technical and other reasons;
- 9. the Speaker be authorized to direct that the sitting be adjourned for technical reasons, provided that this direction be subject to appeal if technically feasible;
- 10. the times provided for adjournment of the sitting in paragraph 7 be considered the ordinary time of adjournment for the purposes of the Rules, and, for greater certainty, any provisions of the Rules permitting the continuation of the sitting beyond that time in certain circumstances continue to apply, provided that if the provisions of paragraph 9 are invoked when an item that would allow the Senate to continue beyond the ordinary time of adjournment is under consideration, that item of business shall, except in the case of an emergency debate and subject to the provisions of rule 4-13(3), be dealt with at the start of the Orders of the Day of the next following sitting;
- 11. on the first day of debate on a motion moved in relation to a case of privilege, debate may be adjourned, even if normally prohibited under rule 13-6(6);
- 12. the evening suspension provided for in rule 3-3(1) only be until 7 p.m.;
- 13. when the Senate sits on a day other than a Friday, any provision of the Rules requiring that something take place at 8 p.m. be read as if the time therein were 7 p.m.;
- 14. the Senate recognize the importance of providing the Speaker with information necessary to allow him to assist with the orderly conduct of business in hybrid sittings, and therefore, subject to normal confidentiality practices, strongly encourage all senators:
  - (a) to advise their party or group representatives, or the Clerk of the Senate or his delegate, as far in advance as possible, if they intend to intervene during the sitting; and
  - (b) to provide the Clerk of the Senate or his delegate, as far in advance as possible with an electronic copy in English and French of any amendment, subamendment, notice of motion, notice of inquiry, committee report to be tabled or presented, bill to be introduced, or any other document required for the sitting as far in advance as possible;
- 15. a senator who has provided an advance copy of a document under subparagraph 14(b) be considered to have fulfilled any obligation to provide a signed copy of that document;
- 16. the following provisions have effect in relation to voting:
  - (a) only senators present in the Senate Chamber shall participate in:
    - (i) the procedure for a voice vote; and
    - (ii) in the determination as to whether leave is granted for bells of less than 60 minutes;
  - (b) to be one of the senators requesting a standing vote, a senator participating by videoconference must clearly indicate this request, but need not stand;
  - (c) rule 9-7(1)(c) shall be read as follows:
    - “(c) then:
      - (i) ask the “yeas” in the Senate Chamber to rise for their names to be called;
      - (ii) ask the “yeas” participating by videoconference to hold up the established card for voting “yea” for their names to be called;
      - (iii) ask the “nays” in the Senate Chamber to rise for their names to be called;
      - (iv) ask the “nays” participating by videoconference to hold up the established card for voting “nay” for their names to be called;

- (v) ask those who are abstaining in the Senate Chamber to rise for their names to be called; and
- (vi) ask those who are abstaining and participating by videoconference to hold up the established card for abstaining for their names to be called.”;
- (d) except as provided in subparagraph (g), if a vote is deferred pursuant to rule 9-10, it shall be held at 3:30 p.m. on the next day the Senate sits, after a 15-minute bell, interrupting any proceedings then underway, except another vote or the bells for a vote;
- (e) except as provided in subparagraph (g), if a vote is deferred pursuant to rule 4-6(1), it shall be held at 3:30 p.m. on the same day, after a 15-minute bell, interrupting any proceedings then underway, except another vote or the bells for a vote;
- (f) except as provided in subparagraph (g), in the case of votes deferred pursuant to other provisions of the Rules, the usual processes for such votes shall hold, with the sitting being suspended, if necessary, at the end of the time otherwise provided for the end of the sitting pursuant to this order; and
- (g) if a deferred vote is to be held on a Monday, it shall be held at the end of Question Period, after a 15-minute bell;
17. for greater certainty, leave be considered granted when requested, unless the Speaker, after a sufficient period of time, hears an objection from a senator, either in the Senate Chamber or participating by videoconference;
18. from the time of the adoption of this order:
- (a) any return, report or other paper deposited with the Clerk of the Senate pursuant to rule 14-1(6), may be deposited electronically;
- (b) the government be authorized to deposit electronically with the Clerk of the Senate any documents relating to its administrative responsibilities, following the process of rule 14-1(6); and
- (c) written replies to oral questions and to written questions may be deposited with the Clerk of the Senate electronically following the process of rule 14-1(6), provided that written replies to oral questions be published as an appendix to the *Debates of the Senate* of the day on which the tabling is recorded in the *Journals of the Senate*; and

19. the terms of this order cease to have effect, and hybrid sittings cease, at the end of the day on December 18, 2020.

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

**Hon. Senators:** Agreed.

• (1420)

[*Translation*]

### CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

#### BILL TO AMEND—FIRST READING

**Hon. Marc Gold (Government Representative in the Senate)** introduced Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

(Bill read first time.)

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

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

### INTERNATIONAL MOTHER LANGUAGE DAY BILL

#### FIRST READING

**Hon. Mobina S. B. Jaffer** introduced Bill S-211, An Act to establish International Mother Language Day.

(Bill read first time.)

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

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

### CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**Hon. Pierre-Hugues Boisvenu** introduced Bill S-212, An Act to amend the Criminal Code (disclosure of information by jurors).

(Bill read first time.)

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

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

• (1430)

[English]

[English]

**DEPARTMENT FOR WOMEN AND GENDER  
EQUALITY ACT**

BILL TO AMEND—FIRST READING

**Hon. Mary Jane McCallum** introduced Bill S-213, An Act to amend the Department for Women and Gender Equality Act.

(Bill read first time.)

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

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

**CONSTITUTION ACT, 1867**

BILL TO AMEND—FIRST READING

**Hon. Dennis Glen Patterson** introduced Bill S-214, An Act to amend the Constitution Act, 1867 (property qualifications of Senators).

(Bill read first time.)

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

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

[Translation]

**L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE**

BUREAU MEETING AND ORDINARY SESSION, JULY 4-9, 2019—  
REPORT TABLED

**Hon. Éric Forest:** Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Bureau Meeting and Forty-fifth Ordinary Session Meeting, held in Abidjan, Ivory Coast, from July 4 to 9, 2019.

BUREAU MEETING, JANUARY 28-30, 2020—REPORT TABLED

**Hon. Éric Forest:** Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Bureau Meeting, held in Dakar, Senegal, from January 28 to 30, 2020.

**COMMITTEE OF SELECTION**

MOTION FOR APPOINTMENT ADOPTED

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, pursuant to rules 12-1 and 12-2, the Honourable Senators Downe, Duncan, Martin, Mercer, Omidvar, Saint-Germain, Seidman, Stewart Olsen and Woo be appointed a Committee of Selection to nominate:

- (a) a senator to preside as Speaker pro tempore; and
- (b) the senators to serve on the several committees, except the Standing Committee on Ethics and Conflict of Interest for Senators, during the present session;

That, notwithstanding rule 12-2, the committee not be required to present a report nominating the Speaker pro tempore within a defined period of time;

That, notwithstanding any provision of the Rules or usual practices, and taking into account the exceptional circumstances of the current pandemic of COVID-19, the committee have the power to meet by videoconference or teleconference, if technically feasible;

That, for greater certainty, and without limiting the general authority granted by this order, when the committee meets by videoconference or teleconference:

- (a) members of the committee participating count towards quorum;
- (b) such meetings be considered to be occurring in the parliamentary precinct, irrespective of where participants may be; and
- (c) the committee be directed to approach in camera meetings with the utmost caution and all necessary precautions, taking account of the risks to the confidentiality of in camera proceedings inherent in such technologies; and

That, if a meeting of the committee by videoconference or teleconference is public, the provisions of rule 14-7(2) be applied so as to allow recording or broadcasting through any facilities arranged by the Clerk of the Senate, and, if such a meeting cannot be broadcast live, the committee be considered to have fulfilled any obligations under the Rules relating to public meetings by making any available recording publicly available as soon as possible thereafter.

**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.)

[Translation]

#### THE SENATE

NOTICE OF MOTION TO CALL UPON THE GOVERNMENT TO  
INTRODUCE LEGISLATION TO FREEZE THE SESSIONAL  
ALLOWANCES OF PARLIAMENTARIANS IN LIGHT  
OF THE ECONOMIC SITUATION AND  
THE ONGOING PANDEMIC

**Hon. Lucie Moncion (The Hon. the Acting Speaker):** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada call upon the Government of Canada to introduce legislation that would freeze the sessional allowances of parliamentarians for a period that the government considers appropriate in light of the economic situation and the ongoing pandemic or for a maximum period of three years.

NOTICE OF MOTION PERTAINING TO THE SALARIES OF  
SENATORS DURING THE COVID-19 PANDEMIC

**Hon. Pierre J. Dalphond:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate recognizes that it would be unbecoming of a public institution, particularly at this time of the COVID-19 pandemic and economic hardship for Canadians, to use taxpayer funds to increase the salaries of senators by creating additional paid positions on Senate committees, beyond the positions provided for in the *Rules of the Senate*.

[English]

#### ARCTIC

NOTICE OF MOTION TO PLACE FOURTH REPORT OF SPECIAL  
COMMITTEE TABLED DURING THE FIRST SESSION OF  
FORTY-SECOND PARLIAMENT ON  
ORDERS OF THE DAY

**Hon. Dennis Glen Patterson:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the fourth report of the Special Committee on the Arctic entitled *Northern Lights: A Wake-Up Call for the Future of Canada*, tabled in the Senate on June 11, 2019, during the First session of the Forty-second Parliament, be placed on the Orders of the Day under Other Business, Reports of Committees – Other, for consideration two days hence.

#### THE SENATE

NOTICE OF MOTION TO CALL UPON THE GOVERNMENT TO  
CONDEMN THE JOINT AZERBAIJANI-TURKISH  
AGGRESSION AGAINST THE REPUBLIC  
OF ARTSAKH

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

That the Senate of Canada call upon the Government of Canada to immediately condemn the joint Azerbaijani-Turkish aggression against the Republic of Artsakh, uphold the ban on military exports to Turkey, recognize the Republic of Artsakh's inalienable right to self-determination and, in light of further escalation and continued targeting of innocent Armenian civilians, recognize the independence of the Republic of Artsakh.

• (1440)

NOTICE OF MOTION TO AFFECT COMMITTEE MEMBERSHIP

**Hon. Raymonde Saint-Germain:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, for the remainder of the session, and notwithstanding any provision of the Rules, usual practice or previous order:

1. the Standing Committee on National Security and Defence be composed of twelve senators, other than the ex officio members;
2. the Committee of Selection; the Standing Committee on Rules, Procedures and the Rights of Parliament; and the Standing Committee on Internal Economy, Budgets and Administration be empowered to elect up to three deputy chairs;
3. all other committees, except the Standing Committee on Ethics and Conflict of Interest for Senators and the joint committees, be empowered to elect up to two deputy chairs;
4. if a committee has elected more than one deputy chair:
  - (a) the reference to the deputy chair in rule 12-18(2)(b)(ii) be understood as referring to all deputy chairs of the committee acting together;
  - (b) the reference to the deputy chair in rule 12-23(6) be understood as referring to any deputy chair of the committee acting alone; and
  - (c) any reference to the deputy chair of a committee in any policy or guideline adopted by the Standing Committee on Internal Economy, Budgets and Administration be understood as referring to all deputy chairs acting together,

until the Standing Committee on Internal Economy, Budgets and Administration decides otherwise;

5. the Committee of Selection be a standing committee;
6. the Committee of Selection have power to make recommendations to the Senate on issues relating to meetings of either the Senate or committees by videoconference or teleconference, to the coordination of such meetings and to measures that would facilitate or enhance their operations;
7. if a Senate committee establishes a Subcommittee on Agenda and Procedure, any two members of the subcommittee be authorized to direct the clerk of the committee to convene a meeting of the committee for the purposes of considering a draft agenda by sending a signed letter to the clerk, upon receipt of which the clerk of the committee shall convene a meeting of the committee at the committee's next meeting time, during a week that the Senate sits, according to the agreed upon schedule for committee meetings that is more than 24 hours after the receipt of the letter;
8. except in the case of the Standing Committee on Ethics and Conflict of Interest for Senators:
  - (a) except as provided in sub-paragraph (b), if a senator ceases to be a member of a particular recognized party or recognized parliamentary group for any reason, he or she simultaneously cease to be a member of any committee of which he or she is then a member, with the resulting vacancy to be filled by the leader or facilitator of the party or group to which the senator had belonged, following the processes established in rule 12-5;
  - (b) if a senator ceases to be a member of a recognized party or recognized parliamentary group because that party or group ceases to exist, he or she remain a member of any committee of which he or she was a member, subject to the provisions of sub-paragraph (c), but cease to be chair or deputy chair of any committee on which he or she held such a position, and cease to be a member of any Subcommittee on Agenda and Procedure of which he or she was a member; and
  - (c) if a non-affiliated senator becomes a member of a recognized party or recognized parliamentary group, he or she thereby cease to be a member of any committee of which he or she is then a member, with the resulting vacancy to be filled either by order of the Senate or the adoption by the Senate of a report of the Committee of Selection; and
9. any changes to the membership of a committee pursuant to paragraph 8 of this order be recorded in the *Journals of the Senate*.

## MEDICAL ASSISTANCE IN DYING

### NOTICE OF INQUIRY

**Hon. Pamela Wallin:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to:

- (a) a September 2019 Quebec Superior Court ruling, which declared parts of federal and provincial law relating to medical assistance in dying (MAiD) to be too restrictive;
- (b) the impact of the COVID-19 pandemic on MAiD recipients and practitioners, including restrictions to access, shortages of personal protective equipment and a surge in demand;
- (c) the ongoing and tireless work of Dying with Dignity Canada, a non-for-profit organization that advocates for vulnerable Canadians regarding their right to die;
- (d) the findings of the federally mandated, December 2018 Canadian Association of Academies report relating to advance requests in medical assistance in dying; and
- (e) the urgent need for the Senate to study and propose new rules pertaining to advance requests for medical assistance in dying.

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## QUESTION PERIOD

### FOREIGN AFFAIRS

#### INTER-PARLIAMENTARY UNION PRESIDENCY

**Hon. Salma Atallahjan:** Your Honour, before I ask my question, I would like to express my gratitude to you and to Speaker Rota for supporting my candidacy for the presidency of the IPU, and especially Stuart in your office, who has been most helpful.

Senator Gold, we have spoken in this chamber about my run for the presidency of the IPU. The Minister of Foreign Affairs, Mr. Champagne, has reached out to me, has spoken to me, has offered me his support, for which I am very grateful. However, the two Speakers wrote a letter of support for me; I needed the support of my Parliament to run. I have been asking the office of the Minister of Foreign Affairs if they would forward that letter to our diplomatic missions, and they agreed. However, since last Wednesday, every day we call and we are told that it's being sent out today. About an hour ago, again we were told it's being sent out today. Time is of the essence. I'm running out of time. The election is on November 1.

There is a rumour going around that my Parliament, my government, does not support me. To put an end to those rumours, the diplomatic missions could just distribute that letter in every country that they're in. Minister Champagne has been very clear. He gave me his private number. I thank him for his support, but I need the next step to be taken. If the letter is not sent out today, it doesn't help me because a lot of the countries we are appealing to are closed on Fridays and it's already Wednesday morning in certain countries.

This is not a criticism; this is asking you for help since you are the government leader in the Senate. Would you please reach out to Minister's Champagne's office and tell them time is of the essence? If that letter is going to be sent out — and that is the decision I've been told has been taken, that it would be sent out — will you please do it today because today is the deadline for me? Thank you.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, senator. I'm pleased to hear that both our Speaker and the Speaker in the other place, and indeed the Minister of Foreign Affairs, have confirmed their support for you. I know you have the support of all members here in the chamber and I certainly will make every effort to reach the minister's office today to impress upon them the urgency of getting the letter out. Thank you.

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### CANADA-UNITED STATES-MEXICO AGREEMENT

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, my question is for the government leader in the Senate. Leader, in May, when the Minister of Agriculture was here I asked her about compensation for dairy farmers. Our dairy farmers are hurting, not only due to COVID-19 but also due to the early implementation of the new NAFTA deal, which cost dairy farmers an estimated \$100 million.

The minister referred to \$1.75 billion in compensation the government has promised dairy farmers over eight years for CETA and for the CPTPP, but compensation talks for CUSMA were ongoing. To date, our dairy farmers have received only \$345 million in compensation, which they got last year, and some fine words in the Speech from the Throne.

Leader, when will your government announce how much compensation our farmers will receive for the early implementation of CUSMA, and will you announce a payment schedule for the remaining compensation your government promised our dairy farmers for these other agreements?

• (1450)

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. The government is very aware of the frustration that particular sector of our economy must be experiencing and is mindful of the contribution the agricultural sector plays to the well-being of our society.

I don't have the information about which you have asked. I will make inquiries and report back when I can.

[ Senator Ataullahjan ]

**Senator Plett:** Leader, the end of the year is approaching, and our dairy farmers need some certainty so they can invest in their farms in the months and years ahead. They are still waiting for the government to put some meat on the bones of those fine words in the Speech from the Throne.

Leader, instead of simply saying farmers are important and a priority, will your government realize that they need to take action? Does your government commit that this compensation will be in the hands of dairy farmers this year, in 2020?

**Senator Gold:** Thank you for the question. This government has taken numerous steps and invested large sums of money to assist the agricultural sector. I won't list them all, but they include a \$3 billion federal-provincial-territorial agreement for strengthening the sector as part of the Canadian Agricultural Partnership, the \$1.25 billion Strategic Innovation Fund, \$70 million for agricultural science and \$2 billion for rural infrastructure. However, I know these programs don't necessarily translate into cash in the pocket for individual farmers who, as I said in the beginning, are understandably anxious.

The government is working hard through these circumstances to conclude the next phase, and as soon as the date for the disbursement of those funds becomes available, I will certainly make them public in this chamber.

[Translation]

## HEALTH

### ACCESS TO MEDICINE

**Hon. Chantal Petitclerc:** Honourable senators, my question is for the Government Representative in the Senate regarding the drug Trikafta being unavailable in Canada.

Trikafta is a revolutionary drug that can be used to treat up to 90% of people with cystic fibrosis, and the results are amazing. It's being called a miracle drug. The Minister of Health says that she's waiting for the manufacturer of this triple combination therapy to apply for approval, but Vertex says that it's concerned about Canada's patented medicine price regulation framework. Patients are stuck in the middle and have no say.

Government Representative, isn't it time for the Government of Canada to change course on this file and support collaboration with the parties involved in order to speed up the approval of Trikafta and finally make it available to Canadian patients who have been waiting for it for far too long?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. The Government of Canada recognizes that access to new therapies is important to patients with serious or terminal diseases like the one you mentioned. I have been told that Vertex Pharmaceuticals, which makes Trikafta, has not yet submitted a marketing application for this product in Canada. It's up to the manufacturer to decide whether it will apply to market its product in Canada.

However, for serious or life-threatening conditions like cystic fibrosis, doctors can request access to drugs through special access programs. I'm told that, as of October 1, 2020, 146 patients in Canada have been granted access to this medication through Health Canada's special access programs. I also understand that, to help Canadians get better access to effective treatments, the government is working with the provinces, territories and other partners to develop a national strategy for high-cost drugs for rare diseases.

**Senator Petitcherc:** Thank you, Senator Gold. It's a very complicated issue, and, as we know, Trikafta is just one aspect of the problem we're facing, as you mentioned.

I'm sure you've heard about the many concerns raised by the latest guidelines of the Patented Medicine Prices Review Board. Several organizations, such as Cystic Fibrosis Canada, have expressed serious concerns about the proposed changes. I've heard that these changes could impede access to other breakthrough treatments for various diseases and reduce new drug submissions and clinical trials. In fact, just yesterday, the House of Commons Standing Committee on Health voted unanimously to study those guidelines.

Senator Gold, shouldn't the government also undertake an independent review to ensure that these new guidelines don't have an impact, not just on patients, but on the R&D sector as well?

**Senator Gold:** Thank you for the question. As I said, the government takes access to drugs very seriously, and it is aware of the problems associated with this, particularly for high-cost drugs.

As for undertaking a review, I'm not in a position to comment, but I'm sure the government is working with the pharmaceutical industry and its partners to ensure that, in Canada, we are not inadvertently creating barriers that would prevent Canadians from getting the medications they need.

[*English*]

## PUBLIC SAFETY

### CORRECTIONAL SERVICE OF CANADA— PRISON SYSTEM

**Hon. Kim Pate:** Honourable senators, my question is also for the Government Representative in the Senate.

Indigenous women now account for 44% and racialized women are more than half of women in federal penitentiaries. The report released today by the Office of the Correctional Investigator provides a horrific cross-section of the violation of human rights experienced by people in prisons. The Correctional Investigator has underscored that despite the failure of Correctional Service Canada to follow the minister's direction to step up conditional release during this pandemic, the service instead has interfered with releases and subjected most prisoners to conditions of isolation.

In addition, today, the chair of the ministerial oversight panel for structured intervention units reports that not only was the panel prevented from carrying out its mandate, but the information they have received reveals that in 95% of all cases, CSC is failing to ensure the contact and time out of cell that Bill C-83 promised in order to prevent profoundly harmful and unconstitutional solitary confinement.

Also, consistent with the 2003 finding of the Canadian Human Rights Commission, CSC's security classification system has recently been publicly exposed as discriminatory on the basis of race, sex and disability. All of this is as Canada's expenditures on federal prisons has increased by 11% over the past year, Corrections reveals.

How much of this excessive spending will the government redirect to fund community-based alternatives?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. You have raised a lot of issues in your remarks.

The government is aware of the disproportionate impact on racialized communities, women and Indigenous communities in our correctional system in general, prisons in particular. It is working with relevant partners and institutions to understand better why that's so and, more importantly, to take steps to remedy that.

• (1500)

With regard to your last point regarding the apparent bias or discrimination embedded in some of the testing tools that are used in corrections that have resulted in disparate treatment for racialized communities, this is a matter that should preoccupy us all and is a matter of considerable concern to the government.

I notice as well that you have introduced a notice of motion in the Orders of the Day, Motion No. 31, to authorize our Standing Senate Committee on Human Rights to examine and report on issues relating to human rights in the prisons. I don't want to read the whole motion, but it reads, in part:

. . . rights of federally sentenced persons in the correctional system . . . to examine the situation of marginalized or disadvantaged groups in federal prisons . . .

I look forward to seeing this chamber take that up and for the committee to weigh in on these important issues.

**Senator Pate:** Thank you very much, Senator Gold.

All these egregious breaches reveal the need for an effective oversight mechanism. What measures is the government putting in place to put an end to the massive systemic injustices and inequalities that these various reports have laid bare? And when will we look at implementing the effective judicial oversight of corrections that we in this place recommended when we were looking at Bill C-83 and that many others for decades before us have called upon the government to implement?

**Senator Gold:** Thank you for your question and for your ongoing commitment to and advocacy on these issues.

[English]

There is frustration — and the government understands this — with progress to date on the oversight in these matters. I am advised that Public Safety Minister Blair has asked his officials to work with Dr. Doob to help ensure the oversight panel gets the information and cooperation it needs to do its job to provide adequate oversight on our correctional system.

[Translation]

## FINANCE

### MARK CARNEY'S POSITION AS ADVISER

**Hon. Jean-Guy Dagenais:** My question is for the Leader of the Government. Yesterday, the Prime Minister talked to Radio-Canada about transparency. My question is about COVID-19-related spending.

The hiring of Mark Carney, the former governor of the Bank of Canada, as an adviser to the government is proof that Prime Minister Trudeau and his team had no serious economic vision for getting Canada through the COVID-19 crisis, despite the hundreds of billions of dollars that have been spent. Mark Carney is there to make up for the Liberals' incompetence. I see no other way of putting it. It has been difficult to assess the impact of the crisis so far, but there is still no plan to help our aerospace industry.

