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Thursday, December 10, 2020

The Honourable GEORGE J. FUREY,
Speaker

CONTENTS

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

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THE SENATE

Thursday, December 10, 2020

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

Prayers.

SENATORS' STATEMENTS

THE LATE GEORGE CHOW

Hon. Yonah Martin (Deputy Leader of the Opposition):

Honourable senators, what an honour to pay tribute to a remarkable Canadian and decorated war hero, the late George Chow, who passed away on November 6, 2020, one day after his ninety-ninth birthday.

George joined the Canadian Army on August 27, 1940, just shy of his nineteenth birthday, and enlisted to serve in World War II. He did all this without his parents' knowledge. Even at a young age, he felt the call of duty and, without hesitation, was ready to serve his country. He later admitted that all he wanted was to escape following his father into the hard life of pig farming on Vancouver Island. During basic training at Seaforth Armoury in Vancouver, George exchanged his pitchfork for a broomstick. After his training, he boarded a ship in Halifax to England.

Once in England, he was assigned to a base in Colchester, where he became a member of the all-Canadian gun crew that shot down the first German plane on English soil. During World War II, George landed on Juno Beach following D-Day and saw action in France, Belgium, Germany and The Netherlands. In fact, he was involved in the liberation of The Netherlands on May 5, 1944. If the victory in Europe wasn't enough, he volunteered to fight in one of the most dangerous parts of the war, in the Pacific. After the bombing of Hiroshima and Nagasaki at the end of World War II, George was honourably discharged on October 12, 1945, and returned to Vancouver, B.C.

For George and other Asians living in Canada, such as Frank Wong, Second World War service gave them their first taste of equality. Frank recounted being treated "like a second-class citizen in youth." In the army "they treated me just like an equal. . . . You have your uniform, you're in it together; you eat together and you sleep together."

In 1950, he joined the 43rd Heavy Anti-Aircraft Regiment of the Royal Canadian Artillery as a gunnery instructor, attaining the rank of Warrant Officer, 2nd Class, and was then appointed Battery Sergeant Major in 1959. He finished his military service in 1963 as Master Warrant Officer.

After retiring, George became a member of the Chinese Canadian Military Museum and a member of the Royal Canadian Legion. He was active in both and enjoyed participating in various ceremonies and events to honour his fallen comrades, and he visited many schools to speak directly to students.

George dedicated his life to serving his country and fighting for freedom and democracy. His courage and heroism earned him respect among his fellow comrades and community. In 2012, he was awarded the Queen Elizabeth II Diamond Jubilee Medal and, in 2014, the Légion d'honneur, the rank of Knight of the National Order of the Legion of Honour. He later received the highest distinction by the French government and was presented with the Medal of the Legion of Honour in April 2015.

George is a true Canadian hero but, above all, he was a husband, father, grandfather, great-grandfather and great-great-grandfather, friend and respected leader. He was a kind-hearted and courageous man who will be greatly missed but never forgotten. His legacy lives on and will be remembered by those he touched during his lifetime. As perfectly expressed by Philippe Sutter, Consul General of France in Vancouver:

For everything he did for us, we say Merci. For everything we owe to him, we will never forget Mr. George Chow. Building on his legacy, we will continue to build a better world based on our common values, respect and multilateralism.

Some Hon. Senators: Hear, hear.

16 DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

Hon. Nancy J. Hartling: Honourable senators, today, December 10, is International Human Rights Day, and the last day of the 16 Days of Activism against Gender-Based Violence. These 16 days are an opportunity for all of us to renew our commitment to end gender-based violence.

In 2019, UN Women reported that 243 million women and girls were abused by their intimate partners. In Canada, a woman is killed by her partner every six days, and on any given night, close to 5,000 women and girls are in transition houses.

In 2020, with increased unemployment, sudden lockdowns and restricted movement due to the pandemic, there has been a rise in gender-based violence. Not only are women experiencing more violence at home, they are having greater difficulty accessing support services and shelters. This is known as the "Shadow Pandemic." Unfortunately, there will be no vaccine developed to eradicate it.

Over the summer, Senator Boyer, Senator Boniface and I engaged law students from the University of Ottawa. They conducted research relating to the impacts of the pandemic on transition houses and community resources and their ability to serve their clients — women and their children.

Some of the key findings include that, initially, reporting of abuse went down. However, the incidents being reported were of more severe violence.

Social distancing and public health directives for shelters meant that they had to reduce the capacity of their already limited beds.

Shelters rely heavily on fundraising and corporate donations, and the pandemic significantly impacted their ability to raise funds and stretched their limited finances greatly.

Indigenous women have been disproportionately impacted. Accessing shelters was already difficult for them as some do not have culturally appropriate services, while Indigenous-only shelters are scarce and often a long distance from rural communities. For example, in New Brunswick there is only one Indigenous shelter, which means some women would have to travel up to four hours to access it.

• (1410)

Finally, the shelter employees, mostly women, are greatly impacted. They are being paid modest wages to do difficult work with limited resources. This has been made worse by the pandemic, where many had to deal with chronic understaffing due to issues such as self-isolation protocols, increased child care duties and uncertainty about possible exposure to the virus. Of course, all of this impacts their mental health.

The research data reaffirmed our failed attempt at ending violence against women and girls and provided us with reasons to seriously consider next steps to address these findings. One strategy might be to open an inquiry in the Senate on this issue.

We must not abandon women and their children at this time when they need us most. Let's recommit to ending gender-based violence. We were all asked to stay at home during this pandemic and to be safe, but not all of us who stayed home were safe. Thank you.

Hon. Senators: Hear, hear!

LORIE KANE, O.C.

CONGRATULATIONS ON ORDER OF SPORT AWARD

Hon. Diane F. Griffin: Honourable senators, today I draw your attention to the extraordinary accomplishments of professional golfer Lorie Kane of Prince Edward Island. Ms. Kane will join Canada's Sports Hall of Fame and receive the Order of Sport award. That's Canada's highest sporting honour. She will be the fourth Islander to earn a spot in the Hall of Fame and the first in more than 50 years.

In addition to this latest honour, Ms. Kane has four LPGA tour victories, has been named Canadian Female Athlete of the Year twice, and is a member of the PEI Sports Hall of Fame and the Canadian Golf Hall of Fame. She was also inducted into the Order of Canada.

Lorie Kane has been active in the charitable sector as the first ambassador of KidSport PEI, an organization that helps remove the financial barriers that limit some children from participating in sport. She also collaborated with McDonald's to start the Lorie Kane Charity Golf Classic in support of McDonald's children's

charities. Most recently, she collaborated with Canadian Pacific on its CP Has Heart program. During the week of the Canadian Open, CP matches funds raised for pediatric heart care.

Perhaps most importantly, Ms. Kane has been a role model for Island children for over three decades. In turn, the local folks supported her. As Lorie told *The Guardian* newspaper, "The support [from Prince Edward Islanders] never died, and it still hasn't until this day."

I hope that all of you will join with me and all Prince Edward Islanders in celebrating Lorie Kane's latest achievement, her entrance into Canada's Sports Hall of Fame. Thank you.

Hon. Senators: Hear, hear!

INTERNATIONAL HUMAN RIGHTS DAY

Hon. Wanda Elaine Thomas Bernard: Honourable senators, today, for International Human Rights Day, I wish to highlight an organization that has been advocating for the rights of African Nova Scotians.