Leader, I imagine that you may not have the full answer to my question today, but I invite you to provide one at a later date. Since this represents an expenditure of taxpayers' money, I would like to know Mr. Carney's conditions of employment. What is his hourly rate of pay? Is he paid directly or through a company? Lastly, as an adviser, will he earn more than the current Minister of Finance of Canada?

**Hon. Marc Gold (Government Representative in the Senate):** I thank the senator for the question. I will try to find out whether that information is available and also whether it can be disclosed, in light of the well-established standards and principles regarding private contracts and confidentiality. I will be happy to inform the chamber as soon as I get an answer.

**Senator Dagenais:** Leader, I spoke about transparency, and I know how the government feels about transparency. We never found out how much Vice-Admiral Norman received. I hope we can get information on Mark Carney's hourly rate.

## FOREIGN AFFAIRS

### CANADA-CHINA RELATIONS

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

Senator Gold, last year we had China's ambassador to Canada issue threats to the Senate of Canada. He warned us against passing the Magnitsky Act, which was calling upon holding the Chinese communist regime to account.

Last year I asked this same question to your predecessor, namely, if Global Affairs Canada, our Minister of Foreign Affairs and the government would call in the Chinese ambassador to highlight that that kind of behaviour and threats would not be acceptable.

Can you please confirm to this chamber whether the government did call in the ambassador at the time? And if they haven't, why not?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I don't have the answer to your specific question. However, as all senators know, the Government of Canada has been very clear and firm in rejecting the interventions of the Chinese ambassador with regard to a number of stands and positions that the government has taken, including statements by representative Bob Rae in the United Nations.

The Government of Canada continues to find it unacceptable that the two Michaels are treated as they are; continues to demand proper, equitable and compassionate treatment of other Canadians that are held in custody; and firmly and resolutely reaffirms our commitment to democratic values and, certainly here in the chamber, our right as parliamentarians to express these matters publicly and forcefully.

**Senator Housakos:** Government leader, these are all nice words, but perhaps if the Trudeau government would have taken the appropriate action at the time it was required, the ambassador wouldn't have continued running around issuing new threats against Canadians, as he did just two weeks ago, threatening 300,000 Canadian citizens living in Hong Kong.

Rightfully, the Conservative Leader and Her Majesty's Leader of the Official Opposition in the other house has asked that the ambassador publicly apologize. He has also made it clear that if the Chinese ambassador doesn't apologize, he should be expelled.

Senator Gold, the Chinese ambassador continues to threaten Canadians and the Government of Canada. When will the government take action? When will they call him in? When will they accept that this is unacceptable? Will the government do it, yes or no?

**Senator Gold:** As I stated, the government has been very clear that the actions, threats and statements by the Chinese ambassador are completely unacceptable. That has been made clear and will continue to be made clear.

## BUSINESS OF THE SENATE

### COST OF HYBRID CHAMBER SITTINGS

**Hon. Denise Batters:** Senator Gold, your government has stated its intention to bring forward a motion on hybrid Senate sittings for debate. As the government's leader in the Senate, I'm sure you would never introduce a motion without it first being costed. Before we vote, can you tell us how much a hybrid Senate will cost?

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

**Senator Plett:** Don't sound so enthusiastic.

**Senator Gold:** I'm smiling.

Senator, thank you for your question. The expenditure of public funds is a serious matter and I don't mean to make light of it. As you know, CIBA approved the expenditure of considerable funds to provide for the technical equipment that would be necessary in anticipation of the need for hybrid sittings, and that was in excess of \$400,000, if I recall.

There is no question that the holding of hybrid sittings will also increase the workload on administration who work behind the scenes to support both chamber sittings and those who are participating by video conference.

Without entering into debate, which would not be appropriate in Question Period, it is clearly the position of this government — and I hope of the chamber, and I know of many senators in the chamber — that this is a necessary step for us to ensure that senators from across this very large country have the ability to participate fully in our work and that we, as a Senate, give ourselves the opportunity to do our work in the fullest way possible, making due allowance for the very challenging circumstances that the pandemic has imposed upon us. I don't have a final costing for it, but it is money well spent to ensure that the Senate does its job on behalf of all Canadians.

**Senator Batters:** Senator Gold, I, along with many in the chamber, I'm sure, would appreciate receiving that number as soon as possible, as we are scheduled to start debating it later today. We haven't even debated yet whether we should have a hybrid Senate, but a significant sum of taxpayers' money, as you indicated, has already been spent on it. And, of course, that has also been done behind closed doors, so the Canadian public, whose money it is, doesn't know how much, and most senators, who will be voting on it, don't know how much at this point. So surely the Trudeau government, who is proposing this idea in the first place, must know how much. So if you could please provide us with that number as you prepare your speech and deliver your speech later today, that would be much appreciated. Thank you.

• (1510)

**Senator Gold:** Again, senator, at the risk of belabouring the obvious, the expenditure of those funds that have been expended to date has been approved by CIBA. Our Senate processes were followed appropriately. I look forward to the debate that begins later today. I hope that it concludes quickly and successfully so that all senators can participate fully in our deliberations.

## IMMIGRATION, REFUGEES AND CITIZENSHIP

### SPONSORSHIP APPLICATIONS

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is also to the leader of the Senate.

Leader, I have asked you this question before and I ask you again. It is on spousal and family unification and immigration applications.

Leader, I asked you before because I had many, many people in British Columbia contact me. They have been waiting, some of them, up to three years. I understand that there is COVID, but I also understand that these applications have come to a standstill.

Recently, I again heard from them that they are suffering mental anxiety. They are suffering terrible mental issues. I want to share with you what a four-year-old child said to me the other day:

Why can I not see my dad? Why can I not play with my dad? Why can I not be with my dad when I am home all day because I cannot go outside and play because of COVID?

Leader, what is happening with the processing of applications?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, senator, for your question and for your ongoing work on behalf of those seeking to come to this country.

The story you tell and the thousands of stories that could be told are heartbreaking in so many ways. The fact is, senator, that the circumstances in which we find ourselves with the pandemic have affected not only businesses in Canada and travel around the world, but they have also affected our processes for dealing with applications.

There are two sides to this coin. Local restrictions have caused many international visa application centres to close. That's part of the problem. The department, Immigration, Refugees and Citizenship Canada, has kept its processing centres open. They continue to work to try to increase their capacity.

Now, in doing that, they have prioritized certain applications — applications from Canadians and permanent residents returning to Canada, and people who perform or support essential services. They are processing as many as they can. More and more are done virtually, being mindful of security and safety, of course. They are providing more resources for officials to work remotely. They have ramped up efforts to

digitize their records and streamline their policies and their processes. There has been some reopening of in-person service centres while keeping health guidelines.

That is cold comfort for those who are still waiting, but the government is doing what it can to try to return the processing to more normal levels.

#### SUPER VISAS

**Hon. Mobina S. B. Jaffer:** Supplementary. Leader, everything you say I believe. I know that, during COVID, it's very difficult, but, yesterday, your own paper, the *Toronto Star*— well, you live in that area.

**Hon. Marc Gold (Government Representative in the Senate):** I'm a Montrealer.

**Senator Jaffer:** I know, but I meant the paper spoke about these applications being racist, that there is racism in the way these applications are being covered.

I'm not saying that, but a lot of people are saying to me that it is the people from certain countries whose applications are being affected. I don't accept that, but I would ask you, leader, to ask the minister why he is not issuing special visas at this time? Because the people who are waiting here are Canadians. They are waiting for their spouses. Children are waiting for their parents. How long are they going to wait? Some children have been waiting up to three years.

**Senator Gold:** I am a proud Montrealer, but it's okay. I did live in Toronto and I did live in Vancouver, so I understand, from the Vancouver perspective, it's sort of all central Canada or east. I'm fine with that.

But, no, it's a serious question. You have asked the question before, and I have made inquiries, Senator Jaffer. Unfortunately, I haven't yet received a specific answer to the question about special visas. I'm still awaiting that answer. When I do get it, I will certainly provide it to you and to the chamber in a timely fashion.

The government acknowledges there is much more work that needs to be done. I hope that it will bring results sooner rather than later.

**The Hon. the Speaker:** Honourable senators, the time for Question Period has expired.

## ORDERS OF THE DAY

### ETHICS AND CONFLICT OF INTEREST FOR SENATORS

SECOND REPORT OF COMMITTEE PRESENTED DURING FIRST SESSION OF FORTY-THIRD PARLIAMENT—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Patterson, for the adoption of the second report of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of an inquiry report of the Senate Ethics Officer*, presented in the Senate on June 18, 2020, during the First Session of the Forty-third Parliament.

**The Hon. the Speaker:** Honourable senators, pursuant to rule 12-30(2), a decision cannot be taken on this report, as yet. Debate on the report, unless some other senator wishes to adjourn the matter, will be deemed adjourned until the next sitting of the Senate.

Is that agreed, honourable senators?

**Hon. Senators:** Agreed.

(Pursuant to rule 12-30(2), further debate on the motion was adjourned until the next sitting.)

### THE SENATE

NOTICE OF MOTION NO. 7 TO AUTHORIZE  
HYBRID SITTINGS WITHDRAWN

On Government Business, Motion, Order No. 7, by the Honourable Marc Gold:

That, notwithstanding any provision of the Rules, previous order or usual practice:

1. as soon as practicable after the adoption of this order the Senate begin to hold hybrid sittings, with senators able to participate in sittings either from the Senate Chamber or through an approved videoconference technology to be determined from time to time by the Speaker after consulting with the leaders and facilitators, with the provisions of this order applying until hybrid sittings cease;
2. the Speaker, after consulting the leaders and facilitators, determine the date on which such hybrid sittings shall commence;
3. hybrid sittings be considered, for all purposes, proceedings of the Senate, with senators participating in such sittings by videoconference being considered, for all purposes, including quorum, present at the sitting; the sitting being considered to take place in

- the parliamentary precinct, irrespective of where the participants may be located; and times specified in the Rules or this or any other order being Ottawa times;
4. subject to variations that may be required by the circumstances, senators, to participate by videoconference, must:
    - (a) use a desktop or laptop computer and headphones with integrated microphone provided by the Senate for videoconferences;
    - (b) not use other devices such as personal tablets or smartphones; and
    - (c) have their video on and broadcasting their image when speaking;
  5. the Senate recognize that, except as provided in this order, there should generally be parity of treatment among all senators attending in person and those attending by videoconference and that proceedings should follow usual procedures, subject to such variations required for technical reasons as may be directed by the Speaker, subject to appeal to the Senate if technically feasible;
  6. senators participating by videoconference need not stand;
  7. provisions of the Rules relating to the ordinary time of adjournment be suspended, except on a Friday;
  8. without restricting the right of senators to move a motion to adjourn the Senate as allowed under the Rules, without affecting requirements in certain circumstances that the Senate continue sitting after receipt of a message from the Crown or the announcement that a message is anticipated, and except as otherwise provided in this order, sittings last, except on a Friday, until the earlier of:
    - (a) 9 p.m.; or
    - (b) the end of business for the day;
  9. the Speaker be authorized to suspend the sitting as required for technical and other reasons;
  10. the Speaker be authorized to direct that the sitting be adjourned for technical reasons, provided that this direction be subject to appeal if technically feasible;
  11. if the bells are ringing or a vote is underway at a time provided for in paragraph 8, the adjournment shall be suspended until the vote and any consequential business are concluded;
  12. in cases where the Rules allow or require the Senate to sit beyond the ordinary time of adjournment to deal with an item of business, and if such an item of business is under consideration at the time the sitting would otherwise end, the provisions of paragraph 8 only take effect when proceedings on that item of business have finished for the sitting, and, if the provisions of paragraph 10 are invoked while such an item is under consideration, the item of business shall, except in the case of an emergency debate, be dealt with at the following sitting at the start of the Orders of the Day;
  13. on the first day of debate on a motion moved in relation to a case of privilege, debate may be adjourned, even if normally prohibited under rule 13-6(6);
  14. the provisions of rule 3-3(1) be suspended;
  15. if the Senate sits on a Friday, it sit at 11 a.m., with provisions of the Rules that specify the timing of certain events on a Friday, including the ordinary time of adjournment, being delayed, except as otherwise provided in this order, by two hours on that day;
  16. the Senate recognize the importance of providing the Speaker with information necessary to allow him to assist with the orderly conduct of business in hybrid sittings, and therefore, subject to normal confidentiality practices, strongly encourage all senators:
    - (a) to advise their party or group representatives, or the Clerk of the Senate or his delegate, as far in advance as possible, if they intend to intervene during the sitting; and
    - (b) to provide the Clerk of the Senate or his delegate, as far in advance as possible with an electronic copy of any amendment, subamendment, notice of motion, notice of inquiry, committee report to be tabled or presented, bill to be introduced, or any other document required for the sitting as far in advance as possible;
  17. a senator who has provided an advance copy of a document under subparagraph 16(b) be considered to have fulfilled any obligation to provide a signed copy of that document;
  18. the following provisions have effect in relation to voting:
    - (a) only senators present in the Senate Chamber shall participate in the procedure for a voice vote;
    - (b) a standing vote may only be requested by senators in the Senate Chamber;

- (c) during hybrid sittings, rule 9-7(1)(c) shall be read as follows:
- “(c) then:
- (i) ask the “yeas” in the Senate Chamber to rise for their names to be called;
- (ii) ask the “yeas” participating by videoconference to hold up the established card for voting “yea” for their names to be called;
- (iii) ask the “nays” in the Senate Chamber to rise for their names to be called;
- (iv) ask the “nays” participating by videoconference to hold up the established card for voting “nay” for their names to be called;
- (v) ask those who are abstaining in the Senate Chamber to rise for their names to be called; and
- (vi) ask those who are abstaining and participating by videoconference to hold up the established card for abstaining for their names to be called.”;
- (d) if a vote is deferred pursuant to rule 9-10, it shall be held at the end of Question Period on the next day the Senate sits, after a 15-minute bell;
- (e) if a vote is deferred pursuant to rule 4-6(1), it shall be held at the end of Question Period on the same day; and
- (f) in the case of votes deferred pursuant to other provisions of the Rules, the usual processes for such votes shall hold, with the sitting being suspended, if necessary, at the end of the time otherwise provided for the end of the sitting pursuant to this order;
19. for greater certainty, leave be considered granted when requested, unless the Speaker hears an objection from a senator, either in the Senate Chamber or participating by videoconference;
20. from the time of the adoption of this order:
- (a) any return, report or other paper deposited with the Clerk of the Senate pursuant to rule 14-1(6), may be deposited electronically;
- (b) the government be authorized to deposit electronically with the Clerk of the Senate any documents relating to its administrative responsibilities, following the process of rule 14-1(6); and
- (c) written replies to oral questions and to written questions may be deposited with the Clerk of the Senate electronically following the process of rule 14-1(6), provided that written replies to oral questions be published as an appendix to the

*Debates of the Senate* of the day on which the tabling is recorded in the *Journals of the Senate*; and

21. the terms of this order cease to have effect, and hybrid sittings cease, at the end of the day on December 18, 2020.

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, pursuant to rule 5-10(2), I ask that Notice of Motion No. 7 be withdrawn.

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

**Hon Senators:** Agreed.

(Notice of motion withdrawn.)

[*Translation*]

MOTION TO AUTHORIZE HYBRID SITTINGS ADOPTED

**Hon. Marc Gold (Government Representative in the Senate),** pursuant to notice of earlier this day, moved:

That, notwithstanding any provision of the Rules, previous order or usual practice:

1. as soon as practicable after the adoption of this order the Senate begin to hold hybrid sittings, with all senators able to participate in sittings either from the Senate Chamber or through an approved videoconference technology to be determined from time to time by the Speaker after consulting with the leaders and facilitators, with the provisions of this order applying until hybrid sittings cease;
2. the Speaker, after consulting the leaders and facilitators, determine the date on which such hybrid sittings shall commence;
3. hybrid sittings be considered, for all purposes, proceedings of the Senate, with senators participating in such sittings by videoconference from a designated office or designated residence within Canada being considered, for all purposes, including quorum, present at the sitting; the sitting being considered to take place in the parliamentary precinct; and times specified in the Rules or this or any other order being Ottawa times;
4. subject to variations that may be required by the circumstances, senators, to participate by videoconference, must:
  - (a) use a desktop or laptop computer and headphones with integrated microphone provided by the Senate for videoconferences;

- (b) not use other devices such as personal tablets or smartphones;
  - (c) be the only people visible on the videoconference from an active video feed, other than those in the Senate Chamber; and
  - (d) except while the bells are ringing for a vote:
    - (i) have their video on and broadcasting their image at all times; and
    - (ii) leave the videoconference if they leave their seat;
5. the Senate recognize that, except as provided in this order, there should generally be parity of treatment among all senators attending in person and those attending by videoconference and that proceedings should follow usual procedures, subject to such variations required for technical reasons as may be directed by the Speaker, subject to appeal to the Senate if technically feasible;
  6. senators participating by videoconference need not stand;
  7. without restricting the operation of rule 3-6 and the right of senators to move a motion to adjourn the Senate as allowed under the Rules, without affecting requirements in certain circumstances that the Senate continue sitting after receipt of a message from the Crown or the announcement that a message is anticipated, and except as otherwise provided in this order:
    - (a) when the Senate sits on a Monday, the provisions of rule 3-3(1) be suspended and the sitting:
      - (i) start at 6 p.m.; and
      - (ii) adjourn at the earlier of the end of Government Business or 9 p.m.;
    - (b) when the Senate sits on a Tuesday, the sitting:
      - (i) start at 2 p.m.; and
      - (ii) adjourn at the earlier of the end of business for the day or 9 p.m.;
    - (c) when the Senate sits on a Wednesday, the sitting:
      - (i) start at 2 p.m.; and
      - (ii) adjourn at the earlier of the end of Government Business or 4 p.m.;
    - (d) when the Senate sits on a Thursday, the sitting:
      - (i) start at 2 p.m.; and
      - (ii) adjourn at the earlier of the end of business for the day or 9 p.m.; and
    - (e) when the Senate sits on a Friday, the sitting:
      - (i) start at 10 a.m.; and
      - (ii) adjourn at the earlier of the end of Government Business or 4 p.m.;
  8. the Speaker be authorized to suspend the sitting as required for technical and other reasons;
  9. the Speaker be authorized to direct that the sitting be adjourned for technical reasons, provided that this direction be subject to appeal if technically feasible;
  10. the times provided for adjournment of the sitting in paragraph 7 be considered the ordinary time of adjournment for the purposes of the Rules, and, for greater certainty, any provisions of the Rules permitting the continuation of the sitting beyond that time in certain circumstances continue to apply, provided that if the provisions of paragraph 9 are invoked when an item that would allow the Senate to continue beyond the ordinary time of adjournment is under consideration, that item of business shall, except in the case of an emergency debate and subject to the provisions of rule 4-13(3), be dealt with at the start of the Orders of the Day of the next following sitting;
  11. on the first day of debate on a motion moved in relation to a case of privilege, debate may be adjourned, even if normally prohibited under rule 13-6(6);
  12. the evening suspension provided for in rule 3-3(1) only be until 7 p.m.;
  13. when the Senate sits on a day other than a Friday, any provision of the Rules requiring that something take place at 8 p.m. be read as if the time therein were 7 p.m.;
  14. the Senate recognize the importance of providing the Speaker with information necessary to allow him to assist with the orderly conduct of business in hybrid sittings, and therefore, subject to normal confidentiality practices, strongly encourage all senators:
    - (a) to advise their party or group representatives, or the Clerk of the Senate or his delegate, as far in advance as possible, if they intend to intervene during the sitting; and
    - (b) to provide the Clerk of the Senate or his delegate, as far in advance as possible with an electronic copy in English and French of any amendment, subamendment, notice of motion, notice of inquiry, committee report to be tabled

- or presented, bill to be introduced, or any other document required for the sitting as far in advance as possible;
15. a senator who has provided an advance copy of a document under subparagraph 14(b) be considered to have fulfilled any obligation to provide a signed copy of that document;
  16. the following provisions have effect in relation to voting:
    - (a) only senators present in the Senate Chamber shall participate in:
      - (i) the procedure for a voice vote; and
      - (ii) in the determination as to whether leave is granted for bells of less than 60 minutes;
    - (b) to be one of the senators requesting a standing vote, a senator participating by videoconference must clearly indicate this request, but need not stand;
    - (c) rule 9-7(1)(c) shall be read as follows:
 

“(c) then:

      - (i) ask the “yeas” in the Senate Chamber to rise for their names to be called;
      - (ii) ask the “yeas” participating by videoconference to hold up the established card for voting “yea” for their names to be called;
      - (iii) ask the “nays” in the Senate Chamber to rise for their names to be called;
      - (iv) ask the “nays” participating by videoconference to hold up the established card for voting “nay” for their names to be called;
      - (v) ask those who are abstaining in the Senate Chamber to rise for their names to be called; and
      - (vi) ask those who are abstaining and participating by videoconference to hold up the established card for abstaining for their names to be called.”;
    - (d) except as provided in subparagraph (g), if a vote is deferred pursuant to rule 9-10, it shall be held at 3:30 p.m. on the next day the Senate sits, after a 15-minute bell, interrupting any proceedings then underway, except another vote or the bells for a vote;
    - (e) except as provided in subparagraph (g), if a vote is deferred pursuant to rule 4-6(1), it shall be held at 3:30 p.m. on the same day, after a 15-minute bell, interrupting any proceedings then underway, except another vote or the bells for a vote;
    - (f) except as provided in subparagraph (g), in the case of votes deferred pursuant to other provisions of the Rules, the usual processes for such votes shall hold, with the sitting being suspended, if necessary, at the end of the time otherwise provided for the end of the sitting pursuant to this order; and
    - (g) if a deferred vote is to be held on a Monday, it shall be held at the end of Question Period, after a 15-minute bell;
  17. for greater certainty, leave be considered granted when requested, unless the Speaker, after a sufficient period of time, hears an objection from a senator, either in the Senate Chamber or participating by videoconference;
  18. from the time of the adoption of this order:
    - (a) any return, report or other paper deposited with the Clerk of the Senate pursuant to rule 14-1(6), may be deposited electronically;
    - (b) the government be authorized to deposit electronically with the Clerk of the Senate any documents relating to its administrative responsibilities, following the process of rule 14-1(6); and
    - (c) written replies to oral questions and to written questions may be deposited with the Clerk of the Senate electronically following the process of rule 14-1(6), provided that written replies to oral questions be published as an appendix to the *Debates of the Senate* of the day on which the tabling is recorded in the *Journals of the Senate*; and
  19. the terms of this order cease to have effect, and hybrid sittings cease, at the end of the day on December 18, 2020.

He said: Honourable senators, I rise today to speak to the motion that will allow the Senate to hold hybrid sittings, which will give senators in all regions of Canada the opportunity to participate fully in the work of this chamber, either in person or by video conference.

[*English*]

Eight months ago, this motion, indeed the possibility of hybrid proceedings, was unthinkable. In March, Parliament shuttered its doors because COVID-19 was spreading quickly and, in some cases, fatally. I don't think anyone expected the situation to last for the long term but, as we have come to learn, Canada and the world knew little about the virus in the beginning. And now with more knowledge and study by our health officials, we have come to realize that the situation is not going to change anytime soon. As a result, this chamber must adjust its operating procedures accordingly, so that all senators from every corner of this country are able to participate fully.

Colleagues, we're wading into uncharted waters but this motion is necessary in order to allow this chamber to operate fully and democratically, and to fulfill our legislative duties as a chamber of sober second thought. Asking colleagues to put themselves or their families at risk by requiring them to travel to and from Ottawa on a weekly basis is not feasible nor desirable. Many senators would be arriving in the capital, currently considered a COVID hotspot by the Government of Ontario, from regions that require self-isolation upon their return home. This is not practicable but, more importantly, it is unreasonable to prohibit senators from doing their jobs. Operating in this hybrid model will allow all colleagues to weigh in and add their voices to debates, and permit them to vote on matters of importance to Canadians.