The African Nova Scotian Decade for People of African Descent Coalition, or DPAD for short, focuses on the historic injustices against Black Canadians in Nova Scotia and current issues related to institutional and systemic racism, and on developing a foundation for future generations.

The organization's mission is to build strength and health across communities, and to build a relationship between African Nova Scotians and all levels of government. DPAD advocates for action on pressing current issues, including police brutality, racial profiling, disaggregated data and ensuring African-Nova Scotian voices are represented in government.

Black Canadians have endured a difficult year. On top of a global crisis jeopardizing our health and livelihoods, we have also endured the racial trauma of the murder of many Black people at the hands of police and the echoing impact of injustices. We have been forced to experience the collision of dual pandemics — racism and COVID-19.

Throughout this time of grief, DPAD has been a stabilizing force. The theme for this year's Human Rights Day is "Recover Better — Stand Up for Human Rights."

DPAD stands up for African-Nova Scotian rights as we build back better.

I particularly congratulate the staff of this organization, Vanessa Fells and Bernadette Hamilton-Reid, their executive committee and all member organizations that work collectively to lead change. They mobilize and coordinate change in each of the 50 African-Nova Scotian communities and represent us at the federal level.

I look forward to watching this organization grow in the coming years as they recognize African Nova Scotians as an integral part of Nova Scotia's past, present and future.

Honourable colleagues, please join me in celebrating the exceptional human rights work of the African Nova Scotian Decade for People of African Descent Coalition.

Hon. Senators: Hear, hear!

[*Translation*]

Hon. Thanh Hai Ngo: Honourable senators, I rise on this International Human Rights Day to pay special tribute to all those whose “universal, inalienable and indivisible” human rights are still being violated. The Universal Declaration of Human Rights was adopted on this day, December 10, 72 years ago.

[*English*]

Quite ironically, today also marks the second anniversary of the arbitrary and illegal detention of the two Michaels. I would like to emphasize, however, that this has been a long-standing practice of the Chinese Communist Party well before it brazenly kidnapped our two Michaels. There are also 123 other Canadians languishing in Chinese prisons and those are just the ones that Global Affairs is aware of. Let us not forget them, either. Despite our glowing international reputation as a defender of human rights, much still needs to be done, both at home and around the world.

[*Translation*]

Despite Canada's stellar international reputation as a champion of human rights, we still have a lot to do, both nationally and internationally.

[*English*]

As a G7 country with 20% of the world's freshwater, the fact that our First Nations continue to lack access to clean, safe drinking water, especially during an unprecedented global health crisis, is a national tragedy to say the least. It is shameful, unacceptable and a colossal failure.

[*Translation*]

Beyond our borders, we must be critical of our trade partners, particularly those whose human rights records are abysmal.

[*English*]

We must continue to do all that we can to help the oppressed. Having narrowly avoided another genocide, the innocent and the displaced people of Artsakh are now in dire need of humanitarian aid.

Let us continue to stand with the victims of tyranny and communism — those in Hong Kong, Uighurs, Tibetans, Falun Gong practitioners and all other religious minorities persecuted for their beliefs.

[Senator Bernard]

Enough with the talking. It's time for the government to finally act. Thank you.

Hon. Senators: Hear, hear!

INTERNATIONAL ANTI-CORRUPTION DAY

Hon. Rosa Galvez: Honourable senators, corruption is the abuse of entrusted power for private gain.

It is a reprehensible act that puts individual interests before the collective well-being, and it concentrates wealth in the powerful and rich over the rest.

The United Nations states that, “Corruption undermines democratic institutions, slows economic development and contributes to governmental instability.” It is present in every country in the world whether it is apparent or not.

• (1420)

Yesterday was International Anti-Corruption Day but, let's be honest, every day should be anti-corruption day. In 2003, the United Nations adopted its Convention against Corruption and declared an international day to combat and prevent it. Senators, we have a long way to go.

Just yesterday, we learned that two Ontario long-term care operators received \$157 million in COVID-19 aid and had the audacity to pay out \$74 million in dividends to its shareholders. Over 480 of their residents and staff have died, and families are denouncing a deterioration of care.

This was not illegal. It was actually allowed because our government did not put conditions on its financial support like other countries wisely did, therefore enabling this abuse of entrusted power for private gain, which Transparency International defines as corruption.

[*Translation*]

Since the start of the pandemic, it has been my belief that all the government's emergency measures should be conditional and transparent. When taxpayers' money — our money — is being doled out so generously, we must create binding conditions to prevent corporations from taking advantage of programs to line their coffers.

That means we need an open government and an open Parliament. It is our job as parliamentarians to make sure taxpayers' money is being managed responsibly.

[English]

In the spirit of Anti-Corruption Day, I encourage all senators to reflect on better legislative mechanisms to protect Canadians' money against corruption. Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

REPORT PURSUANT TO RULE 12-26(2) TABLED

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

(For text of report, see today's Journals of the Senate, p. 257.)

[English]

FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 12-26(2) TABLED

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

(For text of report, see today's Journals of the Senate, p. 257.)

[Translation]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Chantal Petitclerc: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the first report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the expenses incurred by the committee during the First Session of the Forty-second Parliament.

(For text of report, see today's Journals of the Senate, p. 258.)

CRIMINAL CODE

BILL TO AMEND—SECOND REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED

Hon. Mobina S. B. Jaffer: Honourable senators, I have the honour to table, in both official languages, the second report (interim) of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the subject matter of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying) and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

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

[English]

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE DURING THE FIRST SESSION OF THE FORTY-SECOND PARLIAMENT

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

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and to report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than December 31, 2022, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

THE SENATE

NOTICE OF MOTION TO CALL ON THE GOVERNMENT TO CREATE PATHWAYS TO CITIZENSHIP OR PERMANENT RESIDENCY FOR ESSENTIAL TEMPORARY MIGRANT WORKERS ACROSS ALL SECTORS AND TABLE A STATUS REPORT ON THE ISSUE

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

That, in light of a recent Nanos poll demonstrating strong support amongst Canadians to provide a way for temporary foreign workers to remain in Canada, the Senate call on the

Government of Canada to create pathways to citizenship or permanent residency for essential temporary migrant workers across all sectors; and

That the Senate call on the Government of Canada to table a status report on this issue within 100 days of the adoption of this order.

QUESTION PERIOD

FOREIGN AFFAIRS

CANADA-CHINA RELATIONS

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government. Leader, it concerns our fellow Canadian citizens, Michael Kovrig and Michael Spavor, who today marked two years in unlawful detention in China. On this solemn anniversary for the Kovrig and Spavor families, we want them to know Canadians have not forgotten them or their loved ones.

Chinese authorities charged the two Michaels with spying on June 18; a year and a half after they were first jailed. This morning, it was reported the Chinese foreign ministry had announced they had been arrested, indicted and tried. It was later reported this was a translation error and that the trial had not yet begun.

Leader, given all the confusion earlier today and the seriousness of their situation, what information can the Government of Canada provide to us on the status of their respective court cases? Has Ambassador Barton gained access to them today, either in person or virtually?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, colleague. This is a sad day, two years since the two Michaels were arbitrarily, unreasonably, unjustifiably and illegally detained. I do not know whether the ambassador has had access to them in person or virtually. I will certainly inquire.

The government is doing everything it can do, directly and with its allies, to secure their release.

Senator Plett: I sincerely hope, leader, that you're going to have that information to us sooner rather than later. I really think a phone call might give you, and then us, that information.