[Translation]

The Senate administration has worked tirelessly to develop a model that will enable all senators to use technology to participate in sittings. Tests held last week confirmed that our colleagues across Canada should be able to participate fully by video conference. I participated in those tests. I was impressed by the results and delighted to see and hear my colleagues after so many months. The success of this virtual forum will enable all senators to not only share their opinions on government bills but also present their own priorities for consideration by the Senate.

• (1520)

[English]

Because the Senate has needed to concentrate almost exclusively on emergency government legislation pertaining to COVID-19 since April, there has been little opportunity for colleagues to introduce motions, inquiries or bills focusing on their own priorities and those of their regions. Having another senator put those motions forward on your behalf is not the same as being present to do it yourself. This is one of the reasons this motion should be approved as quickly as possible.

After consultation with the leaders of all parties and groups, the new motion before us reflects a number of adjustments based upon input received that seeks to better accommodate all senators — senators here in the chamber and senators participating by teleconference.

With the approval of this chamber, the hybrid motion will provide for the speaking rights of all senators. It recognizes that there should be parity of treatment among senators — those attending in person and those attending by video conference — and that proceedings should follow usual practices, including the ability of senators not attending in person to call for a standing vote.

The motion outlines the basic equipment requirements to be provided by the Senate for both security purposes and continuity.

[Translation]

Once the motion is adopted by this chamber, we will hold hybrid sittings as soon as practicable and as soon as the Speaker deems it possible.

[English]

All senators, whether attending in person or by video conference, will be considered present at the sitting as long as those who are attending virtually are participating from a designated office or designated residence in Canada.

Colleagues, the ability to cast a vote is an essential duty for senators. Under the approved model, senators participating virtually will hold up an established card during standing votes. The voting process would begin with senators voting “yea” in the chamber, followed by senators voting with the established “yea” card by video conference. Senators voting “nay” would proceed in the same way, followed by those who are abstaining.

For organizational purposes, senators should recognize the importance of providing the Speaker with all information necessary to allow him to proceed with the orderly conduct of business during hybrid sittings. This motion strongly encourages all senators to advise their respective representatives or the Clerk of the Senate if he or she intends to speak and to provide electronic copies of a notice of motion, inquiry, private member's bill or other document to be presented or tabled as far in advance as possible.

Colleagues, this is reflective of the many practices that all parties and groups have utilized to ensure appropriate lines of communication and to ensure the efficiency of our proceedings, including scroll meetings as well as leadership discussions.

Inevitably, hybrid sittings will bring occasional technical issues. As I said, this is inevitable as we have seen in the other place. Accordingly, the Speaker will have the authority to suspend or adjourn the sitting because of technical issues, but that can be subject to appeal depending on circumstances.

Canada is a vast country and the realities of this pandemic also put the health and safety of those around us, including those who support our proceedings, at a greater risk. The motion has taken this into consideration and has adjusted the start and end times of said sittings accordingly. They are to end no later than 9 p.m. EST Tuesday and Thursday. Should there be a sitting on a Friday, it would not begin until 10 a.m. and end by 4 p.m., or at the end of government business.

Monday sittings will begin at 6 p.m. EST and end no later than 9 p.m., or at the end of government business. Wednesday sittings will begin at 2 p.m. EST and end at 4 p.m., or at the end of the government business, to allow for the possibility of committee meetings. This is consistent with how our Wednesday sittings had been structured in the previous Parliament.

These times will accommodate senators in all regions.

[*Translation*]

Many senators are facing impossible choices when it comes to striking a balance between health and safety, respecting provincial jurisdictions and performing Senate duties. The hybrid sittings will enable senators to participate fully in debates without having to travel across our vast country during the second wave of the pandemic. We owe the Speaker and the Senate administration a debt of thanks for all of the work they have done to date in preparing for the hybrid sittings, including the practice runs they organized to ensure that the sittings of the Senate would go smoothly and that no senator would be forgotten.

[*English*]

I would personally like to thank the Senate leaders and their offices for their constructive input over the past few weeks. In my view, the consensus-building process we have followed to get to this outcome is consistent with the best traditions of this place: collaboration, consultation, listening to each other and, crucially, avoiding the delegitimization of opposite views. By doing this, we're moving forward in a positive way. In the end, as is most often the case, it is a consensus that was yielded through just a few minor compromises on every side of this chamber. It's a process that I hope we can replicate very soon to address other outstanding issues that we are facing in this chamber.

Finally, I thank all senators for their patience and input, both professional and personal, during this challenging period in all of our lives. I would ask that senators pass this motion as quickly as possible so that members of this chamber can participate fully and have their own voice on the record in all matters important to them and to their regions. Thank you very much.

**Hon. Pierrette Ringuette (The Hon. the Acting Speaker):** Senator Dagenais, you have a question?

**Hon. Jean-Guy Dagenais:** Yes.

**The Hon. the Acting Speaker:** Senator Gold, would you accept a question?

**Senator Gold:** Yes, please.

[*Translation*]

**Senator Dagenais:** I would like to draw your attention to paragraph 3, which states that “hybrid sittings be considered, for all purposes, proceedings of the Senate,” and to the phrase “designated residence within Canada.” That means that if a senator is travelling outside Canada, be it with a parliamentary association or for committee work, they can't attend the hybrid sitting even if they have time. We all know we can tune in to Senate sittings on an iPad or laptop anywhere in Canada, so is this for security reasons? Why does this motion specify that senators can participate in hybrid sittings only if they are in Canada?

**Senator Gold:** Thank you for your question. This issue was addressed in a number of conversations among leaders, which remain confidential, and within groups and caucuses. Here is a basic principle: change only what is strictly necessary to set up a

hybrid system. According to our rules and method of operation, we must sit here in Canada. That means it is important for people to be in Canada in order to participate in hybrid sittings. That is why all the groups came to a consensus to maintain that basic principle governing our work in the Senate.

**Senator Dagenais:** Let's consider the example of a senator who is out of the country for some reason and can't return to Canada right away. If that senator is detained outside the country because of the pandemic or because they're exhibiting symptoms, that senator won't be able to take part in the hybrid sitting at all.

**Senator Gold:** Yes, the motion is very clear. Senators must be in Canada to take part.

[*English*]

**Hon. Mary Jane McCallum:** Senator Gold, I would like to ask a question about clause 4 of your proposed motion requiring senators to use a desktop or laptop computer and headphones as provided by the Senate.

• (1530)

Can you please confirm if the computer needs to be Senate-provided or just the headphones? On multiple occasions during the pandemic, I have had various issues with my Senate computer, including being bumped from Teams and Zoom, not receiving Senate emails for two- to three-week stretches at a time, making me totally reliant on my staff to constantly forward me links to access Teams and Zoom meetings.

The Information Services Directorate has tried to resolve these issues on four occasions, but have been unable to rectify them. For now, I have been getting onto Teams and Zoom through my personal email, which I access largely through my personal computer. ISD sent a new computer, which I had to send right back due to issues flagged with its configuration.

One of the stipulations in this motion for hybrid sittings is that only Senate computers may be used to participate fully in these sittings. Can this restriction be loosened until these issues can be ironed out so I can participate fully and democratically, virtually, when I need to? Thank you.

**Senator Gold:** Thank you for your question. I'm unhappy to hear that you are continuing to have problems. I would encourage you to continue to work with IT services to resolve whatever problems there might be with your hardware or the configuration of the computer.

We know that there are also problems that many might face with connectivity generally because internet access is not uniformly great throughout this country, especially in rural areas. That's why we had in this motion — and this was good input from the groups in the process — that you can participate in a designated residence or office if, for example, you have technical problems with connectivity or just poor internet service where you may live. It was clear from the beginning and throughout our discussions with the administration, the Speaker and the groups,

[ Senator Gold ]

that we had to use Senate-provided equipment. That, unfortunately, in your case appears to be a problem that I hope can be resolved soon, but that is how it has to remain.

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I want to add my voice to what Senator Gold has already said, and it will probably not surprise many of you that some of us on this side of the chamber have not been quite as enthusiastic about these hybrid sittings as others have been. Nevertheless, in the spirit of cooperation, as we always do, we will again cooperate here. But, before we do that, we will at least put some of our concerns on the record.

I assure you, colleagues, that I will take just a few minutes to voice some of my typical concerns that may have led us to this. Then I will talk specifically about the hybrid motion itself, how we got to it, and how we managed to, as Senator Gold has said, actually reach somewhat of a consensus at leadership. This is something we need to know, and I need to let all of my colleagues know: This is a democratic institution and everybody will have the right to vote the way they choose on this particular motion, regardless of any agreement the leaders may have had.

First of all, colleagues, in the last months we have seen from this government a lack of accountability, a desire not to be present and a desire not to have Parliament operating. Prime Minister Trudeau despises all opposition, whether it's in the House of Commons, the Senate, his own cabinet or his own caucus, and we have seen that time and again — powerful women and some maybe less powerful men being removed from his cabinet.

Prime Minister Trudeau has used the ongoing pandemic crisis to prevent, block, cover up and prorogue, thereby jeopardizing accountability and transparency in our democratic system of Parliament.

Prime Minister Trudeau is distracted by his own Liberal scandals and is focused on his party's survival instead of being focused on the well-being of Canadians. In the first months of this pandemic, he was hiding in his cottage while all other leaders across the country were in their offices working.

Hybrid or virtual sittings should only be used — and the argument can be made that, well, that's why they are being used — for the duration of the pandemic. And, indeed, this has a sunset clause, which is very important. Accountability and democracy in Parliament are crucial, regardless of who is in government. The current unusual circumstances have forced Parliament to adapt. When things get back to normal, Parliament also has to get back to normal.

Prime Minister Trudeau has become a leader who promises everything, delivers nothing and blames everyone else. The Trudeau government is shamefully using the pandemic to avoid accountability, and they are doing it in the house with their virtual sittings. Prime Minister Trudeau is distracted with his own Liberal scandals. He is focused on his party's survival instead of being focused on the well-being of Canadians. Prime Minister Trudeau despises all opposition.

These are interesting times, to say the least. The world, Canada included, has been faced with the COVID-19 pandemic that led to the current economic crisis and, in fact, what we are debating today.

Specifically, here in Canada, we have witnessed the jeopardizing of our democratic system. The Trudeau government shamefully refused to reopen Parliament in order to avoid accountability during the pandemic and, indeed, the financial crisis. They have put our country into debt. The Trudeau government refused to provide a fiscal update and, when they finally provided a snapshot, Canadians learned that we had hit a record high \$343-billion deficit and spending levels not seen since the Second World War. Furthermore, this government has the longest record of governing without a budget.

**Liberal scandals:** In the \$900 million scandal, Prime Minister Trudeau attempted to bail out his friends at WE, who have close ties with his own family.

**Corruption and chaos:** A third investigation by the Ethics Commissioner into Prime Minister Trudeau is ongoing, this time regarding his involvement in the \$900 million scandal. Canadians will remember the previous two: the Aga Khan's luxury island vacation and the SNC-Lavalin scandal. The ongoing \$900 million scandal has forced former minister Bill Morneau to resign, and the former minister was also subject to investigation by the Ethics Commissioner.

Liberals and their friends at WE are currently being investigated by the Ethics Commissioner; Trudeau and Morneau by the Commissioner of Lobbying; by the Procurement Ombudsman, WE and government; the RCMP, WE; the Commissioner of Official Languages, Minister Joly; Elections Canada, the previous minister of finance, Bill Morneau. Cover up: The Prime Minister tried to cover up his own scandal by closing Parliament completely with prorogation, thereby putting an end to all parliamentary committee work, but, more specifically, ending the inquiries into his very own \$900 million scandal with his friends.

Then the Trudeau government announced that it would make an opposition day motion on a special committee to look into their scandals and their ethical conduct. The government would consider this a confidence vote that would trigger an election. Even the pandemic cannot contain the Liberal's entitlement and arrogance. At a time when Canadians are looking for stability and leadership, Prime Minister Trudeau has given them corruption, chaos, and cover-ups while threatening to drop the writ in the middle of a pandemic.

• (1540)

Conservatives will continue to hold Justin Trudeau and his government accountable. No matter how hard the Prime Minister tries to block scrutiny, Conservatives will keep fighting for answers that all Canadians deserve.

On the motion before us today, I have been called an obstructionist by the leader of the ISG in the newspapers. The Conservatives are obstructing the movement of this motion is what I read. The leader of the Canadian Senators Group called me an obstructionist. I have only asked for answers.

When we had meetings — Senator Gold said they were in camera and I don't remember that, but be that as it may, I will try to choose my words very carefully — we debated. We had meeting after meeting where I asked, where I suggested this has to go to the entire Senate. Before we spend \$400,000, I said, "the Senate needs to talk about this." Senator Batters asked the question, and our Leader of the Government said CIBA approved it. It's something for the Senate to approve. That's why we are here today to vote on this motion, which I will support.

This is something for this entire chamber. It is not just to vote on whether we want hybrid sittings but, indeed, whether we can spend \$400,000 plus. That question should have come here first and then we should have done this. Now we are in a position where we need to vote on this today so that we can turn the switch for next Tuesday. That's not the way to run an operation like this.

Having said that, Senator Gold again rightfully said that we had reached a consensus. I will tell you, colleagues — not because I think I need more credit than anyone else — that I would suggest 75% of the changes that were made to the hybrid sitting motion were made by me. I suggested these.

**Senator Martin:** Well done.

**Senator Plett:** Thank you. They were good changes that everybody agreed to; there was consensus. I was not an obstructionist. I wanted something that was better than what was being offered to us. I knew we were going to have this eventually and, indeed, we probably have to whether I like it or whether I want it or not.

I don't believe we do; I think we have 50-plus senators in the chamber here today. We have no restrictions in this country that prevent anyone from flying here. We have senators from Nova Scotia, from Newfoundland and Labrador here. They are probably going to have to isolate when they go home, but they are here. The first time we came here during the pandemic, I had to isolate for two weeks until my government gave me an exemption. There is nothing preventing any senator from coming here to debate and take part.

Now we are trying to make sure that everyone has an opportunity, colleagues, but we are not taking away anyone's parliamentary privilege by not having hybrid sittings. Do you know when we will take away someone's parliamentary privilege? When Senator McCallum cannot get on because her Senate device isn't working properly. She will be losing her parliamentary privilege because she will be cut out, whether it's because of where she lives or because of the device the Senate has given her.

We have areas in this vast country that have horrible internet service, which is one of the reasons why we agreed that people could go to a designated office or a different residence and go online at that office or residence to accommodate, but this will

not solve everything. I live in the city of Winnipeg. Until a week or maybe two weeks ago, I had horrible service when I went on whatever meetings I had. I was on multiple Zoom meetings, and I was constantly getting poor internet service. It said it on my screen.

I went to Bell Canada again. I had very recently upgraded the television set. In order to do that, I needed to upgrade my internet. So I asked Bell for the top internet service that I could get, and I thought they had given it to me. When I couldn't get proper service, somebody in administration or IT here in the Senate suggested I ask them again, and I did. They came out and again upgraded me to what they now say is the best. I don't know what changed in the last two months. Now, in the last couple of weeks, I've had great service.

If I'm having that problem in the city of Winnipeg, what problems are many of our colleagues who live in rural areas going to have? It's not going to be good. What's going to happen in the middle of a sponsor's speech or a critic's speech and they lose internet service? We can't move on.

People will have their parliamentary privilege taken away because of the hybrid motion. Trust me on that. As I said, I'm on CIBA. I'm on the Subcommittee on Long Term Vision and Plan. I have a number of different Zoom meetings. First of all, I still don't understand — I asked the question at the last CIBA meeting, and I haven't been provided the answer — why I have to go on a half hour or 45 minutes early to onboard. Will 95 senators have to onboard? I'm not sure. I haven't been provided the answer. How long ahead of time do senators who want to be online have to go on? These are problems that haven't been answered.

There have been many practices that have happened.

**Senator Martin:** Two.

**Senator Plett:** Two practices have happened. Two practices happened before we approved the motion. We didn't approve a motion, yet we are practising how we are going to do this. Well, those of us who did not attend any of these sessions expect that we will be afforded the opportunity to practice and know that we will be able to get on properly on Tuesday because we felt we should wait until this motion passed, until we had negotiated the motion. Because without question, some of the amendments that we now have, the changed motion — as a matter of fact, there were so many that we didn't do it by amendment. We had Senator Gold withdraw a motion and present a new motion because there were that many changes.

If we would not have gotten that, I put Senator Gold on notice that if these don't go through, I will present those amendments in the chamber. We could have possibly had a different scrap here but, as Senator Gold said, we did get consensus.

Let me just finish with this: We will want answers. I really take exception to senators suggesting that just because we want accountability, just because we want things to be run in a certain way, just because we want some transparency, that makes us obstructionist. I think all leaders will agree that in most of our leaders' calls, I offer and get as much as I give. These are mutual. We win some; we lose some.

Senator Saint-Germain, myself, Senator Tannas and Senator Cordy — unfortunately, things fell off the rails somewhere — spent two and a half or three hours negotiating all of the committees in this place, all of the chairs and deputy chairs. There was very little disagreement. It happened because we agreed with it. Do I agree that the Conservatives should not have the majority of the chairs? No, I don't. I think we should have them all. But I also know we won't get them all, so you decide you are going to give a little bit and that's why we have negotiations.

• (1550)

Senator Woo has been in those negotiations with me. I think both of us always started negotiations with more than we expected to get, but at the end, you give. That's what we did here. Colleagues, as I said, at the end of the day, I will at the very least allow this to pass on division. I say "on division" because I have apprehensions, not because I don't understand that we need to do something. I do, colleagues.

I have many of my own colleagues that are not here today because of travel restrictions when they go back home, because of family issues and so on. I want to respect that; I want to respect anybody in the other groups that are in the same situation. I hope this doesn't come back and bite me sometime. I know I'm pretty careless. Most of you are wearing masks while you are sitting here. I'm much too careless; I understand that. I hope it doesn't come back and bite me some time. But we want to work together. Disagreement isn't obstructing, colleagues. Disagreeing is democratic.

With that, colleagues, I assure you there will be enough votes in this chamber that this will pass. Whether on a standing vote or on division, this will pass today.

**Senator Martin:** Good speech.

[Translation]

**The Hon. the Acting Speaker:** Senator Forest, you have a question?

**Hon. Éric Forest:** Thank you for your speech, Senator Plett, and thank you for being here in the chamber. Your presence helps keep the Senate running smoothly. I find this reassuring.

My question has to do with assessing the investments involved in holding hybrid sittings. These investments represent a capital expenditure, which is therefore amortized over several weeks. Are you in a position to compare this capital expenditure, amortized over several weeks or even months, with the cost of a week of sittings for which we are all here in the chamber in Ottawa?

[English]

**Senator Plett:** I guess my answer to that, Senator Forest, is that sounds to me an awful lot like somebody who doesn't want to be here in Ottawa and make this a permanent thing. If we all stay home and make this permanent, we can rent this out, I'm sure, to somebody else. We can sell this building and make a whole lot of money for the Senate, but I don't think that's what you want.

There is absolutely no reason why I would want to compare those two, because I think it's my duty. When I was appointed in 2009, I swore an oath that I would do my level best to do my job as a senator and to be here. We take attendance for that reason. You and I are both here today because we believe we can do a better job from here than from home.

[Translation]

**Senator Forest:** I understand where you're coming from and, like you, I want to be here, but we're talking about transparency and comparing various capital costs. Senator Plett, you said in June that the pandemic was coming to an end. We need to adapt. The situation is changing, and we'll be dealing with this pandemic indefinitely. It is important to make a logical, objective comparison. My question is not about whether we want to be here or not, but rather about comparing a capital expenditure amortized over a period of several months to a one-time weekly expense. In the interest of transparency, I would simply like to know whether you made that comparison.

[English]

**Senator Plett:** I'm not sure whether I heard you say, Senator Forest, that I had said in June that the pandemic was over. Did I hear that correctly? And do you have that recorded somewhere? I don't remember when I was appointed as a public health officer to make such an assertion. I'm really quite perplexed where that would have come from. Nevertheless, I certainly do not believe I ever said in June that the pandemic was over. However, in answer to your specific question, no, I have not made that comparison. I have no plans to make that comparison. I suspect if we ask Canadians what we should do, they would say, "Let's abolish the Senate and we'll all save a lot of money." You and I don't believe in that. We believe that we have a lot to give and we should be doing that here.

I have been here for every sitting since this pandemic started. I was one of the first people to suggest to the Speaker, when the pandemic first came in — and I won't be quite as adamant as my good friend Donald Trump south of the border, since Minister Freeland wanted to raise "south of the border" the other day, I will — that he close this down. It was not that the pandemic had ended but that the pandemic was indeed here and we should close this down, go home and wait to see what would happen. I think it was the right decision when we did that. I think now the time is to be here, be counted. Nevertheless, I'm not alone in making this decision and I will accept the decision of this chamber, which will in all likelihood be that next week we have hybrid sittings.

**The Hon. the Acting Speaker:** Senator Moodie, you have a question?

**Hon. Rosemary Moodie:** Senator Plett, my question is around individuals who would like to be here. As we know, there are many amongst us who have significant illnesses. They're suffering from cancer, they may be on drug therapy that causes them to be immunocompromised, they may have spouses and other family members who, in travelling out and returning back into their homes, might expose them inadvertently to risk. Not to mention the fact that we don't control our environments very well these days, distancing is often a challenge and that, in fact, the whole question of aerosolization of the virus is a challenge. Is it unsafe or not to be in a plane, and so on and so forth.

Do you consider the individuals who have very solid good reasons — health concerns, their own illnesses, their own inability to be here? Should they not be allowed to participate in sessions in Senate sittings, and have access to every senator's right that you and I might have if we were in the Senate, in the chamber?

**Senator Plett:** Without question, I would support that. That is not what this motion speaks to. This motion will now allow anybody who, for your reasons, cannot travel, it's not safe to travel. However, it will also allow me to do so, if I just simply do not feel like coming and I say, "Well, we have hybrid sittings, I can do this from home." We don't have a motion like that. If we wouldn't have the hybrid sittings and you would bring a certificate from a doctor, you would not be docked any days and you wouldn't have to be here. And I would be more than happy to accommodate people with compromised immune systems.

However, we are doing much more than that. I travel home. I was fortunate enough, because I had been home for three weeks now, that I could visit my mother. It's not that warm in Manitoba anymore and I had to do it outside. She is 92 years old; she's in a personal care home. Even though I get the exemption when I travel home, the long-term care facility doesn't give me that exemption. I have to be home for two weeks even to see her outside. Now I can't see her inside because we have to designate two people. One of those is my wife and the other is my sister. But I managed, because I had been home three weeks, to see her. I won't see my mother again until Christmas time. I guess I could say, "Really, she is 92 years old. I'm her designated caregiver." That should also be a good enough reason. I just simply choose that it isn't.

But, senator, if people have weakened immune systems, I would prefer they stay home because I certainly don't want to, in any way, ever have it suggested that I was in some way responsible. I'm very careful when I travel home, even though I have the exemption, not to go and meet certain people, not to go into certain areas.

• (1600)

Because I sure don't want to be accused of being the "super spreader." So yes, senator, I would agree that those people should have a way of being able to take part without being here.

**Hon. Marty Deacon:** Thank you for some of the comments you've made this afternoon about Canadians looking for us to do our work — looking for us to be here. You have talked about our important service, and you've talked about that you still have lots

of questions. I also want to acknowledge the work you have done with leadership to make some significant changes throughout this package.

I'm wondering today, Tuesday, if there are any questions you are looking for answers to — you've mentioned some this afternoon — that we have not heard about that could be an obstacle, a barrier, for us being up and running next week. Is there anything else that we have to put on the table that you are still wondering about that might get in the way of our work, all things happening the way they should today, to be able to execute next Tuesday?

**Senator Plett:** Thank you, senator. My biggest concern is clearly that nobody has their parliamentary privilege taken away because they have not been able to take part when, again I'll refer to Senator McCallum, because she raised the issue of her computer, whether it's that or whether it's online services. The questions that I had were basically in the onboarding, you know, that some of these committees — some I just go on at the last minute, and that seems to work fine. I was on one with the cattle feeders today. There was no onboarding. I went in on Zoom, and bang, we had a meeting. Yet it seems that here in many committees we need the onboarding. I asked the question at the last CIBA meeting, "How will that work?" I haven't had that question answered. I would like that question answered. It's not going to play into my vote today. But I would like that question answered, for sure.

I may well have a lot of questions if I go onto one of these practice sessions that they have had. As I said, we did not attend these — and we didn't attend them for very specific reasons — not because we were boycotting but because we believed inherently that this should be voted on before we do that. Once I take one of those practice sessions, I may have a million questions.

**Senator M. Deacon:** Thank you.

**Hon. Ratna Omidvar:** Thank you colleagues for your attention. I rise today to speak in support of Senator Gold's motion. Let's switch the channel a little. I am fully appreciative of Senator Plett's questions, unanswered as they may be. I understand and appreciate the constructive role he has played in bringing a new motion to us that is eminently more palatable.

I travelled today to Ottawa, like many of you did, by air, and, frankly, I was a little surprised by how much fuller the airplane was than I thought it would be. Until and unless our airlines get back on some kind of schedule, I imagine this will continue to be our experience. So, disinfecting, hand washing and masking are going to be the orders of the day to keep the entire Senate community, the people we interact with, our families and our communities safe.

I want to, however, provide us with a modicum of comfort. I realize change is really hard, especially for those of us who are senior citizens and especially for those of us who are technologically challenged, like me. I want to provide us with a modicum of comfort by taking a short tour of those parliaments around the world that have implemented various forms of hybrid sittings to allow parliamentarians to fulfill their responsibilities in a safe environment.

They are using online video conferencing like Zoom and Microsoft Teams, Cisco web meetings, Google Hangouts and something called Jitsi. They are changing, therefore, the way they vote, how they conduct themselves, how they hold plenary sessions and how they hold governments to account. For example, as early as March this year, let's think back to that time — we were I think fairly paralyzed — the Belgian House of Representatives amended its rules of procedure to allow members to be considered present at selected plenary meetings, even when they were not physically present in the chamber, and to vote electronically or by email.

Again, as far back as April, the British House of Commons implemented a temporary hybrid system that allowed a limited number of MPs to sit in the chamber under strict physical distancing rules, while the rest participated in the session using Zoom. This is very much akin to what Senator Gold is proposing.

In May, the parliament of Latvia, known as the Saeima began using a new e-Saeima platform that allows plenary sittings to be held remotely, with MPs debating and voting in real time. The work of the Saeima remains open to the public, and sittings can be followed live on the Saeima website.

Other countries that have implemented virtual or hybrid sittings at some point during the pandemic include Argentina, Belgium as I mentioned, Brazil, Chile, Latvia, Namibia, Paraguay, Poland, Romania, South Africa, Spain, Tanzania, the European Parliament, the Maldives and the United Kingdom. Countries that have conducted virtual committee meetings at some point during the pandemic include Australia, Croatia, Cuba, Denmark, Estonia, Greece, Iceland, Luxembourg, Mexico, New Zealand, Norway, the Philippines, Thailand, the Netherlands and the Ukraine. Of course, let's add Canada to this list, because our House of Commons has been meeting virtually, and we ourselves have held certain committees and Senate and social affairs virtually.

To some extent, we come to this a little late, and perhaps there is a benefit to being Johnny-come-lately, because we can learn from the missteps and the improvements that other jurisdictions have made.

So I will say that hybrid sittings are essential even if they are not perfect. I agree they are not perfect.

The only way we will get to perfection, I believe, is when things are normalized, when Canadians are safe because we have a vaccine that is accessible to us. Until then, I don't think we should let perfection stand in the way of good. It is indeed a brave new world out there, and we must embrace it. Thank you.

**Hon. Denise Batters:** Honourable senators, I rise today to voice my opposition to this motion.

Even in the face of this pandemic, we have been making in-person Senate sittings work, and it has worked safely for the past eight months, with a smaller crew of staff and senators. We should explore further options for making these in-person sittings larger and more inclusive while preserving safety measures rather than creating a virtual system that may create more problems than it solves.

Across Canada, other organizations and businesses have returned to in-person work with modifications for safety in this pandemic. Why not Parliament? A virtual system of Parliament requires significant trade-offs. As a detailed House of Commons study found in June, a hybrid sitting would require double the number of staff to be present. They must be present in person, not virtually. It compromises the ability of senators to do much of our work that happens behind the scenes. The in-person meetings, the pull-aside conversations in the Senate Chamber or in the hallways, the negotiations that occur and the relationships that form when senators work in the same place physically.

I have even persuaded other senators to vote a certain way through conversations in the chamber while the whips are walking down the aisle right before a vote.

Some of you will remember the debates we had in 2016 on the assisted suicide legislation. Many senators have pointed to that debate as the most meaningful of their careers, in large part due to the personal and emotional nature of our discussion. We will soon have another assisted suicide bill before us, Bill C-7. How will that debate translate online? This is quite literally a matter of life and death. Virtual discussions are a poor substitute for in-person debate on issues of such magnitude.

The hybrid sitting motion before us today requires senators to compromise transparency, accountability, and even our effectiveness as parliamentarians. It lessens a senator's ability to challenge the government, and establishes dangerous precedents for the erosion of the rights of senators within the chamber. Oddly, the specific terms of this particular hybrid motion ignore many of the lessons our House of Commons colleagues have learned through that chamber's experiment with virtual Parliament.

• (1610)

As you know, honourable senators, one of our most fundamental roles as senators is to represent our regions in this place. Virtual Parliament jeopardizes that critical purpose. Problems with internet connectivity, especially in rural and remote areas, mean that senators may not have the opportunity to voice their region's concerns in this chamber. This could also mean a senator could miss a crucial vote or fail to hear a significant portion of debate that might influence how he or she chooses to vote on any given matter. I submit that dropped connectivity should be considered a breach of parliamentary privilege, as it creates a circumstance outside a senator's control that impedes a senator from carrying out his or her duties in the Senate.

Another pitfall of virtual Parliament is the potential for abuse or manipulation of the system. Members connecting virtually are subject to the control of one chair; in the case of the Senate Chamber, that would be the Speaker. Respectfully, I would not expect this to be a problem with you, Speaker, but we have seen committee chairs in the House of Commons abruptly adjourn virtual meetings by cutting the mics of protesting members whose opposition is clearly in order. Whereas a senator attending a sitting in person could continue to protest and their objections would be seen by others, members attending virtually from their homes have no other recourse. This creates a terrible precedent.

I see several specific problems with the motion for hybrid Senate sittings before us today. First is the vague wording throughout the motion. It says that video conference technology will be approved “from time to time by the Speaker” in consultation with caucus leaders. It asks senators to submit documents to the clerk “as far in advance as possible.” What do these terms mean? More precise language is necessary, honourable senators.

My major concern with this motion and the vagueness of its language is that it leaves the door open for the Speaker, who is appointed by the government, to assume additional powers. The Speaker of the Senate plays a different role in the Senate than the Speaker of the House of Commons does. Unlike in the Commons, the Senate speaker is a servant of this chamber, traditionally known as the first among equals. But some of the language in this motion suggests an opening for the encroachment of the Speaker’s powers over the will of senators. For example, clause 5, which governs variance from usual Senate procedures for technical reasons, and clause 9, which gives the Speaker the right to adjourn for technical reasons, are subject to appeal to the Senate only if technically feasible. What does that mean? Does it mean that there will be situations in which the Senate cannot appeal the decision of the Speaker in either changing the procedures of the Senate or adjourning it altogether? This is unacceptable.

Clause 8 indicates that the Speaker is authorized to suspend the sitting as required for technical and other reasons. I am very uncomfortable with how vague that is. What else could fall under other reasons, and who is to determine what a valid other reason is? All senators should reflect carefully on the potential ramifications of giving the Speaker of the Senate such undefined power, particularly when no right of appeal to the chamber is specified in that section. The language in the bill is much too vague for such substantial powers.

Furthermore, this sets a dangerous precedent. We as a chamber must retain the right to appeal decisions of the speaker, especially decisions of suspension or adjournment, because they necessarily involve ending or silencing debate. We must avoid imprecise language that leaves any shred of doubt about a senator’s rights in this regard, temporarily or otherwise.

I have serious concerns about clause 11, which allows for the adjournment of debate on a privilege motion. Parliamentary privilege is the protection of our ability to carry out our parliamentary functions as senators in this place, and it is of paramount importance. The *Rules of the Senate*, at rule 13-1, state:

The preservation of the privileges of the Senate is the duty of every Senator and has priority over every other matter before the Senate.

We should not allow the adjournment of debate on the crucial matter of a parliamentary privilege motion, particularly when the hybrid system of Parliament we are using is likely to increase the incidence of privilege infractions.

I have many concerns about the mechanics of a hybrid Parliament, particularly around debate and voting. I find it puzzling that the voting procedure and the voting order laid out in this motion is so different than the one the House of Commons has been using for several weeks.

In one important example, the House of Commons discovered very quickly that in order for the camera to be triggered and show each member as they vote, it was necessary for each MP attending virtually to speak a full sentence stating their intended vote. This Senate motion proposes no such requirement. Senators online are simply to hold up voting cards. It is my understanding that this voting card system is based on the hybrid system used in British Columbia. However, it is also my understanding that the B.C. legislature does not allow the use of those voting cards for standing votes. Instead, each member must state their vote verbally.

Under the system laid out in this motion, senators sitting in person in the Senate Chamber will not be able to see the image of each online senator as they vote. As far as I can tell, neither will the public. Instead, the clerk or speaker will simply call out the senator’s name and record their vote. I have a huge issue with the lack of public accountability in this proposed system. It is not good enough for the Clerk or the Speaker to simply state that he or she saw a senator vote. Even setting aside the potential for abuse under such a system, this does not make the Senate transparent to Canadians.

Some of you may remember how long we fought in this place to broadcast video of Senate deliberations to Canadians. We have only started doing so within the last two years, and now we are considering a hybrid parliamentary system where many senators’ votes are not visible to the chamber and to the public on-screen. That is completely unacceptable and it should concern us all. As senators, voting is our most important obligation, and we have a responsibility to be transparent and accountable in the way we cast our votes. Just as they say, “justice must not only be done; justice must also be seen to be done.” So too must voting be seen to be done.

Added to this is my concern about what else will be visible to senators, both in the chamber and online during Senate sittings. Will we be able to see, for example, which senators online have indicated a request to speak? I watched the Internal Economy Committee meeting conducted on Zoom last week when the committee was discussing the important issue of the \$100 million Senate financial statements. The chair, the Honourable Senator Marwah, said he could not see the raised hands of any of the three committee members online who had been waiting for a turn to speak. One of those affected senators was our own opposition leader, the Honourable Senator Plett, who expressed frustration at the experience. If hybrid sittings were to operate in a similar fashion, the situation would be profoundly frustrating for us all.

If our intervention is inadvertently missed by the clerk or the speaker, or if we have an internet connection issue that drops our access to the online Senate sitting during a debate or vote, we are supposed to contact Senate IT via phone. I have a lot of questions about how that will work. Will this be the same main IT number the entire Senate’s 900 employees use? What if the line is busy, as it frequently is, or several senators lose connectivity at the same time? What if it happens outside of normal Senate IT

working hours? What if the entire Senate server goes down for an extended period of time, as happened in late June while we were sitting in this chamber and the government leader, right at that time, was trying to persuade us about the merits of virtual Parliament.

If senators in the chamber could see the senators attending virtually, we might be able to alert the Speaker or the Clerk to the problem. If the Speaker and the Clerk are the only ones able to see who is requesting to speak and how senators are voting, there is no public accountability. This prevents us as senators from doing our jobs properly. As you know, honourable senators, being able to see what other senators are doing during the sitting and how they are voting can, at times, be key to how we discharge our duties in this place and the strategic choices we make.

Speaking of strategy, I am also concerned about several provisions in this motion that remove or restrict tools that are especially important to the opposition in the Senate. This is especially disturbing considering the Trudeau government's previously stated goal to eliminate the opposition in the Senate. Among these are the provisions in clause 7 that mandate earlier end times of Senate sittings. This necessarily advantages the government, whose business in the Senate's daily schedule would be completed by that time, while potentially short-changing the opposition and all other independent senators.

In that vein, I find it odd that, in clause 14, the motion includes a provision to "strongly encourage all senators" to give advance notice "as far in advance as possible" to the Clerk if they intend to intervene or table documents during the sitting. First, it's bizarre for a motion to strongly encourage anything. That's language for an email, not a Senate motion and proposed sessional order.

Finally, honourable senators, because this motion lists a December 18 end date, why are we spending what will likely be a massive amount of taxpayers' dollars on a system that may only be in place for a measly six weeks? In comparison, the House of Commons has had an operational hybrid system for most of the last six months. The amount of money the Senate has already spent on hybrid Parliament had not been disclosed prior to today, not only to the public, and not even to every senator in this place. Senator Gold referenced a \$400,000 cost amount in Question Period today, but no final cost has yet been provided. This amount was apparently approved behind closed doors, hidden from public scrutiny. That is not transparency. That is not accountability. Withholding that information from senators voting on this motion fails to give us the information we need to determine whether a significant amount of taxpayers' dollars is being spent wisely and whether this move to a hybrid Parliament is worth the expense if it's in place for only six weeks.

• (1620)

In conclusion, I have grave concerns about a hybrid Parliament in general, but especially with the parameters outlined in this motion. There are many red flags in this proposal: the increased potential for the misuse or undermining of our parliamentary processes, the threat to the effective representation of the interests of our regions in Parliament and the ceding of some of our most important parliamentary rights as senators.

This motion has many flaws and demands the application of our sober second thought, honourable senators. I hope you will keep all of this in mind as you vote on this motion.

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

**Senator Batters:** Yes.

**Senator Plett:** Senator Batters, just one question, and I think you answered it at the very end of your intervention. You are fairly faithful in watching CIBA meetings, and I know that.

In all of your watching of CIBA meetings, you never saw that there was \$400,000 being spent, so this was not out there for the public to see. Is that correct?

**Senator Batters:** That is correct. I was Deputy Chair of CIBA until April and, since that time, I've watched each of the public meetings that CIBA has had. That motion was not approved by CIBA in public, so I'm assuming it must have been done in camera, which is in private.

[*Translation*]

**Hon. Pierre J. Dalphond:** I want to thank my colleagues from all groups who have participated in the debate so far. I found the opinions that were shared very interesting.

Senators talked about the fact that expenditures of around \$400,000 were not approved in a transparent manner because the process was done in camera. Today, Canadians know that it will cost \$400,000, and I am not complaining. I think it is a good thing.

I understand, however, why Senator Plett responded to my colleague Senator Forest's question by saying that this is not a matter of cost, but a matter of principle. If we save hundreds of thousands of dollars in travel expenses, plane tickets, and restaurant and hotel bills because some senators prefer to stay home for health reasons, then that should be taken into consideration. But I understand that, in the end, those savings are not what is important. Cost is not a determining factor.

Internet access is an important factor. I am very aware of that, since Senator Lovelace Nicholas lives in a part of New Brunswick where adequate internet services are not available. It is incredible that in a country as rich and developed as ours, people are still being treated as second-class citizens when it comes to internet services, despite promises made by the federal and provincial governments. This is a real problem. The fact that internet is not available everywhere should be taken into consideration in a broader debate. As Senator Plett said in response to Senator Forest's questions, at the end of the day, what is at stake here is not just a matter of principle, it is a fundamental matter of principle about what kind of Parliament we want and what kind of democracy we want.

In my opinion, it is important for the Senate to reclaim its role as a chamber of sober second thought and not be hastily called back on Monday to pass a bill on Thursday. Our committees must be able to meet to study bills and hear witnesses. Unfortunately, since March, this role has been limited. We heard

witnesses in Committee of the Whole, but they were always ministers or government representatives who came to present only one perspective, the government's perspective. I would have liked to hear from business and union representatives. I would have liked to hear from health care stakeholders. That opportunity was taken away from us.

I also realize that several of my colleagues are older than I am, and I myself am no longer that young. I know that sometimes having to travel across the entire country to come here puts them at risk. These senators must decide if they want to take that risk to participate in our democracy. The question we should ask ourselves is, can we balance their participation in our democracy with reducing the risks they must take? We must fulfil our democratic duties and, to the extent possible, go back to working in our usual manner. That means holding hybrid sittings so that senators with health issues do not have to choose between staying at home, which means not fulfilling their duties, and taking a big risk by coming here.

Legislation passed not too long ago now allows employees to stay home to avoid being unnecessarily exposed to risk. Why would we force our colleagues to be exposed to risk? Let's be logical here.

This motion from the Government Representative in the Senate would allow us to resume our important duties and allow everyone to participate, either in person or by video conference. I think this is a compromise and a highly satisfactory arrangement. Some colleagues may lose their internet connection during a debate, or they may miss part of my speech and lose sleep for a few days. However, I think our privileges need to be interpreted realistically to take the unique context of the pandemic into account.

For these reasons, I will not hesitate to support the motion of the Government Representative in the Senate.

[*English*]

**Hon. Leo Housakos:** Honourable senators, I didn't intend to speak on this particular motion, and I promise to be brief.

I understand clearly the need for it. I understand the reflex, why, under these circumstances, leadership has sat down and tried to find a safe and adequate way for us to continue to do our business.

I also want to highlight that I don't think cost is the fundamental issue, because there is never too high a price to pay for democracy. I want to really discuss and bring my views in regard to something more fundamental than the cost of it or even the challenges to our procedures, rules and rights as parliamentarians, and that's principle. That is also important: that Parliament and parliamentarians stand up for principle and stand up for the people we represent on principle.

This pandemic is sneaky. It's dangerous. I know first-hand, unfortunately. And I can tell you that I'm one of the lucky ones because I haven't suffered the consequences that many other Canadians have.

[ Senator Dalphond ]

But I can also tell you this: There are Canadians who, on a day-to-day basis, are exposed to immense risk because of this virus, Canadians who are working in health care — doctors, nurses, managers in hospitals, teachers, security people are front-line providers in terms of security, public transportation workers and truck drivers in this country who are working harder and longer hours than ever before.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1640)

**The Hon. the Acting Speaker:** Honourable senators, we now resume our sitting. Senator Housakos, you have 13 minutes on debate.

**Senator Housakos:** Honourable senators, like I said, I hadn't prepared to speak on this particular issue and I intend to be brief. To highlight some of the things I said earlier, for me this is not a question of putting a price tag on democracy. My colleague Senator Batters appropriately pointed out in her speech, as did Senator Plett, some of the difficulties we will face with a hybrid system. At the end of the day, there will be challenges for the Speaker, there will be challenges dealing with procedures, there will be fundamental challenges dealing with questions of privilege, which are so essential to our democracy and so essential to this particular chamber.

For me, my deep reservations are how to deal with those in a short period of time but my bigger reservation is, again, a question of privilege, a question of how Canadians see the most important element of our democracy, which is our two parliamentary chambers. Canadians depend on our democracy to see them through difficult times, and right now we're going through an existential crisis that we face coast to coast to coast, a crisis that is leading us into another crisis: a fiscal crisis that will be of catastrophic proportion.

We still don't know the longevity of this particular virus. Like I said at the beginning of my speech, I don't want to belittle this virus. Like I said, I have had first-hand experience with it and it's not a pleasant experience. It's a tough experience. Again, my heart goes out to all Canadians who have lost loved ones. Many have spent days and weeks in hospitals on ventilators and continue to suffer from the risks, not to mention the mental anguish that Canadians face.

Despite those challenges, we see on a day-to-day basis, and we have highlighted some professionals in this country who go to work every morning and put in 24-hour days 7 days a week. There are truck drivers delivering produce coast to coast. On a day-to-day basis there are health care providers looking COVID in the eye. My wife is one of them. She never complains, she never gets up in the morning and says "I'm hiding under the bed." And despite her husband getting COVID, she hasn't had it even though she has been working on the front lines now for six months.

Teachers are back to work. We see it on a day-to-day basis, coast to coast. Our restaurant businesses and hotel businesses are being killed in this country because we are social distancing and

we're asking people not to show up at restaurants in my city of Montreal. Yet the cooks, the chefs, the workers, the owners are still going to that restaurant every day, providing opportunities for three square meals so we can call them in through Uber Eats, SkipTheDishes or picking them up.

For me, it's a principle of Parliament, during the most important existential crisis, and we're going home to hide. And that has been my concern from day one. We've done it in the House of Commons and we've done it here in the Senate. This current government thought it was really a leadership moment when they decided to prorogue Parliament in the middle of this crisis. We all know it had nothing to do with the crisis, but that's a whole other debate for another time.

All I'm simply saying at this particular point is we need to send a message to Canadians that we're ready to face this challenge too, that we're not going to put our privileges, our safety and what's good for our skin first. I know Canadians first-hand who are suffering 35, 40% hits to their businesses. I know Canadians who are working for private corporations and are working from home, who are working virtually, but they're taking a pay cut. I know people who are working for organizations and have been put on furlough. I know people who were collecting decent salaries working in challenging jobs, and are now living off a couple of thousand dollars a month in government subsidies.

We have to think about these people first and give them some encouragement, give them an injection of hope. I have to say, over the last few months we parliamentarians, both in the House of Commons and the Senate, have put our interests ahead of the interests of taxpayers and Canadians, both from a health care point of view and from the point of view of fiscal responsibility.

And I'll highlight something else as parliamentarians: we have spent far more time on debates and negotiations between leaderships about virtual meetings and about other navel-gazing issues here in Parliament rather than the \$350 billion we've thrown out the door. So when we're spending five minutes of debate on close to half a trillion dollars and we're going to be spending hours and days of debate on a virtual sitting, that to me also highlights the decay in our political system. And we're responsible for that, colleagues, because we were summoned to a place where we enjoy, through virtue of our appointment, independence. I've said it before. Nobody can tell you what to do: not your caucus leadership, not the Prime Minister who appointed you or the former prime ministers who appointed us. But it's time that we stand up and show leadership when it comes to these issues. And, like I said, let's start worrying about Canadians and their health concerns and their risks and their financial situations, just as much as we're worried about our own. Thank you, colleagues.

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

**The Hon. the Acting 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.)

• (1650)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Kim Pate** moved second reading of Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

She said: Honourable senators, as Canadians demonstrate and march in the streets, we must fulfill our pledge to do all we can to end egregious and ongoing individual and systemic acts of racism. We are witnessing more racist attacks — and deaths — of Black and Indigenous peoples, as well as people with mental health and intellectual disabilities, during police wellness checks and confrontations, in hospitals, in prisons and in long-term care, throughout our communities. Rhetoric rings hollow when coupled with silence or exculpatory excuses and explanations for such failures to act. The result is the implicit sanctioning of violence like that recently visited on Mi'kmaq fishers exercising their inherent rights. Nevertheless, it is rare that Black and Indigenous experiences of racist ideas, attitudes and actions capture public attention.

As Senator Lankin noted when speaking to a previous iteration of this bill — from her experience working in it — one of the starkest effects of colonialism and systemic racism exists within the prison system. In Canada, 44% of women in federal prisons are Indigenous and more than half are racialized.

There is no excuse for a system that so blatantly, and on such a massive scale, imprisons and removes racialized people, as well as those with disabling intellectual and psychological conditions, from their families and communities. For these reasons and more, an Ontario court recently ruled that applying a mandatory minimum jail sentence to six Indigenous women would have violated their constitutional rights. The court called out the mass incarceration of Indigenous peoples as the modern version of residential schools.