• (1430)

Leader, your government often states that the return of Mr. Kovrig and Mr. Spavor is their top priority, as you just did here. The Prime Minister also repeated this yesterday in the other place. Yet I couldn't help but notice that the Prime Minister issued a statement this morning in recognition of International Human Rights Day today, and he made no mention of the gross human rights violations that the two Michaels have endured while illegally in jail in China for the past two years.

Leader, if their return is indeed your top priority and the government's top priority, how could the Prime Minister possibly forget to include Mr. Kovrig and Mr. Spavor in his statement today, on the anniversary of their imprisonment?

Senator Gold: Thank you for your question. Honourable colleague, one should not assume that because a decision is made and a choice of words are used or not used in public statements that work is not being done in other quarters — work that is often more effectively done in other ways — to secure their release. It does remain the priority of this government to secure their release, and the government is using every avenue possible to do so.

PUBLIC SAFETY

CANADA-CHINA RELATIONS

Hon. Leo Housakos: Honourable senators, my question is for the government leader in the Senate, Senator Gold. On Tuesday, the *Washington Post* reported that in 2018, Huawei worked with a Chinese artificial intelligence firm to test facial recognition software that could be used to detect Uighur Muslims and sent so-called “Uighur alerts” to government authorities.

This information was contained in an internal Huawei document, and both companies involved, Senator Gold, have acknowledged that the document exists, which has been since pulled from Huawei's site, and it is real.

Senator Gold, your leader has put out a lengthy statement today in honour of International Human Rights Day, which is appropriate, but it is a statement that makes no mention whatsoever of the Uighur Muslims and their treatment by the Chinese regime. Senator Gold, why does your leader, your government, not seem to care about the human rights violations against Muslim Chinese people? The truth of the matter is, I say, they don't care because we've seen no action for a number of months. What bearing does this obvious human rights violation have on your government's never-ending security review of Huawei's participation in Canada's 5G network?

Hon. Marc Gold (Government Representative in the Senate): Senator Housakos, thank you for your question. Once again, I have to take issue, respectfully, with your characterization. The government cares enormously about the human rights conditions of the Uighurs. It has been clear in many contexts and, most importantly, directly with its Chinese counterparts.

Again, colleagues, it is facile and perhaps expedient to present these issues in black and white terms, to assume that the measure of a government's engagement on such serious, complex issues with its allies and through all channels can be captured in whether or not there is a ringing denunciation in a particular press release. Alas, but happily, in a way — though not for the two Michaels whose fate remains of paramount concern, as does the fate of all those who suffer oppression and repression throughout the world — the work of foreign diplomacy, the work of engaging with our allies to achieve results in these cases, is complicated, difficult, protracted and often, as in so many other areas, needs to be done discreetly if it is to be effective.

Senator Housakos: The language your government uses in response to Uighur Muslim people in concentration camps is, in turn, complicated and difficult. The terms I would like to use, Senator Gold, are “disgusting” and “unacceptable.” Those are the terms. And if it is so, the government should take action.

Senator Gold, there was a lot of disturbing information contained in documents published yesterday concerning the government’s China policy. For one, the Deputy Minister of Foreign Affairs wrote to the Deputy Minister of National Defence in February 2019, “Canada does not want to be the partner that is reducing normal bilateral interactions. . . .”

It is most disturbing that a state that has essentially kidnapped Canadian citizens off the streets was described by our deputy minister as a “partner,” and it staggers the mind as to what “normal bilateral relations” might be in the face of a blatant policy of coercion by the Chinese state. The deputy minister goes on to say that his department would not support our military’s decision not to allow soldiers of the Chinese People’s Liberation Army to be here in Canada. It’s staggering to hear this, but then again Global Affairs seems to be willing to negotiate and talk with anyone, including tyrants.

My question for you, Senator Gold, is: Did this naive and blatant position of appeasement have the support of your government? A simple “yes” or “no” will suffice.

Senator Gold: This government is not engaged in a policy of appeasement. Must I repeat myself? I shall. This government has called out China to end its repression of the Uighurs. It has raised this issue directly with Chinese officials and, more recently, with the UN High Commissioner for Human Rights, along with 39 other member countries of the UN that have expressed their views. This country — our country — remains deeply committed to the well-being of the Uighur minority, and it is false and misleading to use terms like “appeasement” to characterize efforts of this government in that regard.

Senator, may I also suggest that you mischaracterized or misunderstood what I was trying to say? This is not a question of the words that we use publicly. The actions that this government has taken — not all of which can be made public, are made public or should be made public — to secure a better situation for the Uighurs and the release of the two Michaels remain ongoing and consistent.

FINANCE

NAV CANADA

Hon. Paula Simons: My question is for the Government Representative. NAV CANADA, the private monopoly that’s responsible for Canada’s air traffic control system is facing catastrophic financial shortfalls due to the impact of COVID-19 on its usual revenues. As a result, NAV CANADA is now carrying out service reviews at six Canadian airports, Windsor, Sault Ste. Marie, Regina, Fort McMurray, Prince George and Whitehorse, which could lead to the closure of air traffic control towers at some or all of those airports. With the understanding that NAV CANADA is a private company, can you tell us what

steps your government is taking to ensure the safety and sustainability of the Whitehorse, Prince George, Fort McMurray, Regina, Sault Ste. Marie and Windsor airports?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for raising the challenging and disturbing circumstances that the airports and airline industries generally face. As the Minister of Finance has stated on a number of occasions, the government is considering more targeted and specific measures to assist certain sectors of the economy. I expect that the details of those plans, which are being developed along with stakeholders and all interested parties, will be released when they are done.

Senator Simons: This question is also for the Government Representative. Given NAV CANADA’s revenue crisis, what steps is the government taking to ensure the sustainability of NAV CANADA and, in turn, the safety and sovereignty of Canadian airspace?

Senator Gold: This government has taken many steps with regard to securing the sovereignty of our airspace, including its partnership with others, like NORAD, and other initiatives. With regard to your question, I repeat, the government is considering specific and more targeted measures to deal with sectors of our economy that are especially hard hit and, in consultation with all stakeholders, will be developing its plans. When the plans are ready, they will be announced.

CHARITABLE SECTOR

Hon. Ratna Omidvar: My question is for the representative of the government in the Senate. Senator Gold, in this time of traditional giving, the giving season, I want to turn our attention to charities.

• (1440)

I received an email from Big Brothers Big Sisters of Canada, which has been operating in this country for more than 100 years. They have never had greater demand for their services, which have had to be retooled for a new COVID context at some considerable and unplanned cost to themselves. However, they have had virtually no revenue coming in since March. Donations are down. There are no events to raise money and, of course, door knocking is not possible.

Even with the wage subsidy, the rent subsidy and the loan program that are available to charities, they’re not sure if they can keep their doors and services open. They are just one example.

The sector is projected to lose \$15.6 billion in revenue. Just as the government is stepping up to now help certain industries such as airlines, tourism and hospitality, will the government also commit to providing dedicated support to the charitable sector?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator, and for your ongoing work to promote the important work that the charitable sector does. It's a sector of which I'm very intimately aware and remain involved in.

Thank you for mentioning the various programs that the government has put in place to assist the charitable sector, making sure that they can qualify for those; I won't repeat them.

To answer your question, I am advised that the government is working with the sector to examine ways to work with both charities and not-for-profits supporting vulnerable Canadians during this crisis.

Senator Omidvar: Senator Gold, you know and understand charities very well. You were a director at the Centraide of Greater Montreal. A few weeks ago, the Senate unanimously passed the report *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*. There were 42 recommendations in the report. They were all urgent when we developed them, but they are imperative today.

Will you, as the Government Representative, commit to personally advocating the report to your cabinet colleagues and press upon them how important implementing the recommendations are for Canada?

Senator Gold: Thank you for that, and for your reference to my work with Centraide, which is the United Way in Quebec, and indeed others. I certainly will make my colleagues aware of the report and underline the importance of them taking it seriously at my first opportunity.

AGRICULTURE AND AGRI-FOOD

DAIRY INDUSTRY

Hon. Robert Black: Honourable senators, my question is for the Government Representative in the Senate. In 1993, the Canadian International Development Agency and the Ministry of Foreign Trade and Economic Cooperation asked SEMEX, a leading global livestock genetics company, to execute a bilateral venture with China to develop the Chinese dairy industry in support of expanding the Canadian dairy industry's footprint.

In 12 years, Canada helped grow China's dairy population from 2.7 million to over 12 million animals today. Canada made an impact on China's dairy industry in an extremely significant way. However, in the past two years, SEMEX has faced ongoing challenges for Canadian exports of bovine genetics. Specifically, the export of Canadian dairy and beef bovine semen and embryos has halted as a result of the decision by China in January 2019 not to extend the expired import permissions that were previously issued.

As such, SEMEX and its 22,000 Canadian dairy and beef farmers remain at a distinct disadvantage to competitors, namely Americans whose trade remains unaffected despite the fact that their only import licence expired in 2018.

It is absolutely unacceptable that the Canadian dairy genetics industry be put through additional hardships as they struggle to maintain their genetic exports supply pipeline and lose profitability. SEMEX estimates the financial impact in the coming months will approach \$40 million without some resolution and resumption of China's exports.

Will the government work towards a successful resolution with China to implement an import permit to ensure that SEMEX and their Canadian farmers can resume their exportation of bovine genetics without continued interruption?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Canadian cattle genetics are very well respected and are exported to 99 markets internationally. China is an important market for high-quality Canadian genetics.

I've been advised by the government that China is currently reviewing the information that our government provided in December 2019 as part of its required review, which takes place every three years, of Canada's germplasm facilities in order to re-approve them for export to China. I've also been advised that the government is seeking opportunities to engage with Chinese officials to continue these important discussions.

Here at home, the Canadian Food Inspection Agency remains in contact with the industry to find the best methods to reopen this market. Your question and my answer to a previous question illustrates the multiplex complexity of how Canada engages in its foreign relations, and perhaps no more needs to be said.

FOREIGN AFFAIRS

CANADA-CHINA RELATIONS

Hon. Jim Munson: Senator Gold, it has been mentioned that it was two years ago today that the two Michaels were picked off the streets in China and thrown into jail. Former British diplomat Charles Parton was a good friend of Michael Kovrig when they both served their embassies in Beijing many years ago. He has launched a letter-writing campaign — and he has a lot of support from very serious people — for ordinary people to express their disquiet and disgust with what is described as Beijing's resort to the practice of hostage diplomacy.

Diplomat Parton would like everyone, including Canadians, to send their letters or Christmas cards via embassies to the two Michaels. The address here in Ottawa for the Chinese Embassy is 515 St. Patrick Street, Ottawa, Ontario, K1N 5H3.

Senator Gold, would the government support this and would it be helpful to show China, not so much the government's concern, but ordinary Canadians' concerns?

Hon. Marc Gold (Government Representative in the Senate): Senator Munson, first of all, thank you for raising this issue. Your own experience in and with China gives you a special insight into the importance of these issues.

I think it's important that every effort be made, through every means possible, for Canadians to register not only their shock and horror at the arbitrary detention and imprisonment of the two Michaels, but their support to the two Michaels and their families who have languished now for two years incarcerated in China. Whether or not that will help may perhaps be the wrong question to ask. Everything that we can do to register our support — civil society, governments and others — to work towards their release has got to be the right thing to do.

Senator Munson: I have a brief supplementary question. I haven't spent two years in a Chinese jail, but I spent two days. It's not a very nice place, let me tell you. I'm still sorting out my views on the question I'm about to ask.

The Olympic Winter Games are in 2022, and they are in China. Let's hope the two Michaels are out by then. Is the government thinking about what it might do regarding China when it comes to sending our Canadian athletes to China in 2022? We boycotted Russia in 1980, and the invasion of Russia in Afghanistan. I'm still thinking about it myself and whether it would be a good thing to do or not, but it is about human rights. We've talked about the Uighurs, we've talked about what's going on in Hong Kong and the suppression of democracy. Does the government have a view on what it may or may not do when it comes to the winter games in light of the two Michaels?

Senator Gold: Thank you for your question. The short answer is that I do not know if the government has arrived at a view, but all aspects of our relationship with China are being looked at very seriously these days and have been for some time. But more than that, I would be speculating and that's not really what I should be doing in this capacity here. Thank you.

• (1450)

CANADA-IRAN RELATIONS

Hon. Linda Frum: My question is for the Leader of the Government in the Senate. Senator Gold, the year 2020 began with the horrific crash of Ukraine International Airlines Flight PS752, which was shot down by an Iranian surface-to-air missile. Among the 176 victims were 55 fellow Canadian citizens and 30 Canadian permanent residents. This week, several Ukrainian government officials, including the deputy prosecutor general, the minister of infrastructure and the deputy foreign minister, have all indicated publicly that the Ukrainian investigation has not yet received the materials and evidence on the investigation of the crash as promised by Iran. Leader, what update can the Government of Canada give on the status of this investigation and the work to provide justice and accountability to the families of the victims of Flight PS752?

Hon. Marc Gold (Government Representative in the Senate): Thank you, Senator Frum, for the question. I don't have an update to provide, but I will certainly make inquiries. It is unacceptable that the investigation has been stalled. The government is committed to there being a proper investigation. I will certainly make inquiries and report back to the chamber when I get an answer.

Senator Frum: Thank you, Senator Gold, for that assurance. We look forward to an update.

It was more than two years ago that members of this government, including cabinet members like Chrystia Freeland, who is now the deputy prime minister, and the Prime Minister himself voted in favour of a motion to immediately list the IRGC as a terrorist organization. This government seems to have its own interpretation of the word "immediately," because a listing of the IRGC didn't happen in 2018 or 2019, and it doesn't appear it's going to happen in 2020. My question is: Will the government commit to doing so in 2021?

Senator Gold: Thank you, Senator Frum, for bringing that to my attention. I will have to make inquiries and get back to the chamber with an answer.

HEALTH

COVID-19 VACCINE ROLLOUT

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, I'd like to return to an issue I briefly raised last week during Question Period. The timeline for the distribution of vaccinations provided under the government's COVID-19 immunization plan, which was finally released on Wednesday, notes that priority populations will receive vaccinations beginning this month, and general immunizations will begin in April and go to the end of next year.

Yesterday, I was pleased to hear the Province of B.C. announce that firefighters are included in the schedule of first responders. I understand that each province will have its own approach, as they should, but instead of a piecemeal approach for including firefighters in this schedule of first responders — and I don't know about incidents or situations you've witnessed, but I've always seen the firefighters be the first to arrive and they do the opposite of what humans normally do; they go into the burning buildings, go into danger. They are first responders. Knowing that there's a piecemeal approach and some were included and some were excluded the last time, for this round, would the health minister perhaps convene a meeting with the ministers of health and talk about first responders, specifically firefighters, so they're not excluded from some and included in others?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As you know, the health ministers are meeting today. Although I'm sure they're talking about many issues and they're all important, as we all know, the number one issue that they're talking about is the money that the provinces wish to receive from the federal government. I will certainly make inquiries about where this fits into the ongoing federal-provincial discussions about standards generally. I will refrain from making my usual statement about federal and provincial jurisdiction, and certainly take it up with the minister at the first opportunity.