Twenty-five years ago, the Ontario report on systemic racism was released; and this year, the Parliamentary Black Caucus added its voice to urgent calls from the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls to eliminate mandatory minimum penalties. They all point to the role that these sentencing measures play in perpetuating and entrenching systemic racism and the overrepresentation of marginalized — especially poor, disabled, and racialized — people in prisons.

Bill S-207 aims to respond to these calls by ensuring judges have the authority to not impose mandatory minimum penalties where to do so would be discriminatory or unfair. As Senator Forest-Niesing reminded us last session, Bill S-207 does not create discretion for judges; rather, it permits them to exercise the discretion —

**The Hon. the Acting Speaker:** Honourable senators, it seems we have another technical difficulty. We will suspend for a period of time and we will ring the bell for five minutes.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1700)

**The Hon. the Acting Speaker:** Senator Pate, resuming debate.

**Senator Pate:** Honourable senators, as I was saying, as Senator Forest-Niesing reminded us last session, Bill S-207 does not create discretion for judges. Rather, it permits them to exercise the discretion they have been extensively trained to exercise, and which was theirs prior to the sudden and exponential proliferation of mandatory minimum penalties in recent decades.

The need for action regarding mandatory minimum penalties is something that the government, to its credit, has long acknowledged. For five years, they have promised change. Bill S-207 can deliver on this unfulfilled commitment.

In 2015, the government's election platform included the promise to implement the Calls to Action of the Truth and Reconciliation Commission, including call to action number 30, to eliminate the over-representation of Indigenous peoples in prisons by 2025, and call to action number 32, to eliminate mandatory minimum penalties. The Minister of Justice was mandated to review rules on sentencing in order to address this over-representation. Since then, the rates of incarceration have not abated; rather, they have continued to increase at an exponential rate.

This commitment to addressing systemic racism in sentencing was recently affirmed in the Speech from the Throne, after 26 cabinet ministers, including the Minister of Justice, signed the statement of the Parliamentary Black Caucus, which singled out eliminating mandatory minimum penalties as a priority.

In 2017, the government's public consultations on sentencing revealed that nine out of ten Canadians support judges having discretion to not impose mandatory minimum penalties. Despite this support, subsequent reforms to the Criminal Code, including in Bill C-75, did not address mandatory minimums. Indeed, successive witnesses at the Senate legal committee called attention to this oversight.

The committee, in turn, reiterated these concerns in its report, citing its own previous recommendation for a review of mandatory minimums in its study on court delays.

Government action on these issues is important because Bill S-207 is not a replacement for systemic review and reform of sentencing. It does not delete mandatory minimum penalties from

the Criminal Code; it only provides for exceptions to them. Courts and critics have rightly argued that a more fulsome approach is needed, but neither a sentencing nor a law reform commission has been established to undertake such a task.

Such bodies can drive proactive and evidence-based review and reform from a systemic perspective. The government could and should consider reactivating one or both. I want to urge, however, that we not delay for one instant consideration and passage of the small but vital step that Bill S-207 can offer in terms of urgent and meaningful action to redress ongoing harm, injustice and discrimination associated with mandatory minimum penalties.

We cannot afford to wait a moment longer, not when half of the decade set out by the Truth and Reconciliation Commission for eliminating over-representation of Indigenous peoples in prisons has elapsed without progress on mandatory minimum penalties.

Indeed, since 2015, when the Calls to Action were issued, the proportion of Indigenous peoples in federal prisons has increased from 24% to 32%. For Indigenous women, the numbers have increased from 36% to 44%. Over the same time frame, at least 130 new decisions have been released by our courts ruling that various mandatory minimum penalties infringe the constitutional rights of Canadians. We need to act colleagues, and we need to act now.

We also need to act effectively. We need to set the expectation that justice must be done in all, not only some cases. Looking over the wide range of mandatory minimum penalties that have been added to our justice system in recent years, it is no secret that politicians may feel more comfortable with the idea of eliminating some types of mandatory minimum penalties, and not others. But discrimination, the undermining of public safety and violations of constitutional rights are problems associated with all mandatory minimum penalties, not only some.

As Black and Indigenous leaders have urged, Bill S-207 therefore deals with all mandatory minimum penalties. Allow me to articulate four reasons why.

First of all, mandatory minimum penalties, no matter the underlying conviction that triggers one, contribute to systemic racism. Wherever a mandatory minimum applies, a court is prohibited from considering any sentence except the minimum. As a result, judges are prevented from doing their duty to take into account the individual and all relevant circumstances of the case in front of them, and consider whether alternatives are appropriate, particularly when it comes to acknowledging and redressing the realities of colonialism and systemic racism in the lives of Indigenous peoples, Black Canadians and people of colour, as well as those with disabilities.

Section 718.1 of the Criminal Code sets out that if a sentence is to do justice, rather than perpetuate injustice, it must be proportionate to the gravity of the offence and the degree of responsibility of the person being sentenced. Section 718.2(e) provides further guidance about what this means. It requires judges to consider all available sanctions other than

imprisonment at sentencing, and to direct particular attention to the circumstances of Indigenous peoples which may specifically make imprisonment a less appropriate or less useful sanction.

When section 718.2(e) was added to the Criminal Code in 1995, the then-Minister of Justice explained its purpose as follows:

The reason we referred there specifically to aboriginal persons is that they are sadly over-represented in the prison population in Canada. . . . What we're trying to do, particularly having regard to the initiatives in the aboriginal communities to achieve community justice, is to encourage the courts to look at alternatives where it's consistent with the protection of the public — alternatives to jail — and not simply resort to the easy answer in every case.

Twenty-five years later, we have not merely stalled in terms of progress, we have seriously failed. Interpreting section 718.2(e) in 1999, the Supreme Court of Canada wrote of the crisis of overrepresentation of Indigenous peoples in prison: that they were 12% of those in federal penitentiaries. Two decades on, that number has almost tripled.

• (1710)

What went wrong? Well, for one thing, mandatory minimum penalties. Around the same time Parliament introduced section 718.2(e), it also tripled the number of mandatory minimum sentences on the books from about 10 to 29. In the subsequent decades, the number of mandatory minimums exploded again to around 72.

Professor Larry Chartrand, a former Métis adviser to the Senate Standing Committee on Aboriginal Peoples, queried what parliamentarians were thinking as they increased the number of mandatory minimum penalties despite the recognition that alternatives to prisons are needed to do justice for Indigenous communities. He rightly asked whether we did not know or we did not care.

This month, an Ontario court took a different approach. The court found that the imposing of mandatory jail sentences attached to impaired driving convictions for six Indigenous women from the Pikangikum First Nation in northern Ontario would have violated their constitutional rights. Instead, they served their sentences in the community.

The decision considered the negative effects of colonialism in Pikangikum. For over 3,000 years, the community was a thriving, healthy and self-sufficient society. Within one generation of Canada forcibly removing the children of Pikangikum from parents and sending them to residential schools, people began to be jailed on a massive scale, often as a result of substance abuse — no doubt a method of anaesthetizing themselves to the past trauma. For decades, Canada has failed in its treaty obligations to Pikangikum.

Justice Gibson recognized that imposing the mandatory minimum penalties would result in penalties that were both harmful and unjust. A mandatory jail sentence would have removed the women from their communities, their families and

their support networks. They would have been taken to a notoriously overcrowded, often quadruple-bunked provincial jail, where 94% of prisoners were Indigenous.

Noting the evidence of the warden of that jail that he was aware that prisoners were forced to participate in so-called fight clubs, Justice Gibson concluded:

When one considers the impact such brutalizing experiences must have on [people] and what they must carry home with them to their First Nations it is very hard not to notice the grotesque similarities between these kinds of 'correctional institutions' and residential schools that have caused such lasting damage to Indigenous communities.

He observed in particular that every one of the six women on trial was a mother, meaning that their incarceration would perpetuate decades of policies of forced separation of Indigenous parents and children. He called the resulting destabilization for families and communities a "direct extension of the corrosive effects of colonization."

Senator Moodie has noted that the lives of approximately 350,000 children in Canada are affected by the incarceration of a parent in ways that range from psychological stress to economic hardship. Nelson Mandela once made a similar observation. After coming to power in South Africa, he liberated from prisons all women with children under the age of 12. Why? Because he recognized that state-sanctioned forcible removal of children from their mothers can condemn them and future generations to inequality and subjugation.

The Ontario court made clear that impaired driving harms the community but it made it equally clear that imprisonment is not working as a solution to this harm. It concluded that it is in the government's best interests to consult with the community and find a new approach. It is time to support Indigenous peoples in the exercise of their inherent rights to self-governance and to shape the future of their communities. It is time to adopt alternatives to prisons that support instead of tear apart communities and that, according to Department of Justice research, actually make them safer in the long term.

Mandatory minimum penalties prevent this from happening.

Some ask how we can ensure that the discretion given to judges under Bill S-207 not to impose mandatory minimum penalties will not be used in ways that reinforce systemic racism and bias. This is a very important question.

Measures like Rona Ambrose's Bill C-337, recently reintroduced as government Bill C-5, have drawn attention to racist and sexist court decisions that have inexcusably minimized and dismissed violence against women, particularly Indigenous, Black and other racialized folk and women with disabilities.

Relief from mandatory minimum penalties does not eliminate racism or other biases. Rather, it will shift discretion back to judges who must give public reasons for their decisions, rooted in legal principles, from others whose decisions are exercised with virtually no transparency or accountability to the public.

Currently, Crown prosecutors in effect make key sentencing decisions by determining what charges to lay and whether to pursue a charge with a mandatory minimum penalty. Their reason for choosing a particular charge may have little to do with legal principles. As Senator Jaffer reminded us last session, and as laid bare by Judge Ratushny's *The Self-Defence Review* of the cases of women jailed for using lethal force against abusive partners, the spectre of a long sentence or mandatory prison time associated with a mandatory minimum is often used as a bargaining chip to extract a guilty plea to a lesser offence, sometimes even one that did not occur.

Research documenting systemic racism associated with plea bargains abounds. Those who may want to publicly contest or challenge racist policing or prosecutorial decision-making by airing their case in court can be pressured into accepting a guilty plea if they know they could face a long prison sentence because of a mandatory minimum penalty.

Discrimination against Black Canadians also means they are more likely to be denied bail as they await their trials. This then means they can face lengthy incarceration that creates additional incentives to plead guilty, including the risk of losing jobs, homes and families, particularly children.

We also cannot forget that more than 86% of women in federal prisons have histories of physical and/or sexual abuse. As the National Inquiry into Missing and Murdered Indigenous Women and Girls underscored, the factors that too often mean justice is not done for women who are victimized — from sexism, racism, ableism, to economic marginalization, intergenerational trauma and colonialism — too often also contribute to their criminalization. Under mandatory minimum penalties, these same factors also become irrelevant to sentencing, thereby compounding the injustices and subjugation of these women.

The harshest mandatory minimum penalty in the Criminal Code is life in prison. In the past decade, a staggering 45% of women sentenced to life in prison were Indigenous. *The Self-Defence Review* conducted by Justice Lynn Ratushny for the Department of Justice revealed an appalling connection between mandatory life sentences and criminalization of survivors of abuse and trauma.

After reviewing the cases of 98 women convicted of using lethal force to protect themselves or their children from abusers, Justice Ratushny determined that far too many women had pleaded guilty to manslaughter and even to second-degree murder, despite having potentially valid claims of self-defence.

Faced with circumstances ranging from limited financial resources to navigating a legal system that had failed to protect them from violence to fears of having to put their children through the harrowing process of testifying in criminal court, the "choice" of abused women to plead guilty was propelled by the spectre of a mandatory life sentence with no parole eligibility for 25 years.

Mandatory minimum penalties are yet another way that the criminal legal system fails to acknowledge and do justice for women with lived experiences of violence. While they are

advertised as being "tough on crime," in reality they are too often toughest on those who are already most marginalized and victimized.

The second reason we need judicial discretion with respect to all mandatory minimum penalties is the wide range of mandatory minimum penalties that courts have found to violate the constitutional guarantee of protecting Canadians from cruel and unusual punishment.

Canadian courts, including the Supreme Court, have struck down about 25 of Canada's 72 mandatory minimum penalties, meaning that they are no longer in effect in at least one province or territory. What is left is a confusing and inconsistent patchwork of mandatory minimums.

In the absence of legislation such as Bill S-207, mandatory minimum penalties have to be challenged one by one before the courts, tying up significant court time and government resources, and requiring individual Canadians to shoulder the heavy burden of mounting constitutional challenges.

• (1720)

Colleagues, let us be clear: the case of the six women from Pikangikum First Nation is noteworthy, not at all because the injustice they faced is uncommon. These injustices happen all the time. I have personally been asked to weigh in on a number of similar cases. Unfortunately, the financial, personal and psychological burden of taking on such challenges is insurmountable for far too many. Too rarely is it recognized in Canadian law that those most impacted by unfair and unjust laws often do not have the means or the access to legal resources needed to ensure their rights are upheld, much less to contest unconstitutional laws.

This is a key reason why mandatory life sentences have not recently been subjected to the scrutiny of the courts. When mandatory life sentences were enacted in 1976 as a replacement for the death penalty, parliamentarians on both sides of the aisle questioned what Conservative MP David MacDonald called the trade-off of one:

... barbarous, cruel and unacceptable punishment for one that is not equally as bad but is certainly moving in that direction.

To attenuate the harshness of a mandatory life sentence, coupled with lengthy periods of mandatory parole ineligibility, the law provided for the "faint hope" clause. This rule allowed people deemed deserving the opportunity to apply to have their parole ineligibility revisited after serving 15 years of their sentence.

When mandatory life sentences were last challenged before the Supreme Court of Canada in the *Luxton* case in 1990, the court referred to the faint hope clause as one of the reasons for ruling that mandatory life sentences were not grossly disproportionate and passed constitutional muster.

That was 30 years ago, and since then, in 2011, the faint hope clause was repealed. Eventually, hopefully, some generous, committed lawyers, probably on a self-funded or pro bono basis, may see fit to assist women like the too many I have talked about here and whose stories were examined by Justice Ratushny in the *Self-Defence Review* and maybe they will bring forward a challenge.

Why on earth should we continue to abdicate our responsibility by waiting for this, and consequently permitting so much suffering in the interim? We have before us a well-understood systemic wrong that we as legislators can and must address. In 2016, the Supreme Court of Canada struck down a mandatory minimum penalty, but also called on Parliament to do better than sit back and simply wait for courts to provide piecemeal responses to a systemic violation of the rights of Canadians.

In the *Lloyd* case, the court recommended enacting “a safety valve that would allow judges to exempt” from the application of minimum penalties “outliers for whom the mandatory minimum will constitute cruel and unusual punishment.” This type of measure is seen in most other democracies whose laws include mandatory minimum penalties, such as England, Wales, New Zealand, South Africa, Australian jurisdictions and even a number of the American states.

Bill S-207 would take similar steps to ensure the integrity and constitutionality of Canada’s laws and the rights of Canadians by giving judges authority to not impose mandatory minimums where they would amount to an injustice.

The third reason we need Bill S-207 is that despite hopes and dreams to the contrary, there is absolutely no compelling evidence to suggest that any 1 of the current 72 mandatory minimum penalties has deterred crime, has made Canadians safer or has responded adequately to the needs of those who have been victimized.

In the *Nur* decision the Supreme Court of Canada summarized at least 50 years of research on mandatory minimum penalties and crime prevention in just 13 words: “Empirical evidence suggests that mandatory minimum sentences do not, in fact, deter crimes. . . .”

Research suggests that in general if our goal is to prevent crime, then criminal law policy should focus instead on measures such as appropriate modelling of desired behaviour, non-criminal justice interventions and increasing the certainty of people taking responsibility and being held accountable for their actions.

In his remarks last session, Senator Dean emphasized that a public health rather than punitive approach is particularly important for the many people living with addictions and disabling mental health issues who are currently serving sentences shaped by mandatory minimum penalties.

For good measure, what does the Department of Justice research reveal? Allow me to quote a few highlights:

. . . on balance, the evidence suggests that severity may be less critical to deterrence than initiatives boosting the certainty of punishment.

Here is another:

*Severe [mandatory minimums] seem to be least effective in relation to drug offences. . . . drug consumption and drug-related crime seem to be unaffected, in any measurable way, by severe mandatory minimums.*

And another:

*Enhanced sentences for firearm infractions show some promise, although findings here, too, are inconsistent or unclear. . . . A number of serious methodological flaws preclude more definitive assertions about the law’s impact.*

And yet another:

*While the evidence overall underscores the critical role played by vigorous law enforcement and the certainty of punishment in this area, studies provide little reason for optimism with regard to the efficacy of tough sanctions. . . . studies indicate that [mandatory minimums] and sanctions of increasing severity do not appear to reduce recidivism rates or alcohol-related road accidents.*

At legal committee last Parliament, a representative of Mothers against Drunk Driving Canada testified that:

As a mom, as a stepmom, as a victim, I can’t support [mandatory minimum sentencing]. There’s no evidence to support that this will actually make a difference. We know once we bury our children or bury a loved one, it is too late. We need to focus on deterring it before it actually happens.

In my years working with those convicted in relation to homicides, I can tell you, as I have told you before, that it is the rare person who would not give up their life if it could bring back the person who died. No sentence can do this. So we try to do our best to otherwise remedy those wrongs by providing other ways for people to pay their debts and provide future positive contributions to society.

Our system too often utterly fails to respond to the needs of those who have been victimized. In most cases the default is to encourage a person to participate in the criminal law process by advocating for a longer or more punitive jail sentence. Too often, little is available to them in terms of personal, social and economic supports. Parenthetically, colleagues, this is where a guaranteed livable income might also assist.

For too many, such vital needs as time away from work or access to counselling are unaffordable. For those in need of resources to try to live through the unthinkable, or those wanting to ensure that other people and other families never have to experience what they did, harsh sentences and mandatory minimum penalties are cold comfort.

People who support mandatory minimum penalties usually do so because they want to reduce crime and make everyone safer. I know of no one, of any political stripe, who does not share that same goal. We have known for a long time, however, that mandatory minimums and longer, more punitive prison sentences are the least effective and most costly way of achieving this outcome.

Every extra year a woman spends in federal prison can cost taxpayers between \$343,000 and \$600,000. By contrast, the cost of supporting a woman for a year while she serves a sentence in the community is estimated at approximately \$18,000, which also increases her chances of successfully integrating into that community and thereby decreases her likelihood of being criminalized again in the future.

As Senator McPhedran reminded us last session:

Mandatory minimum sentences are essentially a security theatre being played out at the price of an accused individual's Charter rights.

We must ask ourselves if paying hundreds of thousands of dollars per person per year for the label of being tough on crime is worth it when we know that mandatory minimums do not achieve the safer society that their proponents promise.

This brings us to the fourth and final reason why, in my humble opinion, we so urgently need legislation, not only to address mandatory minimum penalties, but to address all mandatory minimum penalties. Canadians know it is just the right thing to do.

Nine in ten Canadians are open to giving judges the discretion to avoid mandatory minimum penalties, and research demonstrates that the more people know about mandatory minimums, the less they support them. In studies in Britain, people who initially said they supported mandatory minimum penalties ended up characterizing even mandatory life sentences as unjust and unfit once they were provided with factual details about individual cases.

Many of us do not stop to question the idea of a mandatory life sentence for murder. Early on in my life, I probably would not have questioned it myself. What I have seen again and again since then, however, is misogyny, racism, ableism, colonialism, class bias and other forms of systemic discrimination combining to deny people opportunities, resources and protection when they need it, and leaving them in desperate situations, facing choices that are unimaginable to most of us.

• (1730)

Last session, Senator Simons shared two such stories of two individuals who are now serving mandatory life sentences: a man with schizophrenia who was unable to access treatment and a woman whose grandson had taught her to use a gun because police were not responding to protect her from her abusive partner.

To this, I add the story of a teenager, a 19-year-old girl, whose abusive common-law partner moved her to a different province, taking her away from her family and friends. Her single father was so concerned for her that he left his home and moved with her younger siblings to a house down the street from her so that he could be there to try to protect her.

One night, the woman's partner broke into her father's house and raped her younger sister. After he returned and beat her, the woman stabbed him fatally as he was trying to return to again assault her younger sister.

The legal system did not protect this teenager when she was being battered by her partner, nor was she allowed the chance to argue in court that she was acting in defence of herself or her sister. Her story is preserved, for the purposes of Canadian law, as that of a jealous wife who stabbed her common-law partner because she thought he was having an affair. Her case is the *Gladue* case, which stands for the principle that it is the duty of courts to consider Indigenous history and alternatives to prison during sentencing.

Jamie Gladue benefited from neither. Like so many others with a defence, but facing an automatic life sentence if that defence fails — in a court system that has too long reinforced stereotypes about Indigenous peoples, especially Indigenous women, and perpetuated systemic racism — she pled guilty to a lesser charge, without a trial, and went to prison.

Bill S-207 would not take away mandatory life sentences or any other mandatory minimum penalties, but it would give a window of hope to women and girls like Jamie Gladue. It would provide the space to avoid unjust outcomes. It would allow courts to do the work of acknowledging and addressing, instead of expanding and perpetuating, the effects of systemic racism. But first it is time to demand from our leaders the political courage to say that the emperor has no clothes. Canadians deserve better than an empty promise. All evidence suggests that mandatory minimum penalties will not achieve safer communities. Worse still? They prevent us from making use of the tools that will.

Now is not the time for public pandering for fear of political fallout. To fail to take decisive action is to explicitly allow and reinforce discriminatory and stigmatizing myths and stereotypes. To fail to act in ways that will address systemic racism is to actively decide to reinforce and further such discrimination.

Now is not the time to hesitate or urge caution or require further study, not when mandatory minimum penalties have been multiplied without regard for empirical evidence or all too predictable consequences.

Now is the time to trust the evidence that a better way is possible and that Canadians understand the challenges before us, aspire to a country of fairness and equality, and will stand in support of policy that promotes the hope of justice for all of us, not merely some of us.

Let us work together, let us pass this bill. *Meegwetch*, thank you.

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

### COMMISSIONER FOR CHILDREN AND YOUTH IN CANADA BILL

#### SECOND READING—DEBATE ADJOURNED

**Hon. Rosemary Moodie** moved second reading of Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

She said: Honourable senators, it is a great honour for me to speak to you today on second reading as sponsor of Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

This bill was first tabled in June of this year, and I now have the honour of re-tabling this bill. Sometimes June feels a lifetime away, and many things have changed in the past few months, so today I will speak to what we now know about the current needs of children and why this bill is more relevant and needed more than ever before.

After almost 30 years since the ratification of the Convention on the Rights of the Child, we still do not have a commissioner for children and youth. We are failing in our commitment to act on behalf of our children. Today Canadian children remain in a state of crisis, where they have been for decades. More than ever there is a need for immediate action now, and that is why we must make this bill a priority.

So what is the situation for children today, colleagues? I have new data to share that tells a sad story of failed leadership for Canada as a country. Suicides are now the leading cause of death in children aged 10 to 14, while for youth aged 15 to 17 it is the second-highest cause of death. Still thousands of children in Canada die every year due to preventable injuries, and accidents remain the cause of death for many.

New data reveals that between 2017 and 2018, family violence against children and youth has increased by 7%, while 1 in 3 children are victims of abuse, 1 in 5 children live in poverty, and 1 in 10 children experience food insecurity. In 2019, the Assembly of First Nations found that 47% of First Nations children living on reserve lived in poverty.

When it comes to the health and well-being of children, our global ranking has slipped, and we have recent data to show that. Over 25% of our kids are obese or overweight. Concerns for mental health have increased considerably in the last decade.

According to UNICEF's child well-being report card 2020, just released in September, Canada ranks 30 out of 38 OECD countries on measures of children's overall well-being.

There are many worrying signs, including the rising rate of child mortality. Out of 38 countries, we rank 28.

There are also many worrying signs we see today; that our infants are dying at a rate that is among the highest in OECD countries, with Nunavut's rate sitting at three times the national average. This report highlights the link between child mortality and national income inequality and child poverty.