FINANCE

FISCAL UPDATE

Hon. Yonah Martin (Deputy Leader of the Opposition): On that list, I have another request regarding volunteer fire halls across Canada that have been impacted by the pandemic. Some have lost members of their crew for economic or health reasons related to COVID-19. In addition, retention, recruitment, training and outreach have all been severely impacted. Fundraising events, which are critical to the ability of these volunteer fire halls to raise money to pay their bills and obtain new equipment, have in large part been halted all year. The president of the Newfoundland and Labrador Association of Fire Services recently told the media that about 240 of the 270 fire halls in that province rely on fundraising.

Leader, I noticed that the volunteer firefighters did not warrant a specific mention in the recent Fall Economic Statement. Would you report back to this chamber on how the new federal emergency programs will benefit volunteer fire halls and volunteer firefighters, if at all?

Hon. Marc Gold (Government Representative in the Senate): I'll certainly endeavour to find that answer. There are so many important sectors in our society that are struggling because of the economic downturn and the pandemic. Fundraising activities are certainly ongoing, if my inbox is any gauge. But that is not necessarily and not usually an answer in such extraordinary times as this. I will endeavour to find an answer, I just don't know if one will be available as quickly as I would hope.

[Translation]

MONETARY POLICY FRAMEWORK RENEWAL

Hon. Diane Bellemare: Honourable senators, my question is for the Government Representative in the Senate.

As you know, Senator Gold, in 2021, the government will be renewing its five-year agreement with the Bank of Canada on the Monetary Policy Framework. The renewal of this agreement, which has been in place since 1991, has so far been primarily initiated by the bank. The bank makes proposals to the government on the mandate, the monetary policy framework and the targets to be met, and it dictates who will assess that policy. This is different from how things are done in the other countries that have served as models for Canada. Governments in other countries take a more active role in the agreement process. For example, in New Zealand, an independent assessment is conducted on the impact and repercussions of the monetary policy that was adopted.

Is the Department of Finance preparing to sign a new agreement and has it conducted an internal or independent assessment of Canada's monetary policy, as is done in New Zealand, whose process ours is based on?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator. As you mentioned, I have been advised that, in support of its mandate, the Bank of

Canada is currently putting the final touches on a five-year review of its policy framework. Honourable colleagues, it would be inappropriate for me to comment on the day-to-day operations of the bank, but I have been told that the government is satisfied with the bank's approach and finds that it's working. The Government of Canada will continue to work with the Bank of Canada to address the COVID-19 crisis in order to support the Canadian economy for generations to come.

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

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-17, third reading of Bill C-16, and Motion No. 22, followed by all remaining items in the order that they appear on the Order Paper.

• (1500)

[English]

APPROPRIATION BILL NO. 5, 2020-21

SECOND READING—MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator LaBoucane-Benson, for the second reading of Bill C-17, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021.

And on the motion in amendment of the Honourable Senator Pate, seconded by the Honourable Senator McPhedran:

That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"Bill C-17, *An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021*, be not now read a second time because the Senate is of the view that it does not include sufficient expenditure to reduce the effects of poverty in Canada, which is currently experienced by more than three and a half million

people whose lives have been disproportionately affected by the COVID-19 pandemic, including high infection rates and ensuing serious illness and death.”

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, I have just a few words to say about this. I think it’s important to put this amendment into context.

As Your Honour said yesterday, the amendment submitted by Senator Pate is a reasoned amendment that would in effect kill Bill C-17.

The reasoned amendment is one of three types of amendment that can be presented at second reading of a bill. It is indeed very rare. In fact, according to the *House of Commons Procedure and Practice*, Third Edition, 2017, Bosc and Gagnon:

To date, the House has never decided in favour of a reasoned amendment.

I could not find any precedent of a reasoned amendment adopted by the Senate. This would, therefore, be a first. I don’t want to debate the reason for the amendment; the fact that the government may not have its priorities in order. I, in fact, agree on that point with Senator Pate, although not for the same reason.

I want to remind senators of our role in Parliament, especially vis-à-vis supply bills. Senator Pate admitted herself in her speech yesterday that the Senate does not have the constitutional authority to impose upon the house additional expenses. This principle is in conformity with the rules on how the Crown requests and obtains funds, and it is given the authority to raise revenues. These rules go back centuries and are at the heart of our democratic system.

What Senator Pate is asking us to do is kill Bill C-17 and request that the house authorizes additional expenses before the Senate agrees to pass a supply bill. She is asking us to do indirectly what we cannot do directly. Using a reasoned amendment to kill a bill would be a precedent; it is not something that we should take lightly. Using such a procedural manoeuvre to kill a government bill — a supply bill on top of that — is crossing a red line for the Senate.

As you may have noticed, I do not have a lot of confidence in the current government and the Prime Minister. But that does not blind me to the fact that I have duties as a senator and parliamentarian to protect how our institutions are run. I therefore cannot support Senator Pate’s amendment.

The Prime Minister and some of his appointees here have claimed that we now have a new Senate. Well, colleagues, I think that the rules and traditions that are the foundation of our democratic and parliamentary systems must be preserved. We should take the opportunity offered by Senator Pate to send a clear message on this. Senators know that there are limits to their power. Senators acknowledge that as unelected parliamentarians they must be cautious when dealing with questions regarding expenses and taxing powers voted by the elected representatives of the people.

We will therefore, Your Honour and honourable colleagues, ask for a standing vote on this amendment so that all senators have the chance to put their position on this issue on the record.

We will ask for an hour bell so that all senators can reflect on this important question and have all the time necessary to get into the chamber or on Zoom. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Marilou McPhedran: I appreciate this opportunity to speak briefly on why I seconded Senator Pate’s amendment and why I sincerely believe it is a reasoned amendment.

As Canada’s first woman Finance Minister Chrystia Freeland advised in her Fall Economic Statement of November 30:

As we build back, we have it within our reach to build back better, tackling challenges that hold us all back: Homelessness. Systemic racism. The unfinished and essential work of Reconciliation. The support and investments outlined in this plan, including our stimulus, will foster a resilient and inclusive recovery.

Yesterday, we were advised of the report of the Canadian Centre for Economic Analysis, *Potential Economic Impacts and Reach of Basic Income Programs in Canada*, and again the economic discrimination exposed by this pandemic is confirmed by the evidence in yet another report.

This issue was addressed in the Speech from the Throne with this compelling question. It is highly relevant to senators who have accepted responsibility to bring forth the voices and concerns of minorities that are often lost in high-level decision making and majority votes.

Do we move Canada forward, or let people be left behind?
Do we come out of this stronger, or paper over the cracks that the crisis has exposed?

As addressed by Senator Pate, women, Indigenous and other racialized peoples and essential yet economically insecure workers remain unsupported by the many legislative measures that we have adopted and are rolling out to support Canadians. About 3.5 million are still lost in the cracks mentioned by our finance minister, and we seem to be doing nothing of substance to reach them and support them. We were promised in the Speech from the Throne:

It is the job of the federal government to look out for all Canadians and especially our most vulnerable. We need to work together. Beating this virus is a Team Canada effort.