UNICEF reports:

In Canada, child mortality is an important marker of extreme poverty and continuing social exclusion experienced by First Nations and Black populations. For instance, infant mortality is 3.9 times higher in areas with a higher concentration of Inuit people and 2.3 times higher in areas with more First Nations people.

Everything that we have heard today is happening in our communities, in our neighborhoods and before our eyes, and we must ask ourselves, "What will we do in response?"

More disturbing than the failure that these statistics reveal, colleagues, is our inaction as parliamentarians and as a country. We know that children are the most vulnerable among us. They depend on their parents, their guardians, teachers, coaches and on members of their community to be their voice and to provide them with protection and care.

We are talking about our children, Canada's children. And we can no longer ignore this crisis.

• (1740)

I would say to you that regardless of where they are born, their ethnicity, race, sexual orientation, gender, or level of physical or mental ability, children and youth are our most precious resource. Each and every one of them are deserving of every opportunity to grow, thrive and succeed.

Honourable senators, we have an obligation to do everything we can to make Canada the best place to be a kid. And we know this is unfinished business; we have been discussing and debating this topic of the child commissioner in Canada for far too long. By the way, we have also shirked our obligation under the Convention on the Rights of the Child. The time has come to change all of this.

Back in 1979, the Honourable Senator Landon Pearson committed her career to advocating for the rights of Canadian children. Canada was known then as a leader and a champion for children's rights and well-being. We were swift to adopt the Convention on the Rights of the Child when it was concluded, but despite receiving the advice of the UN to establish the role of a federal commissioner, we have failed to do so, and we have failed to fully implement the convention.

Since these recommendations were first made as far back as 25 years ago, the situation for our children here in Canada has only gotten worse. By failing to address these issues, we have left our children vulnerable. When COVID-19 hit earlier this year, we were not equipped to protect them.

For many years, there have been some really strong advocates for children within Canada. I mentioned in my last speech that three of our colleagues here within the Senate, Senators Lovelace Nicholas, Jaffer and Munson, have worked tirelessly to recommend and advance action in this area. Some 13 years ago, their work as members of the Standing Senate Committee on Human Rights, led by Senator Andreychuk, studied children's rights and published the Senate report *Children: The Silenced Citizens*, in which one of the primary recommendations then, 13 years ago, was that a federal commissioner for children and youth be established. The identified purpose then for such an office was to promote responsible and good governance, and to provide a seamless service delivery to children.

Thirteen years ago, we had known here in the Senate what we needed to do. Now is the time for us to act.

Notwithstanding our own clarity here in the Senate, in the other place there has also been a significant non-partisan recognition of the need for a commissioner for children and youth where many have invested efforts to address this needed legislation. Back as early as 2009 and as recently as 2019, current Minister Marc Garneau, former Minister Irwin Cotler, former Minister Dr. Kellie Leitch and MP Anne Minh-Thu Quach introduced similar bills.

As recently as two weeks ago, I spoke to some of these individuals, and I'm happy to say that Dr. Leitch, former Minister Cotler, and Senators Pearson and Andreychuk are still completely supportive of the establishment of the office of the commissioner for children and youth.

Outside of the Parliament, we have multiple supporters. The Canadian Coalition for the Rights of Children in 1991 pressed for the establishment of a commissioner. Today, UNICEF Canada, the Canadian Council of Child and Youth Advocates, the Canadian Bar Association, the National Association of Friendship Centres, Children's Healthcare Canada, the Boys and Girls Club of Canada and many others support the establishment of such a commissioner.

Another significant development occurred in 2019 when the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Call for Justice 12.9 called for a commissioner in every province and territory, and at the federal level.

Also in March 2019, the Canadian Coalition of Youth Advocates — the organization that unites provincial and territorial child and youth advocates across Canada — also called for a commissioner of children and youth. To quote from their call:

For years, we have called for the creation of an independent parliamentary officer, with a focus on Indigenous children, young people migrating to Canada, and those involved with youth justice, health, and mental health systems. There are

still too many children who fall outside of our legislated mandates as they rely on federally-funded services. The lack of rights-based resources for these young people is glaring. . . .

UNICEF, in a companion to their most recent report card, UNICEF Report Card 16, reported that the commissioner is a game-changer for youth. In the report, entitled *Worlds Apart: Canadian Companion to UNICEF Report Card 16*, they write:

Children perceive well-being differently than adults . . . . The voices of those furthest from opportunity must be included . . . . Children and youth have shown over recent months that they intend to be included in discussions that will shape their futures. For adults and policy-makers, it is time to listen, learn and act. A National Commissioner for Children and Youth and a lower voting age will help us do that.

Children First Canada, in their report *Raising Canada 2020*, stated:

This independent office of government plays a crucial role in advocating for children and youth, ensuring that they are prioritized in the development of federal legislation, directly consulting and engaging with children, and raising the profile of children in Canada. Now more than ever, a Commissioner for Children and Youth is needed to promote the rights of young people and hold government accountable.

I would like to highlight the words of a key young supporter, a young woman named Sarah Knockwood, one of the Mi'kmaq Confederacy of PEI and the founder of the PEI Children and Youth Table. Here are some excerpts from a letter that Sarah wrote to me:

Greetings! My name is Sarah Knockwood. I wanted to tell you more about who I am and my views on the Bill. . . .

I would love for a National Commissioner to be established because they would pressure the government. For it to be an Indigenous person would be really great too. . . . It is very important for me because it means that communities can grow and become better. It means we can give hope to the children.

Sarah goes on to say:

What is happening out there is not right. As an Indigenous child I can tell you that the children are losing hope. . . .

We have had enough and are willing to fight for our people. The problem is that there are 94 calls to action just sitting there. There is nothing being done. A lot of the laws that affect us are federal and the provincial advocates can't do anything about it. . . .

I am optimistic. I know that it can be done. . . . The help of a national commissioner would be an amazing step to healing for everyone. Not just Indigenous problems but others as well. . . .

I am Sarah Knockwood. I am a 15 year old trying to get by in school . . . I only joined the PEI Children and Youth Table this year when Covid-19 shut down our schools . . .

Colleagues, I was immensely touched by these words, because growing up in the best of circumstances can be a challenge, but for too many Canadian children, growing up is a struggle, fight for survival and a fight for hope.

• (1750)

We have a role to ensure the well-being of our children and to ensure that our children thrive, and we must play that role. That includes welcoming voices like Sarah's into our democracy and welcoming greater accountability. Our children have a right to be heard and we have a responsibility to support that right.

In 2021, we are about to face the next review by the United Nations on our implementation of the Convention on the Rights of the Child. Many Canadian organizations have shared their reports with us. All of them seem to suggest and have one common recommendation: The establishment of a federal commissioner for children and youth. It is a central part of all their recommendations.

For Canada to fully implement the Convention on the Rights of the Child and play its role as an international human rights leader, we must do this; we must establish an independent voice for children and youth. Yes, honourable senators, this is unfinished business. As Marc Garneau said in 2012, "There is no room for partisanship today, especially when we are talking about something as important as our children."

Today I propose that the commissioner for children and youth should be our first step in addressing the crisis facing children, and here are my reasons: First, Canadians have spoken. They want a commissioner for children and youth. Back in November 2019, a poll commissioned by Children's Healthcare Canada found that 73% of Canadians support the creation of a federal commissioner for children and youth. There is a broad belief in the public that the current system is not serving our children well, nor is it providing them a voice. The establishment of a federal commissioner for children and youth is strongly supported by the Canadian public and is seen to be urgently needed.

A second reason is that the provinces want this. We have received strong support from the Canadian Council of Child and Youth Advocates, a council composed of advocates and ombudspersons from every province and territory that have such an office. They view a commissioner as a partner at the federal level that would increase advocacy for children and youth. We have often been told that many issues facing children and youth deserve the attention of the federal authorities, but that there is no clear path or suitable partner for the provincial and territorial advocates to reach out to. Who could fill that gap by facilitating communications with Ottawa and advocating for issues that may be missed by the government, and by supporting the sharing of best practices throughout the country? No one better than a federal commissioner.

One of the troubling realities for Canadian children is that their quality of life and well-being is very dependent on where they live. The Canadian Council of Child and Youth Advocates view the federal commissioner as key to dealing with these inequities. Among the many lessons of COVID that we have learned is how far we can go together. Collaboration is key, and the provincial and territorial advocates understand and value this. We have many wonderful organizations here in Canada that have been champions for children's rights, but they also acknowledge that they can't provide the same level of influence and impact as could be provided by an independent officer of Parliament.

So why do we need advocacy? Colleagues, we have heard that many Canadians have been unaware of the crisis facing our children, although the pandemic has recently made it more obvious to many of us. It is clear now more than ever that Canadian children need an advocate who would bring focus to the issues faced by our children; someone who would amplify their voices on these issues; an advocate who could provide ongoing critical analysis of government action and evaluate the impact of policy on the everyday lives of Canadian children; an advocate who could allow us to understand where government policy has failed, has not gone far enough or, in some cases, has caused harm. From climate change to food insecurity to poverty, mental and physical health to growing up in a digital age, children face many challenges that can only be understood through strong and consistent advocacy and the development of sound policy informed by applying feedback and evidence obtained through broad consultation and investigation. This is something that could be carried out by the commissioner for children and youth.

An important part of the commissioner's advocacy would be to directly engage with children and youth so that we can hear directly from them on what they are doing and going through to provide them with the means to raise their own solutions — children's solutions to children's problems. We should be listening, and they should be considered and acted upon. Where Canadians are blinded to the crisis that our children are living, the advocacy of the commissioner would shift the national consciousness towards raising awareness and would make us a more child friendly country.

Why the need for accountability? Governments make promises that they do not enact and create policies that fall short of addressing the need for the policy. But because children lack a voice, there is no political consequence. Governments aren't held to account in the application of important principles such as the Convention on the Rights of the Child and the need to ensure the best interests of children in line with Jordan's Principle and other such policies.

Honourable senators, there is a need for far greater accountability. Accountability is key to ensuring governments act in the best interests of children, and that our policies reflect their voices and needs.

Accountability arises from transparency. A commissioner would allow us to truly understand the impact of government actions, even when the government of the day dodges its responsibility to be transparent. It would allow us to evaluate policies on the basis of outcomes and demand better from those in power. Accountability arises from independence. Canadians

must be confident that a commissioner is loyal to Canadian children, rather than to the government of the day. Accountability also means seeking and amplifying the voices of our children.

[Translation]

**The Hon. the Acting Speaker:** Honourable senators, it is almost 6 p.m., and according to rule 3-3(1), I am obliged to leave the chair until 8 p.m. unless honourable senators agree not to see the clock.

[English]

Is it agreed not to see the clock?

**Hon. Senators:** Agreed.

**Senator Moodie:** If politicians become accountable to children, real change can occur. Lowering the voting age will help to accomplish this.

In their evaluation of Canada's performance in assuring the well-being of our children when compared to 38 OECD countries, UNICEF's Report Card shows us that despite a rising trend of economic wealth in Canada, many aspects of children's lives are not improving. In fact, Canada is among a handful of rich countries with the best conditions for growing up, but the poorest outcomes for children. That is because Canada's public policies are not translating our national wealth into the best possible conditions for growing up. Canada spends less supporting good childhoods than most of our peer countries. Incremental advancements in public policies sustain wide gaps between children in many aspects of their lives and yield incremental advances for children overall.

• (1800)

Yes, we have made some progress towards improving the well-being of our children, although the evidence shows that so much more can and should be done. Efforts to reduce child poverty through the Canada Child Benefit and the National Advisory Council on Poverty have been somewhat successful, but we have also seen many steps backwards. In Ontario, we lost our leader in child advocacy.

Despite the urgency facing the country to address this pressing crisis, our reaction is lethargic at best. Real solutions have been put forward, and these languish awaiting government attention. Take, for example, the National Autism Strategy that our colleague Senator Munson has championed for many years. Or policies around advertising unhealthy foods to children, championed by our former colleague Senator Greene Raine.

And even now, in the midst of one of the greatest crises of our time, we have yet to consider the impact of the consequences of this pandemic on those who will have to live with it for the longest; our children.

There is an economic argument for investing in our children, but I fear that we will fail our children in this moment, and this pandemic will cause irreparable damage. As we look towards investing in our society to bring back industries and jobs, I fear we will not invest in children and families at a time when they need it most. Because, you see, our track record in this area is not

good. Canada ranks poorly when it comes to investment in children. We invested 1.68% of our GDP in our children, compared to the OECD average of 2.38%, while the top-performing countries invest over 3%.

Our lack of investment in children has serious consequences. Take, for example, the Canada Child Benefit. We know the Canada Child Benefit has had some success, including helping a quarter of a million families rise out of poverty. It has contributed to economic growth, accounting for 2% of our GDP in the 2017-18 fiscal year — yet it does not go far enough. Compared to our OECD peers, we are thirty-third in enrolment in early childhood education, for example, and we rank in the top 10 of the nations with the most expensive child care.

So while over half a million children have risen out of poverty, we have not done much to improve them any further. And to be clear, many children remain in poverty. For those who have risen above the poverty line, we would do well to remember there is a big difference between being just above the poverty line and living comfortably.

Here in Canada, we have seen an increase in income inequality. Where children are concerned, there is an abundance of evidence that demonstrates that income inequality is an indicator of poor outcomes for children. It's also a good indicator of the well-being of children. We must recognize the correlation of increasing income inequality and worsening child mortality rates.

The threat of income inequality is the threat that many Canadian children will be left behind. This is a threat that is especially true for Black children, Indigenous children and children with disabilities. The potential and increasing likely reality of a K-shaped recovery is more than going to make life difficult for many children; for some it may mean death.

We are a vast and diverse country. Canadians from coast to coast have different needs but deserve the same quality of services, care and help from their government. This is especially true for our children. But as we have seen, lukewarm investments lead to poor results. Children's well-being is an economic issue.

Children know when there is not a whole lot of food in the house or when the bills barely got paid that month. They feel the stress of their parents and sometimes even suffer the consequences of increased abuse. At an age when children should be imagining, playing and being creative and learning, they are having to deal with harsh realities for which they are not equipped.

This impact is greater than meets the eye. When a child is burdened with the weight of poverty and hunger, they can't look up to the stars and wonder. Poverty snuffs out the sparks of creativity, imagination, curiosity, ingenuity, innovation and passion that we find in our society. By not investing in our children, we deprive our future of talented, intelligent and world-changing adults. Why would we do this to ourselves?

[ Senator Moodie ]

A commissioner for children and youth has the potential to light a fire under the feet of our policy-makers, our decision makers and our leaders, to build urgency, to build a greater level of accountability and to force government and parliamentarians to accept nothing less than real and effective action. This means putting money where it matters most and not cheaping out on our children.

Children deserve more than incomplete and fragmented, ineffective solutions. They deserve to be considered as a priority, not as an afterthought. They deserve a champion who will collaborate to build, based on long-term vision and strategy.

As Canadians grapple with a new reality that is rapidly changing our lives, the COVID-19 pandemic has brought the issues facing our children and youth into very sharp focus. It has unmasked the unique ways that children are made vulnerable and the urgent need to immediately put in place the resources, supports and protections that have been missing for all Canadian children. It has deepened the crisis they face. It has made things worse for our kids. We have seen them suffer in silence. Food insecurity, domestic abuse, interruptions in their daily routines and education, delays in receiving medical care and worsening immunization rates are some of the more severe issues we are seeing.

We have been quick to push towards distance education without really considering the proportion of children without access to reliable internet, to the right devices or to the support of parents to take over the critical role of home-schooling.

When we contemplated reopening, yes, we focused on returning to golf, to bars and to clubs. Schools and daycares were a secondary priority for us. We focused on the economy and return to work, and we just assumed that the issues that affected our children would simply melt away.

We did not consider the lasting effects on our children — effects that will linger long after the initial damage has been done. We just assumed our kids would be okay, but they are not. We have failed, not only in some of the actions we took, but because we did not give our children the consideration they truly deserve.

We need a commissioner for times like this. As Canada becomes more prosperous, the well-being of our children is falling behind. As a country, we have failed to invest in families and children, neither consistently nor enough. Children do not just follow along; they need our targeted and our focused attention.

An independent officer of Parliament will hold Parliament accountable to its obligations for the well-being of children and youth, and ensure that their rights are respected.

• (1810)

The commissioner would collaborate with all levels of government and with communities to work on behalf of children and youth, to advocate for their needs and to understand and address the issues they face, to support and expand the work of provincial partners and to bring a national focus on issues that are affecting the provinces, territories and nations.

One of the most important aspects of the role of the commissioner of children and youth will be working — in collaboration and on request — to engage with First Nations, Métis and Inuit peoples.

The commissioner would partner with communities to address the failure of the federal government to meet its specific obligations under the Constitution towards Indigenous children and youth. The commissioner would help address some of the recommendations for the Truth and Reconciliation Commission and calls for justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls and support the implementation of Bill C-92, applying pressure to governments when needed to move matters along.

In this role, the commissioner could be a bridge to the federal government specifically for children's issues when called upon and invited to provide support by Indigenous peoples of Canada.

The commissioner will exercise oversight on government legislation, examine every piece of legislation and every change in regulation and every exercise of a policy instrument and comment and report on the impacts of specific actions legislatively on Canadian children.

The commissioner would collaborate with the public service, be a resource for our committees and advise parliamentarians, providing timely information and current evidence on the state of Canadian children. The commissioner would promote the use of good data and evidence-based decision-making in the development of legislation and policy.

The commissioner will elevate the voice of children and youth in the political discourse and draw out the concerns for young Canadians through online and in-person engagement, going to children to hear their voices and meeting with them in difficult circumstances in places such as juvenile detention centres and other institutions.

Children deserve to be heard like any other Canadian. We must listen, hear their problems, hear their own solutions to their problems and we must create a safe place for them to share their concerns.

The commissioner for children and youth will have the responsibility of educating all children and parents, as well as all of Canada, on the rights of children. So we need an independent officer of parliament. The commissioner must have the capacity to function independently and to use this independence to achieve meaningful advocacy. The commissioner should be able to look past the politics of the day to focus on the long-term needs of children and to bring them to the attention of Parliament. The commissioner's work should be driven by evidence. All Canadians must be able to trust the commissioner will not be influenced by the government of the day.

Bill S-210 will guide the interaction of the office of the commissioner with children and communities of all backgrounds. The commissioner will acknowledge and respect Indigenous sovereignty and be invited to assist and support when called upon. An effective commissioner will be knowledgeable about

these communities and be sensitive to their culture and practices and will assist the communities in the preservation of the culture and of their language.

And we see an expectation, as does Sarah Knockwood, that there will be a reflection in the structure and the staffing of the office that will reflect the diversity of Canadian communities and that senior roles will be filled by folks who understand and have lived experience of the reality of vulnerable Canadians.

Sarah recommends an Indigenous commissioner as the first appointee, and I would back her on that. That sounds like a good idea to me, too.

The commissioner would be an important voice, and a long-lasting partner to strengthen relationships across Canada. So, as we look together to build a better society suited for all children, this is why I chose to introduce this bill and to make this speech today.

Senators, when we gathered in June, I stated this ought to be viewed as emergency legislation. Today, six months later, after the beginning of the pandemic, we continue to owe our children our obligation, our urgency and our action. Our obligation is to recognize the power and the responsibility that we as parliamentarians hold to address these problems.

Together we must realize the urgency of the problems that Canadian children and youth face. And most importantly, together we must move to action.

Today in Canada, we have an opportunity to make sure that every child — every Canadian child — has an opportunity to thrive in this land.

As we move forward in consideration of this bill, colleagues, I look forward to the dialogue that we will have, to hearing your comments and to making improvements to our bill. I encourage you to vote for this bill and to support its passage.

Let us give children and youth the voice they deserve and need. Let us show communities that we care enough to give them the resources they ask for. Let us show Indigenous Canadians that we respect them as nations and that we are serious about working towards repairing the despair and the damage of colonialism.

Let us show the world that we are serious about our human rights obligations. Let us show Canadians that in a true democracy we are not afraid of accountability, and we welcome honest scrutiny. Let us show children and youth that here in Ottawa there are people who care, listen and are ready to do what we have known for a long time we need to do. The cost of failure is too high. We must not lose to inaction.

As we sit here in the chamber, we must acknowledge that Canada is not where it needs to be. We are in a land full of potential and opportunity, but the pandemic has helped to shatter what had already been broken.

Will we pick up the pieces, build something better and be more inclusive for our children? That's the question I pose to you today, colleagues. Thank you. I'm happy to answer questions.

[ Senator Moodie ]

**Hon. Dennis Glen Patterson:** Let me not for a moment, Senator Moodie, question the merits of giving a stronger voice to children. I know you have worked hard on this. It seems to me that establishing a commission and the necessary support staff as you have described will require the expenditures of money. I'm wondering — that's apparently outside the powers of the Senate. I wonder if you have thought of this issue and whether you have approached the federal government to see whether they could sponsor the bill and thereby eliminate this problem of needing a Royal Recommendation?

**Senator Moodie:** Thank you, Senator Patterson, for the question. Yes, we have been working hard to approach a number of individuals on the side of the House of Commons, the ministers. We are in good discussion.

The path that we have chosen to take is one where we are using a coming-into-force clause that allows us to pass the bill through both chambers without needing a Royal Recommendation initially. But we recognize that being able to integrate our bill into another bill that would be funded would be one viable and strong pathway, and we are also looking for other ways to get individuals on the side of the House of Commons to pick up our bill.

• (1820)

**Hon. Jim Munson:** Honourable senators, there is a saying that you can seek the wisdom of the ages, but always look at the world through the eyes of a child. I have said it many times in the chamber, and in the work I have done in children's groups and organizations over many years. When I was first appointed to the Senate, I was asked by a reporter, "What would you like to be in the Senate?" There was a little headline in the *Ottawa Citizen* that said that Jimmy Munson wants to be the children's senator. Of course, I had my mentor in Landon Pearson at that time.

In talking about children over these 15 to 16 years, we have made some headway, and we have been stopped at many spots along the way by successive governments of not listening to what we have had to say here in the Senate.

Honourable senators, I rise today to speak at second reading to support Senator Moodie's Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

Senator Moodie, this is your second time introducing a bill that, at second reading, is in principle as solid and necessary for a better country and a better Canada for young people and their futures.

The office of a child advocate is not a new idea. In fact, Senator Moodie's bill is long overdue. There are still a few senators around from when we passed a report in this chamber over a decade ago, dealing with Canada's obligations to the United Nations Convention on the Rights of the Child, and promises made to First Nations and Indigenous children. We spoke at that time and we delivered a report, but successive governments didn't really listen.

There is something that we don't do here. We don't give up. We never give up in the Senate. We are an institution that cares about minorities and we certainly care about children.

Today, the current unpredictable situation of COVID-19 has shown that impacts on children often come as an afterthought after major decisions have already been made, rather than in tandem. It's more obvious than ever that Canada's children need and deserve a children and youth commissioner's office.

First, let me say how reassured I am to hear Senator Moodie say that she will not stop on this issue, that the office for a child and youth commissioner is one of her missions in this Senate. I really hope that Canada will create a federal child advocate office before my retirement, which is just about nine months from now. If not, I'm assured to know Canada's children will have your voice, Senator Moodie, and others in this chamber.

Senator Moodie, don't worry about how many times you have to introduce a private member's bill. I had to introduce a private member's bill on World Autism Awareness Day. It was a bill that you would think would be very simple, but there was prorogation and other things, and some people not liking the idea and saying, "Well why are you having another awareness day?" You have seen where that has gone for the autism community in this country, because of the work both here and elsewhere. I had to introduce my bill five times between 2008 and 2012 before it was finally made into law. Trust me; you will get there with perseverance, and I'm sure we all in this Senate will support you.

That's some advice I would like to share with all senators here. Don't stop trying. Don't stop reintroducing and pushing your issue forward in this place because that's what we are here to do, no matter who may like it or not. Do what you know is the right thing. Stand up for minorities. In this case, stand up for children.