Well, honourable senators, Team Canada seems to be on the bench. The House of Commons is still sitting. The Senate is still sitting. We are all still working. I joined with Senator Pate in bringing attention to the inadequate measures in this bill.

Are we seeing hypocrisy here, or is it as simple as the fact that the most socially and economically vulnerable people in Canada are also often those least able to defend their interests?

Regardless of the answer, what we do as senators in responding to the government's failure in this legislation needs to be on the record. Thank you, merci, *meegweich*.

Hon. Pierre J. Dalphond: Since we're going to have an hour to reflect, let me also provide some comments to help reflection.

Senators, I rise to speak to Senator Pate's amendment to Bill C-17, called a reasoned amendment in parliamentary practice. At the outset, nobody can deny that Senator Pate is a strong advocate of causes that she endorses, and she does not hesitate to use this place as a platform for recording her strongly held positions. But I'm afraid her reasoned amendment ventures in dangerous territory, way beyond what the drafters of our Constitution have contemplated for the upper house of our Parliament.

The Constitution Act of 1867 provides for two houses in our Parliament: one made of individuals elected by the people and one made of individuals appointed by the Crown. Though our Constitution states that all bills must receive the consent and approval of both chambers and that each chamber can initiate bills, the drafters of our Constitution have enacted an important restriction to the powers and role of the Senate, found at section 53 of the Constitution, which reads:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

Bill C-17, now before us, is clearly an appropriation bill governed by section 53 of the Constitution. The restrictions found in section 53 of the Constitution flow from the very well-known principle of "no taxation without representation."

In other words, the imposition of taxes and the appropriation of public revenue must rest first and foremost in the hands of those elected by the people.

• (1510)

Bill C-17 before us has been considered by the representatives of the people and adopted with the support of the majority of MPs representing four of the five political parties in the House of Commons. Now this bill is before us for our review and, possibly, our suggestions for corrections at committee review or at third reading.

Senator Pate's amendment doesn't seek to correct an omission or an oversight, which is possible, but not at second reading. Instead, she wants us to suspend second reading of Bill C-17 until the government implements a basic universal income, a policy that will require months, if not years, of thorough analysis and drafting. In other words, she's inviting us to transgress our constitutional role by dictating to the elected government and the elected House of Commons how to appropriate public funds.

A basic universal income is an idea that many senators have advanced, and I am confident that the Senate will continue to look at issues around it as well as around reformed employment benefits. However, there is a major difference between facilitating debate about such issues and suspending second

reading of an appropriation bill until the government enacts a given program. This far exceeds the bounds of the Senate's constitutional role of providing sober second thought.

Before concluding, I would like to add some technical comments about the unusual procedural vehicle before us. On page 133 of the *Senate Procedure in Practice*, a "reasoned amendment" is described as follows:

This amendment allows a senator to state the reasons for opposing second (or third) reading of a bill by introducing another relevant proposal that replaces the original question. In other words, it provides a means to put on the record a statement or explanation as to why a bill should not receive second reading. If the reasoned amendment is adopted, the bill is dropped from the Order Paper. A reasoned amendment always supersedes second (or third) reading.

It is worth highlighting that this procedural mechanism is very rarely used, as Senator Plett has said, and even more rarely accepted, as he pointed out. He referred to the *House of Commons Procedure and Practice*. I have the same quote, and certainly concur with him.

I will go further. In a 1946 ruling, finding that a similar amendment was out of order, the then honourable Speaker Senator James King, added:

... neither in the House of Commons nor in the provincial legislatures has it been the practice to move amendments at the second reading of a bill.

Honourable colleagues, such an amendment is out of place, and I urge you to vote against it. Thank you. *Bonne réflexion*.

Hon. Michael Duffy: Honourable senators, I rise today to be brief, as our former colleague Senator Baker used to say. I applaud Senator Pate and other colleagues who have worked so hard on helping Canada's poor and vulnerable but, as we've heard from Senator Dalphond, there is a difficulty in voting for this motion today. It would pose great problems for the government, so we will have to make allowances for that.

But that does not mean, Your Honour and colleagues, that there's anything wrong with the concept of a guaranteed annual income. In fact, former prime minister Pierre Trudeau's Royal Commission on Canada's economic prospects, chaired by the late Donald S. Macdonald recommended both free trade with the United States and a guaranteed annual income to help those who lost their jobs as a result of the trade deal.

The Macdonald Commission had done extensive studies on the issue, and those studies are publicly available.

In any event, the Macdonald Commission report was released in 1984, just as the new Mulroney government was taking power. They went ahead with free trade but never got to the GAI.

Now, more than 35 years later, on December 2, P.E.I.'s all-party Special Committee on Poverty called on the federal government to partner with Prince Edward Island in such a program to provide a guaranteed annual income or a universal

basic income for Islanders. I hope Premier King was able to raise this matter in his meeting today with the Prime Minister and the other first ministers.

This issue has been studied enough. Canadians are ready for a GAI. Thank you, colleagues, for your time and attention.

Some Hon. Senators: Hear, hear.

Hon. Leo Housakos: Colleagues, I also want to share my thoughts on this particular issue. I think it's an issue that's very important and touches a series of elements that are essential to the work we do in this place.

Firstly, I would like to talk about the constitutionality of this motion. I would like to talk about the impact it would have on rules, procedures and precedents. It also touches on the core of what the Westminster model of Parliament is. I would like to weigh in on that as well. I would also like to share some comments with regard to the content and the objective of our honourable colleague Senator Pate, which, of course, is noble and I agree with.

We all have to acknowledge that the question of poverty in this country should be first and foremost on our minds. We've seen over the last few years the growth of that sector of the population, and very little attention has been given to it from this government other than, of course, platitudes in a number of Speeches from the Throne where they continue to promise action, and we've seen inaction.

Having said that, of course, I suspect that if we engage in a debate about poverty and how to solve it in this country, probably Senator Pate and I are going to be on different sides of the spectrum about how to do it. But that doesn't take away from the fact that this institution should be doing it. We should be having these debates. We should be engaging on how to solve what is a menace right now to society and an ever-growing problem, and that is, of course, poverty.

The second element is the constitutionality of what she's proposing to do, which is, as my colleagues have pointed out — Senator Plett very appropriately and Senator Dalphond — that in the Westminster model of government, it's fundamental: there is no taxation without representation, without a doubt. Having said that, at the same time, I want to highlight to colleagues that if you check section 18 of the Constitution, it's crystal clear that this institution is a parliamentary body that has the same rights, privileges and immunities as the House of Commons does in Westminster. That's what this institution was based on.

At the end of the day, I will quote a giant of this institution, who always used to say, "Colleagues, we have the power to approve every piece of legislation; we have the power to defeat every and any piece of legislation." That was the Honourable Senator Serge Joyal.

There is a long-standing precedent, because we are an appointed body and this is a democracy. The Westminster model, despite its sober second chamber being an appointed body, recognizes the fact that this is not a place of confidence. At the end of the day, we don't have the authority to compel the government in order to carry through expenditures, particularly on supply bills.

But we do have the authority as senators to amend bills. We have the authority to, for example, add addenda to studies done by finance committees. We have all that opportunity when we are dealing with supply bills.