It would be impossible for me to talk about children's rights and not mention, as you did, Senator Moodie, a friend of mine, a mentor of mine, former senator Landon Pearson was the one beside me trying to haul you into the chamber reluctantly. I ran in. I wasn't reluctant about coming into this chamber, because I had an opportunity to have a third career. I had something on my mind about children and disabilities, and this place served as an institution to deliver that.

Senator Pearson, who was an adviser to the Foreign Affairs Minister on children's rights in 1996, started National Child Day here in the Senate. We had a wonderful thing going on here, and I hope we can continue to do this. It took two men to do Senator Pearson's job; Senator Mercer and I took it over when she left. Then we brought in Senator Cochrane from the Conservative Party in Newfoundland, and we were on our way, but it took the three of us to do her work. This has been a joyous place for National Child Day here.

We have had The Barenaked Ladies singing in this Senate. We have had children talking the talk and talking about their issues, and it is all because of Senator Pearson. She is about to turn a certain age very soon, and you can't say somebody's age; I know. But you'll figure it out. Google it and you'll find it. There she is at the Landon Pearson Resource Centre for the Study of Childhood and Children's Rights still doing all this work at Carleton University.

She spearheaded the important committee work during her time in the Senate. She was Deputy Chair of the Standing Senate Committee on Human Rights when we studied Canada's obligations on the rights of the child. We released an interim report in 2005.

Although she had retired two years earlier, the final report titled *Children: The Silenced Citizens* was finally adopted through the good work in this chamber in 2007, at that time with Senator Raynell Andreychuk and Senator Joan Fraser. Dear friends, how time flies. They were so solid in the work on this report, following Senator Pearson, and they were the chair and deputy chair respectively.

This might sound familiar to what we have already heard today. Our committee's study called for an independent federal advocate for children, with a mandate to monitor the implementation of rights of children in Canada, liaise with provincial and territorial advocates, raise the awareness of the Convention on the Rights of the Child, promote the inclusion and involvement of all children in institutions.

Many of us have pushed every government since then to follow through on our committee report, and the recommendations to appoint a federal office for children in this country. Governments have listened, but they haven't really acted enough. That is why Senator Moodie's bill is so important. Asking hasn't been enough. We must act to give young people a voice. We must put it into law.

It's disappointing for me that when I retire, I may not be able to see this report come into law. It does take that time and we're dealing with a minority government. Who knows what happens from day to day.

Inside and outside this chamber, we have all been urging action. Meanwhile, about 60 other countries have established national offices for independent child advocates. We have to get beyond the curve here.

Canada ratified the UN Convention on the Rights of the Child almost three decades ago. We continue to bring up the unfair discrepancy and the well-being of children in Canada, but as I said before, governments haven't acted strongly enough on those responsibilities.

The convention clearly outlines those absolute rights, which children must be allotted in a free and fair democracy; namely, protection from abuse and harm, the right to participate in public discourse, and the promise that children receive quality education and an adequate standard of living.

In UNICEF's most recent report card — get this, senators — Canada ranked 30 out of 38 rich countries for overall child well-being. The report card specified that Canada scored low in children's survival, physical, mental health and happiness, and low in supportive relationships.

It is easy for us to agree that children have every right to participate, but we must provide them with the means and the tools they need to succeed. We need to create spaces for them to speak for themselves. An independent federal advocate will be a vehicle for young people's full participation in our democracy and participation in policy changes which directly affect them.

That brings me to another ethical reason Canada is obligated to create a child commissioner's office. Children cannot vote, and there is currently no formal independent body that can hold government accountable for decisions that affect them.

Many nations have lowered their voting age to 16 to help address part of this gap. We see from examples like Scotland that lowering the voting age has increased interest in politics and civic engagement for young people. In fact, voter turnout was 75% for the 16 and 17 age group during a recent referendum in Scotland.

- (1830)

Now, before I stray too far off topic, I think a commissioner's office would be able to help facilitate lowering the voting age in Canada while helping give a voice to those who cannot vote, and I thank Senator McPhedran for her work, which will go on, and I will support her on this.

This change would help fulfill our obligations to the rights of the child under the convention, particularly the right of young people to be heard and influence policies which affect them, not to mention other positive outcomes including more voices, better government policies and legislation, and perhaps, higher voter turnout in the future for those who are no longer children.

A children's commissioner is an investment in the continued health and safety of future generations, as well as a mechanism through which young people may become more politically involved and motivated. Investing in our next generation and generations to come makes good ethical sense, but it is also economically advantageous. According to a Conference Board of Canada report, for every \$1 of investment in early childhood education in the present, we will get back \$6 in the future.

A federal advocate will ensure that Canada is making appropriate investments in children as well as making progress towards implementing the UN Convention on the Rights of the Child. The office would also have to work collaboratively with First Nations, Métis, Inuit and Innu people, with the goal of monitoring progress on the government's implementation of the Truth and Reconciliation Commission's Calls to Action, the recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the UN Declaration on the Rights of Indigenous Peoples, all with the goal of achieving measurable, better outcomes for children in this country.

[ Senator Munson ]

Let me share a story with you, and this is personal. Almost two years ago, I had the privilege of introducing Dr. Cindy Blackstock at a conference on intellectual disabilities in Winnipeg, Manitoba. It was a typical day in Winnipeg — it was cold. Her presentation made a big impact on me — and that was the warmth — and everyone in the room. Most of you know this story. It has to be repeated. She told us a heartbreaking story of a beautiful child, Jordan River Anderson, a five-year-old from Norway House Cree Nation who lived with Carey-Fineman-Ziter syndrome and tragically passed away. Dr. Blackstock shared Jordan's legacy with us by teaching us again about Jordan's Principle. As many of you know, Jordan's Principle is a child-first and needs-based principle used in Canada to ensure that First Nations children living on and off reserve have equal access to all government-funded public services. It says that First Nations children should not be denied access to public services while governments fight over who should pay.

Jordan's story and the principle named for him have stuck with me, partly because the story is so familiar. In my work in advocacy for children and families living with autism, we have been given the jurisdictional excuse game of provincial to federal responsibility for over a decade, if not longer. While we argue, our children suffer.

Indecision and procrastination have lasted long enough. It is clear that a child-first, needs-based approach is what all children in Canada deserve. We should all learn from Jordan River Anderson's story. Jordan's Principle should be the goal for all of our children.

An independent federal advocate's office would be able to investigate issues that pertain to Canada's most vulnerable children, such as racialized children and those living with physical or intellectual disabilities. These groups experience discrimination far more than other Canadian children. They are also more likely to experience negative childhood experiences like poverty and abuse, and more often report low levels of life satisfaction.

We know that children with intellectual disabilities are at least two times more likely to live in poverty than their peers and are much more likely to report feeling unsafe than children with no disabilities.

**The Hon. the Acting Speaker:** Would you like a few more minutes?

**Senator Munson:** I would like a few more minutes.

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

**Hon. Senators:** Agreed.

**Senator Munson:** Furthermore, it is well known that Black, First Nation, Métis and Inuit children are overrepresented in the child welfare system, the juvenile justice systems, and are more likely to face discrimination at school. For instance, they are more often expelled or suspended at their school than their peers.

Now, saying all that, children are the most reliant people in our population. It is essential that we take responsibility as policy-makers to protect them. The commissioner could act as a bridge and would be able to better examine the inequalities that exist between children and adults, and the multiple barriers facing vulnerable children across the country.

There are over 10 million young persons in this country, and more than a third of them say they do not have a safe and healthy childhood. One quarter of children say they often go to school or bed hungry. Hungry in this country, can you imagine? And you don't have to look too far from the shadows of Parliament Hill — having lived in this city a long time — to see that right here in the nation's capital.

This year, children around the world have had their routines shattered. We see how their lives are being altered as a result of the COVID pandemic. As we have discussed in this place since the spring, the pandemic has perpetrated these issues surrounding mental health, and instances of domestic violence have risen as well.

Children First Canada, an incredible group, has this mental health data from Statistics Canada that children rate their mental health as worsening because of the pandemic. This is what saddens me, these numbers. Suicide remains the second leading cause of death for youth ages 15 to 24, and is now also the leading cause of death for children ages 10 to 14. Canadian children are suffering mentally and physically more than ever.

The RCMP's National Child Exploitation Crime Centre has seen an increase in reports of child sexual exploitation, as has the Canadian Centre for Child Protection's tip line to report the online sexual exploitation of children. The latter has seen an 81% spike over April, May and June of this year. Let those numbers sink in.

In closing, honourable senators, the wellness of children in Canada has been on the decline over the last decade. Intersecting risk factors such as poverty, food insecurity, access to mental health services and family struggles have been compounded by the pandemic and have heightened negative impacts on young people. The pandemic has further magnified the evidence that Canada needs an independent federal advocate for children and youth.

I would like to quote from our 2007 committee report in this chamber, which was unanimous, which touches on the importance of inclusion:

Children's voices rarely inform government decisions, yet they are one of the groups most affected by government action or inaction. Children are not merely underrepresented; they are almost not represented at all.

Last year, I was honoured to sponsor the Accessible Canada Act, and during that time we learned a mantra from the disability community: Nothing about us without us. As far as I'm concerned, this should be the mantra in policy-making. Let's not leave children out of the decision-making process. Their voices will provide for better outcomes and futures for all of us. We need to include them. Inclusion, as you know, is my motto.

Senators, this bill in principle at second reading deserves to pass as quickly as possible and get to committee. I look forward to following the bill at committee and listening to the views of young Canadians from across the country.

And, Senator Moodie, I really want to thank you for your advocacy and for your love of children and their rights. Thank you very much, honourable senators.

(On motion of Senator Ataullahjan, debate adjourned.)

• (1840)

## THE SENATE

### NOTICE OF MOTION TO CALL UPON THE GOVERNMENT TO IMMEDIATELY BAN THE EXPORT OF CANADIAN DRONE TECHNOLOGY TO TURKEY WITHDRAWN

On Motion No. 7 by the Honourable Leo Housakos:

That the Senate of Canada call upon the Government of Canada to immediately ban the export of Canadian drone technology to Turkey following reports that such technology is being deployed by Turkey against Armenian people in the Nagorno-Karabakh region of Azerbaijan.

**Hon. Leo Housakos:** Honourable senators, pursuant to rule 5-10(2), I ask that Notice of Motion No. 7 be withdrawn.

**Hon. Lucie Moncion (The Hon. the Acting Speaker):** Is leave granted, honourable senators?

**Hon Senators:** Agreed.

(Notice of motion withdrawn.)

## CHARITABLE SECTOR

### MOTION TO PLACE FIRST REPORT OF SPECIAL COMMITTEE DEPOSITED WITH CLERK DURING FIRST SESSION OF FORTY-SECOND PARLIAMENT ON ORDERS OF THE DAY ADOPTED

**Hon. Terry M. Mercer,** pursuant to notice of September 30, 2020, moved:

That the first report of the Special Senate Committee on the Charitable Sector entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, deposited with the Clerk of the Senate on June 20, 2019, during the first session of the Forty-second Parliament, be placed on the Orders of the Day under Other Business, Reports of Committees – Other, for consideration two days hence.

He said: Honourable senators, the report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, was initially tabled on June 20, 2019. Unfortunately, we did not debate it as we went into the summer, and then there was an election and it died on the Order Paper.

We reintroduced it to the Order Paper in February 2020, using the same procedure I'm using now. However, then COVID-19 arrived, and eventually prorogation, which meant it died on the Order Paper again.

Honourable senators, the reason for this motion is quite simple: to get the report back on the Order Paper so we can adopt it and then ask the government for its response to this very important report. It is an extremely important report, especially because of the developments in our lives with COVID-19 and the stress it has caused to the charitable sector.

This motion will allow us to get the report back on the Order Paper. It will then allow us to move a motion for its adoption later. There is no debate today, but is the first step in the procedural requirements. I ask for your support to adopt this motion today. Thank you, honourable senators.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CUMULATIVE IMPACTS OF RESOURCE EXTRACTION AND DEVELOPMENT— DEBATE ADJOURNED

**Hon. Mary Jane McCallum,** pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations, when and if the committee is formed; and

That the committee submit its final report no later than December 31, 2021.

She said: Honourable senators, once again I rise today to speak to my motion, which constitutes an order of reference for the Standing Senate Committee on Energy, the Environment and Natural Resources. As is indicated in the motion itself, I would like this committee to undertake a study on the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations.

My interest in studying this matter in-depth came from this committee's previous study of the highly contentious Bill C-69, known as the Impact Assessment Act. Through the months-long study of this bill during the last Parliament, we were able to hear — in a highly limited way — from various stakeholders and community members of the impacts of resource extraction and development. This included both the benefits as well as the negatives.

However, as the focus of this committee study was the legislation at hand, the discussion remained highly technical and limited to the scope of that specific bill. As such, it is my hope that the committee will now use the time before us to study and report on the larger issue at play, which is the concept of the impacts resulting from resource extraction and development.

Colleagues, as a result of Bill C-69, there are many Canadians across the country who feel we have reached a breaking point as a nation. This was seen through talks of Wexit. This divide and disconnect are likely still felt between the West and the rest of Canada. With this societal issue boiling over, I feel it is up to us as senators to take an unencumbered, neutral look at this massive issue to try to make sense of it all.

I am aware, as is everyone here, that it is virtually impossible to go into the study of such a contentious matter without any personal bias or prior-held individual points of view. On the contrary; I think this is a good thing, as those points of view are largely shaped from our connections to the regions we represent and the people we serve. It is these points of view — those that are reflective of the people of Canada — that are required to give voice to and, in turn, understanding, through sober second thought, of this complex issue that continues to fester as an open sore, wounding the unity of our great country.

I believe in the importance of full transparency, openness and honesty when giving my thoughts on any issue before the Senate, whether in committee or the chamber itself. As such, I will quickly highlight where it is I am coming from on this matter.

From the perspective of my region and the people I serve, this study would allow a closer look at how resource extraction and development have impacted rural and northern communities — my interest naturally being those Indigenous communities and peoples throughout Canada, and largely in Manitoba. Through my decades of work as a health care professional within the rural and remote communities in Manitoba, I have always been aware of the impacts that resource extraction and development have had on these areas and their people. Much of the work I have done in my time as a senator to date has touched on this issue as well, either directly or indirectly.

• (1850)

In my role as a senator, I have had the chance to visit many communities that are facing fallout from resource extraction and development in their areas. The communities I have visited and continue to work with are not just located in Manitoba but are found across the country.

Without getting into the nitty-gritty, I have heard from and seen communities from coast to coast who face serious health issues related to land, water and air degradation, and who face health concerns from the toxins released during extraction and development that inevitably make their way into our ecosystems. There are communities that have documented high levels of rare cancers due to their proximity to the oil sands, uranium mines and pulp mills. These include cancers of the blood and lymphatic system, biliary tract cancers and soft tissue cancers. There are sustenance concerns as the surrounding flora and fauna are killed off or are forced to relocate. There are physical safety concerns due to an influx of workers and the creation of man camps.

There is an undeniable correlation between the presence of these man camps and an increase in violence, sexual assault, prostitution, sex trafficking, alcohol and drug addiction, and blatant racism and sexism of some workers, as well as company policies.

Then there are concerns that relate to logistics. As an influx of workers come into a community, they strain the local resources and infrastructure, which are then forced to operate beyond their capacity. This is further exacerbated by the shadow population, a subset of the community's population who had left in search of work but now return en masse to gain employment through this new opportunity. This means that the already inadequate health and social services most Indigenous communities receive plummet to further levels of inequity.

However, for me, these concerns are also balanced in part by the issues I have heard, and would like to address, from the people of Alberta, who have serious and valid concerns about yo-yoing employment rates and the presence, and continuing increase, of orphan wells, including the soaring future cost Albertans will have to face and continue to incur to reclaim and restore these sites.

Honourable senators, within this study I see value in providing an understanding of the policy and technical barriers that exist in applying nature-based climate solutions to many of these substantial issues. These barriers are highlighted by the Canadian Park and Wilderness Society in the paper entitled, *Finding Common Ground*, which states at page 6:

These barriers include: a lack of policies that recognize, and hold responsible, the main players responsible for ecosystem emissions; the challenges policymakers encounter in considering nature-based solutions as mitigation options; and shortcomings in GHG accounting methodologies which may not fully capture the emission reduction potential of such solutions.

Colleagues, I genuinely hope to obtain a balance wherein all concerned groups receive equal consideration through this proposed study. This is why I rely on your voices and inputs to help us achieve that through this committee study. For my part, I would like to ensure that the voices of Indigenous peoples, environmental groups and industry are heard equally.

As a reference to why I'm stressing this point, I would like to highlight the numbers surrounding lobbyists on the aforementioned environmental Bill C-69. It has been reported that over 80% of lobbyists in the Senate on that bill represented

industry. By contrast, 13% of lobbyists represented environmental groups and only 4% represented the Indigenous perspective. Moreover, this 4% was accomplished by just one very determined community: Fox Lake Cree Nation in my home province of Manitoba.

The reason behind this discrepancy in representation is fairly straightforward. Industry simply has a greater capacity in both infrastructure and funds to mobilize their voices in efficiently getting their voices and message out to Ottawa. And they have every right to do so. However, many Indigenous communities do not have the capital required to travel here with such relative ease, but they should also have the ability to have their voices heard equally.

Colleagues, it is with this in mind that I am hopeful that balance, neutrality and mutual respect will rule when considering this order of reference. As I have indicated, I have my concerns and opinions on this issue. I would expect each of you do as well. I would like it noted that I welcome and respect your concerns and insights, whether they echo mine or whether they are reflective of the other side of the coin. It is my hope that this balance, both in the opinion of senators as well as witnesses heard by committee on this study, will allow us to paint a fulsome picture for all Canadians of the current climate surrounding this contentious issue.

Further, my hope is for a final report that will be fully reflective of all points of view. This will allow all Canadians to see their voices in this report, as well as the differing opinions that they might not be inclined to acknowledge otherwise. With a balanced final report and any recommendations that flow from it, my final hope would be for a resulting balance, equity and understanding in public policy moving forward. Furthermore, I believe this study could also help to inform the upcoming review that is due to be taken on Bill C-69.

Honourable senators, the final matter I would like to address is the question of why I'm putting this order of reference forward now, before the committee itself is reconstituted. My rationale is purely taking a pragmatic approach. As we have all experienced in our time as senators, when a committee gets rolling with government legislation it can turn into a runaway train very quickly. One day you get referred a government bill and four months later Parliament is set to adjourn, just as that same bill finally clears your committee. This often leaves in its wake the skeletons of private members' bills and orders of reference that were left behind so that government legislation could take priority.

Colleagues, we are in a rare situation right now where the Order Paper is relatively barren and our committees, by virtue of dissolution, will be a *tabula rasa* when they are reconstituted. Rather than have that precious time wasted with cancelled meetings and empty agendas, I believe we should embrace the gift of time and have this order of reference ready and waiting to act on should the committee be reformed. It is my belief that an issue of such critical importance and of such consequence to our country today is deserving of study and debate by the many minds in this chamber.

As we continue to see, problems dealing with natural resources and land remain the top issue between Indigenous and non-Indigenous groups and people, resulting in confrontation and fraught relationships. If we, who are here to be representative of our regions and the people within them, will not undertake a balanced and thorough study on this subject matter, then who will?

It is said if you want to go fast, go alone. If you want to go far, go together. It is with this thought that I appeal to all senators to choose to go far with sober second thought and to go together on this issue of national importance. Thank you.

(On motion of Senator Keating, for Senator Galvez, debate adjourned.)

• (1900)

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE ADJOURNED

**Hon. Marty Deacon**, for Senator Lankin, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:

- (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;
- (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
- (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
- (d) the accessibility of retraining and skills development programs for workers;

That, in conducting this evaluation, the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and Indigenous workers; and

That the committee submit its final report on this study to the Senate no later than September 30, 2022.

She said: Honourable senators, Senator Lankin intends to speak to this item as soon as possible. Therefore I ask it to be adjourned in her name.

(On motion of Senator Deacon (*Ontario*), for Senator Lankin, debate adjourned.)

### PRESENCE OF RACISM AND DISCRIMINATION WITHIN CANADIAN INSTITUTIONS

#### INQUIRY—DEBATE ADJOURNED

**Hon. Donald Neil Plett (Leader of the Opposition)** rose pursuant to notice of September 30, 2020:

That he will call the attention of the Senate to the presence of racism and discrimination within Canadian institutions.

He said: Honourable senators, I am pleased to have the opportunity to reintroduce this inquiry. As you may remember, I spoke at length in June to the issue of racism in Canada and within Canadian institutions. Clearly, this matter remains a pressing one. I know several other senators wished to add their voices to the discussion but were unable to do so as a result of our prime minister trying to cover up yet another ethics scandal by proroguing Parliament. For that reason, I believe it is important to put this inquiry back on the Order Paper. I look forward to the evolution of this conversation in this chamber. I will not speak to it any further. Thank you very much.

**Hon. Salma Ataullahjan:** Honourable senators, I rise today to speak to Senator Plett's inquiry. I would like to begin by thanking Senator Plett for initiating this much-needed inquiry into the presence of racism and discrimination within Canadian institutions.

Indeed, examples of continued bias against Black, Indigenous, Muslim, Jewish and other racialized people across our country are unfortunately endless. To believe that the Canadian Multiculturalism Act is sufficient in binding us together is proof of our institutional leaders' privilege.

This is especially true in regard to the lack of consensus on a definition of systemic racism in Canada. Might I add that this is certainly not from a lack of scientific research on the topic but rather an unwillingness to see inequality. For example, Carol Tator and Dr. Frances Henry, who are among Canada's leading experts in the study of racism, defined systemic racism over a decade ago as the:

... laws, rules and norms woven into the social system that result in an unequal distribution of economic, political, and social resources and rewards among various racial groups.

The continued rise of Islamophobia in Canada is a perfect example of commonplace racism and the dangers associated with the absence of specific legislation. A downtown Toronto mosque was recently closed after receiving multiple violent and offensive threats by email. Unfortunately, this is not an isolated case, following repeated acts of vandalism, public harassment and the stabbing of a volunteer mosque caretaker.

This rise in religious intolerance isn't a new phenomenon. The software company Cision documented a 600% rise in hate speech using hashtags such as #banmuslims and #siegeheil on social media in 2016. More recently, social media platforms have been used to spread Islamophobic disinformation, exacerbated by the pandemic, suggesting that Muslims are spreaders of COVID-19.

Acts of anti-Semitism are also on the rise, with violent attacks against the Jewish community increasing by 27% across Canada in the last year, and 62.8% in Ontario alone. Condemning hate groups is important, but it needs to be followed with serious action. As Canadians, we should be able to visit our places of worship without any fear.

Chinese-Canadians have also been subjected to a sharp increase in hate, with 600 incidents of anti-Asian racism being reported since the emergence of COVID-19. An Angus Reid poll found that half of the Chinese-Canadians surveyed had been victims of hate speech as a result of COVID-19, and 43% reported being threatened and intimidated.

These hate crimes do not happen in a vacuum. They are the result of unchecked prejudices, acts of bias and discrimination. It is the responsibility of all Canadians to stop hate around them. If we're intervening only when there are actual threats and acts of violence, it's already too late.

Honourable senators, it is our duty to protect all Canadians with clear and precise legislation; legislation that must be implemented. Otherwise it's just a piece of paper. As experience shows, any lack of clarity may be interpreted as a licence for violence. Thank you.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak on Senator Plett's inquiry. Senator Plett and every one of you are all allies in this ongoing fight against systemic racism in all of its cyclical forms.

Senator Plett, thank you for this inquiry. I appreciate you introducing it and also thank you for your leadership.

In the wake of countless deaths of Black men, women and children in America, around the world protesters have provoked unprecedented levels of global unification. At last, men, women and children of all races are standing together. They are unified by their collective vision for a better future for all of our children and grandchildren. It is a future in which no daughter has to ask her mother, "Why did they say I am not Canadian?" after she returns home distraught and crying because yet another person questioned and promptly ridiculed her Canadian identity.