But I also want to draw attention, colleagues, to an ever-growing problem that I foresee happening, and we're seeing it at various crossroads, which is this government's feeble and poorly thought out attempt to reform this institution by giving the impression that somehow senators cannot work within the confines of caucuses and the government-opposition structure of the Westminster model. We've seen time and time again that it runs into obstacles and difficulties. Because, at the end of the day, there's a number of senators who believe the Prime Minister when he says they have absolute independence. And this government, as we've seen recently in the response yesterday from the government leader, Senator Gold, getting up in total indignation at the actions taken by senators who felt they were acting independently of the government and basically articulating a point of view that they have the right to articulate.

Having said that, as I said, I agree they went a bit far, Senator Gold, in terms of a reasoned amendment, which is unprecedented; it has never happened. And I totally disagree with that. However, senators do have the right to amend even a supply bill. They have a right to question it and to challenge it.

• (1520)

The point I want to make is that this place has been neutered and hindered. Many independent senators have been hindered with regard to the opportunity to do some of the work we used to do in the Senate, before we adopted this new model, Senator Gold. Once upon a time, government-appointed senators had the opportunity in relation to pre-budget studies, which often take place at national caucus and at advisory committee groups of the governing caucus.

Senators did some of their most important work on behalf of their provinces and regions, and had a lot of influence, in terms of putting together budgets and programs. In this particular case, Senator McPhedran and Senator Pate would be great champions in terms of articulating on behalf of poverty groups in this country.

We do have the opportunity in the Westminster model for the opposition to oppose, and we should have the opportunity for government-appointed senators to influence important decisions, including supply bills, at the preliminary and pre-study stages. Unfortunately, the chamber has been neutered of that right and privilege by this Prime Minister. This amendment has highlighted some of the difficulties that have been created as a result.

Having said that, again I highlight that our colleagues have the right to speak on behalf of these stakeholders and this particular group in the country, and they have the right to amend the bill. Unfortunately, with regret to my colleagues, I think they have gone a bit too far and against the rules that the Constitution calls for, under which the chamber has the privilege to work. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Yuen Pau Woo: Honourable senators, in response to the posturing we've heard in the last few minutes, let me say that independent senators entirely agree with the importance of the Westminster system and the need to get on with our work. For that reason, I would hope that, when we come to the vote, we can do it as expeditiously as possible — perhaps to vote right away, if there is even a need for a standing vote — rather than to waste more time, as we have seen in recent days with unnecessary votes. I hope we can get to the vote now and that we do it as expeditiously as possible. Thank you, Your Honour.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: In amendment, it was moved by the Honourable Senator Pate, seconded by the Honourable Senator McPhedran, that Bill C-17 be not read a second time — shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Those in favour of the motion who are in the Senate Chamber will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion who are in the Senate Chamber will please say “nay.”

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have an agreement on a bell?

An Hon. Senator: One hour.

The Hon. the Speaker: One-hour bell. The vote will take place at 4:22. Call in the senators.

• (1620)

Motion in amendment of the Honourable Senator Pate negatived on the following division:

YEAS

THE HONOURABLE SENATORS

McPhedran Pate—2

NAYS

THE HONOURABLE SENATORS

Anderson	Keating
Bellemare	Klyne
Bernard	Kutcher
Beyak	LaBoucane-Benson
Black (<i>Alberta</i>)	Lankin
Black (<i>Ontario</i>)	Loffreda
Boehm	MacDonald
Boisvenu	Manning
Boniface	Marshall
Bovey	Martin
Boyer	Marwah
Brazeau	Massicotte
Busson	McCallum
Campbell	Mégie
Christmas	Mercer
Cordy	Miville-Dechéne
Cormier	Mockler
Cotter	Moncion
Coyle	Moodie
Dagenais	Munson
Dalphond	Ngo
Dasko	Oh
Dawson	Omidvar
Deacon (<i>Nova Scotia</i>)	Patterson
Deacon (<i>Ontario</i>)	Petitclerc
Dean	Plett
Downe	Poirier
Duffy	Ravalia
Duncan	Richards
Dupuis	Ringuette
Forest	Saint-Germain
Forest-Niesing	Seidman
Francis	Simons
Frum	Smith
Gagné	Stewart Olsen
Galvez	Tannas

Gold	Verner
Greene	Wallin
Griffin	Wells
Harder	Wetston
Hartling	White
Jaffer	Woo—84

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1630)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-7, An Act to amend the Criminal Code (medical assistance in dying).

(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.)

[*English*]

APPROPRIATION BILL NO. 5, 2020-21

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator LaBoucane-Benson, for the second reading of Bill C-17, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021.

The Hon. the Speaker: Honourable senators, resuming debate on the main motion.

Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Gagné, seconded by the Honourable Senator LaBoucane-Benson, for second reading of Bill C-17 — shall I dispense?

Hon. Senators: Dispense.

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

Some Hon. Senators: Nay.

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

Some Hon. Senators: Yea.

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

And two honourable senators having risen:

The Hon. the Speaker: Do we have agreement on a bell? One hour. The vote will take place at 5:34.

Call in the senators.

• (1730)

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

Anderson	Griffin
Bellemare	Harder
Bernard	Hartling
Black (<i>Alberta</i>)	Jaffer
Boehm	Keating
Boniface	Klyne
Bovey	Kutcher
Boyer	LaBoucane-Benson
Brazeau	Lankin
Busson	Loffreda
Christmas	Marwah
Cordy	Massicotte
Cormier	McCallum
Cotter	McPhedran
Coyle	Mégie
Dalphond	Mercer
Dasko	Miville-Dechêne
Dawson	Moncion
Deacon (<i>Nova Scotia</i>)	Moodie
Deacon (<i>Ontario</i>)	Munson
Dean	Omidvar
Downe	Petitclerc
Duffy	Ravalia
Duncan	Richards
Dupuis	Ringuette
Forest	Saint-Germain
Forest-Niesing	Simons

Francis	Tannas
Gagné	Verner
Galvez	Wallin
Gold	Wetston
Greene	Woo—64

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Mockler
Batters	Ngo
Beyak	Oh
Boisvenu	Patterson
Carignan	Plett
Frum	Poirier
Housakos	Seidman
MacDonald	Smith
Manning	Stewart Olsen
Marshall	Wells—21
Martin	

ABSTENTION
THE HONOURABLE SENATOR

Pate—1

• (1740)

THIRD READING—DEBATE

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

[*Translation*]

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

[*English*]

Senator Gagné: Honourable senators, thank you for this opportunity to provide an overview of the 2020-21 Supplementary Estimates (B). As honourable senators are aware, these supplementary estimates outline the government's incremental spending plans. These, of course, are in addition to the Main Estimates for the year, which were tabled this past February, and the Supplementary Estimates (A), which were tabled in June.

This year, the President of the Treasury Board tabled the Supplementary Estimates (B) for 2020-21 on October 22 in the House of Commons. They present information on spending requirements across federal organizations that were either not sufficiently developed in time for inclusion in the Main Estimates or have been refined to account for developments in certain programs and services. They also include a summary of the government's incremental financial requirements as well as an overview of major funding requests and horizontal initiatives.

[*Translation*]

Colleagues, in our parliamentary system, the estimates are a cornerstone of government accountability.

Canadians and the parliamentarians who represent them have the right to know how public funds are spent and to hold the government to account.

The information contained in the supplementary estimates ensures ongoing transparency and accountability on the use of public funds to deliver programs and services to Canadians and, in accordance with the government's commitment to transparency, Supplementary Estimates (B), 2020-21 continues to report on the spending authorized by the emergency response legislation associated with COVID-19 in order to provide critical programs and services to Canadians.

Honourable senators, the government continues to invest in people, the economy and COVID-19-related support in order to ensure Canada's success and economic recovery.