Throughout my lifelong work on this issue, I have seen that one of the greatest barriers to real and tangible action is actually understanding the problem of systemic racism. I strongly believe that one of the ways this change can be realized is through education, through teaching and relearning, as well as unlearning, our ingrained racist behaviours and beliefs.

• (1910)

During the COVID period, you may have seen my blogs and podcast series on systemic racism. I, along with my amazing staff of Gavin Jeffray, Seema Rampersad, Rana Allam and Madison

Pate-Green, have been creating a booklet and an animation project called "The Invisible Visible Minority: A Parliamentary Study of the cyclical nature of Systemic Racism across institutions in Canada."

Senators, you will have today received an animation prepared by my office. May I please ask that you look at that animation at your leisure. You will shortly be receiving a booklet from my office in which I outline the cyclical nature of systemic racism and the experiences endured by racialized Canadians, namely Black, Indigenous, First Nation, Inuit and Métis people across the country.

I have split my analysis and its impacts on this issue into six sections. First, I define systemic racism. Then I highlight the areas in which systemic racism is most profoundly manifest, which are employment, housing, education, institutionalization and political representation.

Colleagues, when engaging with this material, it is important to recognize that this cyclical experience of racism does not necessarily begin in one racist institution. Rather, all of these highlighted areas have arisen in the systemic discrimination of all racialized Canadians. For instance, inadequate and low-quality employment fundamentally limits racialized people and their families' adequate housing options. Simultaneously, where someone lives determines their access to life-saving social services such as education, health care and mental health care.

Further, due to the inadequacies of care, children and young people are relegated to attend underfunded and underserved schools, thus rendering their options for higher education abysmal. Due to the pattern of lack of opportunities to succeed, it becomes near to impossible for people to break the visions of the cycle of poverty into which they are born. Consequently, far too often, individuals are left with little options to provide their children with better opportunities than they or even their parents had.

Finally, as our colleague Senator Pate has worked tirelessly to highlight, there is the issue of the disproportionate numbers of Black, Indigenous and Muslim people who are in our jails and prisons. This commonly begins with routine encounters with state authorities, which often results in a person being institutionalized or having their rights and freedoms removed simply by virtue of their unchangeable identity.

My hope is that through reading and learning about the real experiences of racialized people in Canada, all Canadians will have a more holistic and meaningful understanding of the ways racism manifests in many forms and in virtually all aspects of our collective society.

My fellow colleagues, the Senate, the Parliamentary Black Caucus, and Senators Ravalia, Moodie, Mégie and Bernard have never failed to remind me of the value of working together for our collective visions. They have been staunch allies as we recognize there are goals and ideas that abound in the ultimate vision of a Canada in which racism has been eradicated, a Canada in which the members of the Parliamentary Black Caucus never need to worry about the safety of our grandchildren, a

Canada in which all of us truly believe that regardless of identity, all children and grandchildren and those whom we love can enjoy true freedom and can achieve any goal they set their minds to.

Further, with reference to Senator Cormier, Senator McPhedran and many of our other colleagues' profound and moving speeches in which they implore the need for race-based data and analysis to be applied to all police interventions and society as a whole, I completely agree.

Race-based analysis would help to ensure the employment of a government-wide approach to having critical analysis of parliamentary processes in our country. I recognize that the plus of the existing gender-based analysis is intended to represent additional interests such as race, ethnicity, religion, age, mental and physical disability. While this recognition is commendable, I believe that an explicitly race-centric policy oversight is necessary to ensure that targeting racial injustice at the legislative level does not become just another secondary consideration.

Honourable senators, I stand before you because many people removed barriers for me. As a refugee, I came to Canada, and the Law Society of British Columbia would not even give me a form to process my application. For many months I knocked on their door, but they refused to give me their application. In fact, they started becoming very rude.

I started working as a girl Friday in The Honourable Thomas Dohm's office, a well-known lawyer in British Columbia. He walked down to the Law Society and got me the form that enabled me to become a lawyer in British Columbia. He moved a barrier for me.

In courts, the judges would often challenge me that I was not a lawyer. As the first South Asian lawyer in Canada, I had many challenges. I would be called an interpreter. Many times, the judges would tell me that the accused does not speak in Canadian courts; let the lawyer speak. The accused would be a notorious criminal, and they would think he was the lawyer. Mr. Dohm had to come into the courtroom many times and just sit with me. He removed a barrier for me.

I joined the Liberal Party and was a member for a long time. When I ran for vice-president, I had many challenges. Senator Ross Fitzpatrick and his wife Linda helped me. They removed a barrier for me.

My son and I were the first racialized people on the national executive of the Liberal Party. There were many challenges. Our colleague Senator Mercer took my son and I under his wing. To this day, we say that we have my son together. If it wasn't for Senator Mercer, I do not — he knows. To this day, I can tell you that my son and I would not have remained members of the Liberal Party if Senator Mercer had not removed barriers for us.

When I arrived in the Senate, if you can imagine, it was a week after 9/11. As the first Muslim senator, it was Senator Carstairs and our Speaker Furey who removed barriers for me.

Every day you all support me and help me remove barriers. I feel very much loved in this place. I know that if there is any barrier, you will help me remove it.

To end systemic racism, we do not create legislation that will create barriers with a lens on how we can remove barriers. Today, I ask you to help us implement race-based analysis to lift barriers for all racialized Canadians.

Our role as senators is to create harmony in society. What does harmony mean? When I was young, my mother wanted me to be a pianist and my father wanted me to be a politician, and you can see who won. My mother would ask me to practice on the piano, and to annoy her, sometimes I would just practice on the black keys. I can ask you to practice on just the black keys; it does not create harmony. Sometimes to annoy her, I would just practice on the white keys. That also does not create harmony.

• (1920)

Later on in life, what my mother taught me has stayed with me. To have real harmony in a country, you have to have both Black and White people participating.

Honourable senators, I stand in front of you because many people removed barriers for me. Over the years, I have had a lot of help. Sadly, many racialized people are not as lucky as I am. So I stand in front of you and say that we as legislators should look at ways in which legislation is supportive of all people in Canada, and does not raise further barriers. Thank you very much.

(On motion of Senator Martin, debate adjourned.)

## LONG-TERM CARE SYSTEM

### INQUIRY—DEBATE ADJOURNED

**Hon. Judith G. Seidman** rose pursuant to notice of September 30, 2020:

That she will call the attention of the Senate to weaknesses within Canada's long-term care system, which have been exposed by the COVID-19 pandemic.

She said: Honourable senators, in the early stages of the COVID-19 pandemic, Canadians were staggered to learn that the vast majority of COVID-related deaths occurred in long-term care homes. As of June, according to the International Long-term Care Policy Network, 85% of all COVID-related deaths in Canada — 6,236 out of a total of 7,326 deaths — were residents in long-term care settings. These figures spurred a serious policy discussion begging the question: How did this happen?

Canada is not an anomaly. Many countries experienced high long-term care mortality rates. In June, the Canadian Institute for Health Information released a report titled *Pandemic Experience in the Long-term Care Sector: How Does Canada Compare With Other Countries?* They examined the similarities and differences between Canada's pandemic experience in long-term care and that of 16 other OECD countries, including Australia, Spain, Germany and the United Kingdom. The proportion of deaths that occurred in long-term care homes varied substantially across countries, ranging from 28% in Australia to 66% in Spain, with an overall OECD average of 38%.

The Canadian Armed Forces report released on May 14, 2020, unveiled disturbing and unacceptable conditions found in five Ontario long-term care homes, which were overwhelmed by COVID-19 cases and in desperate need of humanitarian relief. Their observations included rampant cockroach infestations, rotten food and unchanged soiled beds. Canadian Armed Forces personnel witnessed employees reuse unsterilized medical supplies and detailed the ways in which residents were neglected by ill-trained staff.

While these findings paint a grim picture of the state of our long-term care system, it should come as no surprise. Canada's long-term care system was wholly unprepared and under-equipped for the COVID-19 pandemic. Very few homes had strategies in place to protect their residents in case of a public health emergency.

For decades, health experts have warned us about the dire state of Canada's long-term care system. One only needs to look back at the last 20 years to find countless inquiries, expert-led panels and task forces mandated to study the shortcomings of the long-term care system at great length. There is no shortage of expert recommendations to create higher standards of care.

I am especially reminded of the Special Senate Committee on Aging that was created in November of 2006 to "examine and report upon the implications of an ageing society in Canada. . . ." Over the course of two and a half years, the committee studied the issue of aging in our society in relation to housing and transportation needs, abuse and neglect, and health promotion and prevention. The three-phase study aimed to identify key public policy issues and present a set of potential solutions to address these issues. In their final report, *Canada's Aging Population: Seizing the Opportunity*, the committee published 32 recommendations shaped by the wisdom of expert witnesses on how to better embrace the challenges of an aging population.

Honourable senators, it is evident that Canada is not short of sound evidence on how to achieve lasting change within the long-term care sector. Many, like the Special Senate Committee on Aging, have paved the way for constructive policy, discussion and information-sharing. Yet, despite this, tragic events continue to happen, deep-rooted issues remain unchanged and concern for the well-being and safety of our frail elderly deepens, even now, with each passing week. The purpose of this inquiry is not to shout into the void, but to highlight with great urgency the need to implement real solutions to the issues that have plagued our most vulnerable population. Long-term care is a fractured sector. There is no question that these issues exacerbated by the COVID-19 pandemic call for extraordinary and immediate measures.

At the very least, we must begin by examining clear, simple fixes that are easy to implement. In June 2020, the Royal Society of Canada's task force on COVID-19 released a report titled

*Restoring Trust: COVID-19 and The Future of Long-Term Care*, which outlines the need for national standards for staff working in long-term care homes. They write:

Workforce reform and redesign will result in immediate benefit to older Canadians living in nursing homes and is necessary for sustained change. It will also improve, at a minimum, quality of care so that nursing homes are able to reduce unnecessary transfers to hospitals, reduce workforce injury claims, and interface more effectively with home and community care.

They advise provincial and territorial governments, supported by funding from the federal government, to implement appropriate pay and benefits, including sick leave, for the large and critical unregulated workforce of direct care aids and personal support workers. The report also recommends minimum education standards for the unregulated workforce in long-term care homes with an emphasis on continuing training and orientation.

Several other health experts in long-term care have advocated for similar recommendations. At the beginning of April, the Standing Senate Committee on Social Affairs, Science and Technology was mandated to study the federal government's response to the COVID-19 pandemic. Expert witnesses emphasized that the pandemic has highlighted issues that have long existed within the long-term care sector, such as understaffing, inadequate training, low wages, unregulated support workers and the lack of a mandatory national accreditation process. Witnesses suggested that federal legislation could require mandatory accreditation of long-term care, as well as national standards for equal access and consistent quality in long-term care across Canada.

One witness, Miranda Ferrier, the president of the Canadian Support Workers Association and its Ontario chapter, the Ontario Personal Support Workers Association, noted that the organization has been:

. . . actively advocating for self-regulation of the personal support worker here in Ontario for the past five years.

In fact, Quebec and Ontario responded to the LTC crisis of the first wave over the summer. The Premier of Quebec launched a project to hire and train 10,000 new long-term care staff, and the Ontario government pledged to increase funding, implement better working conditions and modernize the regulatory framework. But already, now in October, we see more COVID outbreaks in long-term care homes just on the verge of being out of control once again.

In addition to the long-term care workforce crisis, there are other areas that demand our attention. For example, it is widely known that much of the long-term care infrastructure is outdated. In some long-term care homes, as many as four residents are housed together in a single room, with a thin curtain as the only option for privacy.

• (1930)

A report published in the Canadian Medical Association Journal on August 17 found that:

. . . the risk of an outbreak of COVID-19 at an LTC home was related to the COVID-19 incidence rate in the public health unit region surrounding the home, —

— that is, in the community —

— its total number of beds and older design standards . . .

The report analyzed 623 long-term care homes in Ontario, some of which still adhere to design standards from 1972.

Another report titled *Re-imagining Long-term Residential Care in the COVID-19 Crisis*, published in April of 2020 by the Canadian Centre for Policy Alternatives, highlights the need to redesign long-term care homes. They write:

It is important though that these new designs not only allow for private rooms and outdoor spaces, non-slip floors and smaller units, good sight lines and communication systems as many do, but also that they have appropriate space for in-house food, laundry and cleaning services that ensure the safety of staff.

Long-term care homes should not be warehouses or storage units for our elderly, but warm living spaces that provide them a sense of community.

While we examine these clear and attainable short-term solutions, we should take the opportunity to think about creating long-term, deep-rooted change within the sector. The COVID-19 pandemic has rejuvenated and inspired policy discussions by health experts across the nation. Many will look to us, parliamentarians, for guidance and the initiation of the important conversation about ways in which we can reimagine and reshape the long-term care sector.

Some may question why this inquiry was launched in the Senate, at this specific moment in time. We will remind them that while there was temptation to launch an inquiry at the onset of the pandemic, we realized that we needed distance and perspective to properly evaluate the situation. That sense of perspective is the epitome of independent sober second thought, the guiding principle of our institution. We have a duty to review legislation and policy decisions in ways that are free from electoral pressures. We are able to embody futuristic thinking, influenced by well-rounded and distinct perspectives. The Senate is the ideal place to consider the ways in which we tend to the elderly in our society.

[ Senator Seidman ]

We must ask ourselves: How do we deliver health care services to our aging population? Why do we invest more in acute hospital care and less in community care? There must be a critical analysis of the status quo.

A report titled *Seniors in Transition: Exploring Pathways Across the Care Continuum*, released by the Canadian Institute for Health Information in 2017, posed a number of questions to help understand the care paths of seniors, over time, through the continuing care system. They found in their study that one in five seniors who entered residential care might have been able to be supported in home care. They also found that seniors disproportionately rely on hospital services. Based on their analysis, seniors represent 34% of hospital cases and 58% of hospital days. They write:

If we assume that health services will be provided in the future as they have been in the past, health systems would need to double existing residential care capacity over the next 20 years to keep up with population growth. Clearly, this is not a feasible or appropriate option. Ensuring there is capacity to meet the pending demand of a growing population of seniors requires more than just building new beds; it means transforming the way care is provided across the continuum.

Canada has a growing aging population with a spectrum of needs. Long-term care is part of a larger framework which also includes aging in place, wellness, health and social services. While it is important to invest in the sustainability of the long-term care sector, we should also think about supporting community-based care options that will allow seniors to remain at home or in their communities as long as possible. If given the choice, over 85% of older adults would prefer to age in place within their own homes and communities according to the National Institute on Ageing's 2019 white paper.

As my colleagues will note, aging in place is a subject close to my heart. My vision for the future includes the creation of a "healthmobile" — a mobile team of multidisciplinary health care professionals who would circulate in the community and provide health and social services to seniors on a regular basis. They would be able to get prescriptions renewed, have access to a multitude of easily administered tests with mobile equipment, and consult with a number of allied health professionals. A service like a healthmobile would enable seniors to receive immediate medical attention within the comfort of their home or community, and keep them away from emergency rooms. Community-based care would also help them better manage activities of daily living.

Honourable colleagues, I recognize that the federal government cannot dictate the ways in which health care services are delivered. This is not within our jurisdiction. However, the high mortality rates being recorded in our long-term care homes is the price we pay as a society for our refusal to act on all those studies that have come before. This is a collective national failure.

The Special Senate Committee on Aging dedicated their final report to:

... the seniors who have not had the support they need as our society has tried to come to terms with monumental societal shifts which have inadvertently shunted them to the sidelines.

And the ones "... who have held on to the hope of a better world in which to age."

I, too, dedicate this inquiry —

**The Hon. the Acting Speaker:** Your time has expired. Would you like to ask for five more minutes?

**Senator Seidman:** Two minutes.

**Hon. Senators:** Agreed.

**Senator Seidman:** I, too, dedicate this inquiry to the very same seniors who have served as our caregivers, veterans and nation builders, and who deserve a better and more dignified aging experience, not tomorrow or within a decade, but now. Honourable senators, the urgency is now. Thank you.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Senator Seidman, thank you for your inquiry and for starting off this very important debate with such eloquent words, and words of hope, and a call to action to all of us in this chamber.

I rise today to add my voice to Senator Judith Seidman's important inquiry into Canada's long-term care system and prevalent weaknesses that have been exposed by the COVID-19 pandemic. This subject is very close to my heart as well, and I hope I'm able to get through this without my emotions getting the better of me, because my own mother is a resident in a long-term care home in Vancouver, B.C.

I would like to acknowledge the caregivers at her residence, some who have become extensions of our family, more so during the past number of months while the home has been under lockdown. Without the trust that has been established over a seven-year period, I would be sick with worry beyond measure.

This year has been a very challenging time for our nation and around the world that has brought grief and financial difficulties to so many, a complete disruption to daily life, unprecedented mental health challenges, coupled with economic hardships that have pushed individuals, families, businesses and organizations to their limits. One of the hardest and harshest of realities has been the lockdown of the long-term care homes and the forced separation of those in care from their families.

From the onset of this pandemic, Canadians were asked to help protect those at the highest risk of being infected, namely the elderly. While a majority of seniors over 65 years of age in Canada live at home, with family or are living independently, 4% of seniors live in long-term care facilities, which provide them full service throughout the day, and 3% live in assisted-living facilities.

• (1940)

By June of this year, just three months after the World Health Organization declared the pandemic, it was reported by the Canadian Institute for Health Information that 81% of COVID-19-related deaths in Canada were residents of nursing or retirement homes. By August, the National Institute on Aging reported that long-term care residents and staff comprised 23% of COVID-19 cases and 77% of COVID-19 deaths in Canada.

Senator Seidman already spoke about the Canadian Armed Forces issuing their heartbreaking interim report. I, too, thought about some of the tragic cases and the urgent need to do things better.

Compared to other OECD countries, Canada averages 2.3 nurse aides/personal support workers per 100 long-term care residents aged 65 and over. This figure is comparable to 2.4 in Germany and 2.9 in Ireland. The United Kingdom is significantly behind at 1.2, while the United States is ahead with 4 per 100 long-term care residents.

In contrast, some long-term care centres were able to minimize exposure to COVID-19 and hired additional staff at the onset of the pandemic to better support the residents, while family members were asked to stay home. I can speak from personal experience that our family care team has worked very closely with the care staff at my mother's residence to add support when and where it was needed most, often during meal times when extra hands were always welcomed.

However, when family members were prohibited from visiting during the pandemic, this added support that is often not documented or accounted for revealed the gap in quality care as personal support workers were stretched thin and unable to give the kind of service they normally could, because there is only so much one person can humanly do.

To make up for the support that visiting families naturally add to the overall care of the residents, this is where government should and must fill the gap through additional funding to hire and train more personal support workers where needed.

Some specific gaps that I experienced and observed during this period came to light when my mother had a fall a few months ago. It was one of the most difficult phone calls I took, because my mother, who has advanced dementia, would have to be sent to emergency at a nearby hospital. I could follow the ambulance but I wouldn't be guaranteed access to my mother in emergency. We knew there were delays and she could be there for hours.

To send a person with advanced dementia into the unknown seemed like a worse option than keeping her at the residence with her injury. Because of her dementia, she has no short-term memory and she experiences pain differently, it seemed as though she was not as injured as we originally thought, but she was clearly in pain, and they did their best to manage that pain. She was given some therapy, but at this time I can tell you that, since her fall, she has never recovered. She is in a wheelchair, and — I guess thankfully — with her advanced dementia, she has forgotten that she used to walk and sometimes run and sometimes dance.

I don't want to generalize and say that the health care system is broken, but it is accurate to say that there are gaps between the parts that make up our system, even in the same city, and most likely in the province and across our country, with interprovincial challenges.

Related to this gap, between one institution and another, as we experienced as a family, is the one caused by a language barrier. I'm concerned about the access to medical support due to language barriers for seniors whose first language is not English or French in some parts of our country. While there is limited conclusive data at this time regarding language barriers affecting seniors' access to health care during the pandemic, language barriers were known to complicate general care, even before COVID-19.

In 2015, the Essex County Chinese Canadian Association concluded a two-year study revealing that language was the main barrier for Chinese seniors accessing health care. For residents who do not speak English or French fluently or who do not have a family advocate who speaks English or French fluently, it would be more difficult to seek the appropriate medical attention, especially during this period.

I have regular and clear lines of communication with both management and care staff at my mother's care home, but it is a very complex system at the best of times, and I have encountered major communication challenges speaking the same language, let alone if I had to try to speak a second language. I often wonder how other families are able to navigate the complex labyrinth of our health care system if there are language barriers. Would their loved ones have gotten the same kind of care my mother was able to receive?

Constituents have contacted me on several occasions because they could not properly communicate with staff at long-term facilities and hospitals. They were stuck when their queries went unanswered, and they were unable to ask for medical assistance. Imagine the heightened pain and fear caused by a language barrier, especially during these unprecedented times.

Last, I wish to highlight the mental and emotional strain that has one of the most difficult challenges families and long-term care residents have had to face during these times. In my mother's care home, there is a limit of only one designated visitor per resident. Senator Plett mentioned he has two designated family members who can go. As the eldest daughter, I'm the designated visitor. No one else in my family has seen my mother, face to face, since the lockdown began months ago.

Like my mother, long-term care residents have spent far less time in the company of loved ones living outside the facility. A combination of the lack of social interaction and visits from

loved ones, the fear of illness and death from COVID-19 and a reduction in physical activity have contributed to increased rates of isolation, loneliness and depression among long-term care residents. Video communication, standing in front of windows or speaking on the phone have become alternative means of communication between the residents and their loved ones. However, it is not a replacement for in-person visits — not even close.

As we can appreciate, seniors are less likely to be digitally literate. Some, like my mother, have failing eyesight and cannot see images clearly on a screen, and voices can sound muffled and less audible if there is background noise or a bad connection.

There are sad stories of seniors who have passed away during the pandemic, not because of COVID-19 but because of sheer loneliness and quality of life after being separated suddenly from their loved ones. Cognitive impairment in seniors in long-term care, such as dementia, poses an additional hardship. Long-term care residents with dementia have been less likely to see loved ones and fading familiar faces since the pandemic began. In addition to the loneliness caused, the isolation could also accelerate the deterioration of memories of their loved ones. The use of personal protective equipment has also been disorienting for some dementia patients, as they are less likely to recognize a person wearing a face mask, including personal support workers.

In truth, the remedy to lockdown and shutting out families to protect residents from the outside world is perhaps worse than the virus itself. Residents have suffered, and some are dying, lonely and afraid.

Honourable senators, I share with you these concerns that have been brought to light. For me personally, as well as for all of us as senators over the course of the COVID-19 pandemic crisis, I know this is a complex issue and one that needs to be addressed with care and urgency to ensure that, above all, we protect our veterans, our parents and grandparents and the most vulnerable seniors in care.

• (1950)

We must work to find solutions to fill the gaps in our systems with effective measures and adequate funding, some which have been outlined by Senator Seidman already. We must do better than the average of 2.3 personal support workers per 100 long-term care residents. Greater and better management of funds will ensure staffing needs are met and ultimately ensure better care for residents. The long-term care system can be improved and we must not ignore the issues that have been brought to light. The lives of our loved ones depend on what we do better together.

I would like to conclude by commending our health care workers who are on the front lines in our care homes and fighting every day to do their best with the given equipment and resources they have despite the many challenges of this current situation. They are doing so at the risk of their own health, for the well-being of others. In fact, I was talking to one of the nurses on duty who said she is not able to visit her mother in care because of the

work she is doing on the front lines. They are making great sacrifices for our family members. For that we should all be grateful. As the daughter of one such resident in care, I am most grateful. Thank you.

(On motion of Senator Moodie, debate adjourned.)

*(At 7:52 p.m., the Senate was continued until tomorrow at 2 p.m.)*

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