[*English*]

As we work to recover and restart the economy, we are all relearning what it means to live and work safely. COVID-19 forced the government to quickly shift its focus to roll out critical services and supports to Canadians in record time. This was undertaken by a workforce which, in a matter of a few short days, had pivoted to remote work.

[*Translation*]

It was a Herculean effort. Normally it would have taken months, but this was done in a matter of weeks.

[*English*]

The large-scale shift of the federal workforce to home offices has certainly had its share of challenges for our public servants. But Shared Services Canada quickly adapted to support this change by increasing network capacity and introducing collaborative tools for public servants to work together effectively outside of an office setting. This back-end support allowed public servants to deliver critical information, programs and services to Canadians during an extremely challenging and uncertain time.

The government quickly rolled out key support services like the Canada Emergency Response Benefit and the Canada Emergency Wage Subsidy. As well, it built tools to help Canadians stay informed about COVID-19 and the government supports available to them.

Importantly, colleagues, the government also benefited by working in collaboration with its international and private sector partners. For example, Canada's new notification service "Get Updates on COVID-19" was built using open source code from the U.K.'s Digital Government Service and has sent over 5 million important messages to Canadians by text or email since April.

• (1750)

This includes the launch of COVID Alert, a smartphone notification app that informs Canadians of potential exposure to the virus without sharing any personal information with other users, private interests or government institutions. I strongly encourage all honourable senators to download the app, if they haven't already done so, to help do their part.

[Translation]

Honourable senators, I want to point out that countries like Ireland, the Netherlands, Uruguay, the United Kingdom, Germany and Japan have developed similar apps using the Apple and Google application frameworks. People all around the world are working together out of compassion to deal with this crisis.

Canada's response to the pandemic inspired confidence in the government's capacity to react decisively and effectively to serve Canadians in times of crisis. We called on public servants to come together and do their part, and that is what they did.

However, dear colleagues, if they are to continue providing the critical services Canadians need during these difficult times, we need to ensure that all of their departments and agencies have the funds they need.

As the number of cases continues to rise across the country, we must recognize that the virus is still very real and that it is affecting Canadians from coast to coast to coast.

As parliamentarians, we have a responsibility to ensure that our fellow Canadians continue to get support during this difficult time.

[English]

Honourable senators, these supplementary estimates provide that needed support. Through these estimates, the government is seeking Parliament's approval of \$20.9 billion in planned spending for this fiscal year. Changes in planned spending are presented for 83 federal organizations, of which 71 require parliamentary approval of new spending.

As I will cover in a moment, honourable senators, these estimates lay out spending plans that further address the health and economic impacts of COVID-19. They also present statutory forecasts for these same items, pursuant to the Public Health Events of National Concern Payments Act, which will be repealed on December 31, and provisions in the Financial Administration Act authorizing payments to the provinces and territories, which were repealed on September 30. Overall, funding requirements for the top 10 organizations account for approximately 85.5% of the voted spending sought through these estimates.

As honourable senators might expect, the organization with the most amount of funding, \$9.3 billion, is the Public Health Agency of Canada. That includes \$5.3 billion for medical research and vaccine developments, as well as \$2.2 billion for protective and medical gear for our front-line workers. There is also \$783 million for medical countermeasures to help secure and enhance domestic biomanufacturing capacity to obtain a sufficient supply of packaging materials for the COVID-19 vaccine. This will allow us to secure mass vaccination equipment and build capacity for successful vaccine deployment.

The Department of Finance is seeking a total of \$3.3 billion, including \$1 billion for provinces and territories to help cover the costs of adapting the education sector to ensure a safe return to class throughout the school year. Another \$1 billion is for the Government of Alberta to close inactive oil and gas wells and rehabilitate the well sites. Funding for the Safe Restart Agreement is \$700 million, which supports provinces and territories in safely restarting their economies and preparing for possible future waves of the virus.

Funding in these estimates will help provinces and territories increase their capacity to conduct testing, perform contact tracing and share public health data that will help fight the pandemic. It includes \$461 million of funding for the essential workers support fund to cost share, with provinces and territories, a temporary top-up to salaries of workers deemed essential in the fight against COVID-19.

[Translation]

Crown-Indigenous Relations and Northern Affairs Canada is seeking \$926 million in these supplementary estimates, including \$760 million related to specific claims.

Specific claims refer to claims made by a First Nation against the federal government that relate to the administration of land and other first nation assets and to the fulfilment of historic treaties or other agreements.

The primary objective of the specific claims policy, esteemed colleagues, is to discharge outstanding legal obligations of the federal government through negotiated settlement agreements.

The Specific Claims Settlement Fund is used to pay out settlement agreements to First Nations.

The Treasury Board Secretariat is seeking \$647 million, including \$585 million for public service insurance plans and programs.

Public service group insurance plans include health and dental benefits, and disability and life insurance benefits for active and retired employees and their eligible dependants.

This funding represents increased costs due to inflation and demographic growth and will help ensure the financial viability of the plans.

[English]

As a final example, \$721 million is for Public Services and Procurement Canada, of which \$400 million is to acquire and distribute supplies of key goods and services, such as medical equipment, including personal protective equipment for a broad range of organizations that are involved in COVID-19 response or provide non-medical essential services to Canadians.

The \$58.3 billion in planned statutory spending reflects the government's key response measures and emergency supports, including \$28.5 billion for the Canada Emergency Response Benefit, \$12.3 billion for payments to the provinces and territories for the Safe Restart Agreement, \$3.8 billion for medical research and vaccine development and \$3.3 billion for protective gear and medical equipment. Also being sought for non-budgetary measures is \$1.3 billion, related primarily to student loans.

[Translation]

Honourable senators, it is also important to be clear about the difference between voted spending and statutory spending. Voted spending requires annual approval from Parliament through an appropriation bill.

That means that parliamentarians carefully examine the spending plans proposed by the government before they are approved.

Statutory spending, on the other hand, is presented in the supplementary estimates for information purposes because it has already been approved by Parliament through other laws.

Presenting voted spending and statutory spending in the supplementary estimates guarantees that Canadians have the most complete information possible on the planned spending of appropriation-dependent organizations.

The government also continues to publish other detailed information online for the current supplementary estimates, including a full breakdown of planned expenditures by standard object, such as staff, professional services and transfer payments.

These user-friendly online information tools make it possible to keep Canadians informed about the use of public funds in a more transparent way.

Honourable senators, as the supplementary estimates indicate, the government remains resilient, responsible and mindful of the safety of Canadians throughout this global pandemic.

Public servants continue to work hard to support Canadians at this extremely difficult time.

[Senator Gagné]

The new spending plans set out in the supplementary estimates will continue to provide support to those affected by COVID-19 and support for the economy and Canadians.

I would like to thank all parliamentarians who worked together in person and online during these unprecedented circumstances, while we continue to work to strengthen the economy and improve the well-being of all Canadians.

Thank you.

• (1800)

[English]

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Honourable senators, it is now six o'clock, pursuant to rule 3-3(1) and the order adopted on October 27, 2020, I am obliged to leave the chair until seven o'clock unless there is leave that the sitting continue.

If you wish the sitting to be suspended, please say, "suspend."

Some Hon. Senators: Suspend.

The Hon. the Acting Speaker: The sitting of the Senate is suspended until 7 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

APPROPRIATION BILL NO. 5, 2020-21

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Gold, P.C., for the third reading of Bill C-17, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021.

Hon. Elizabeth Marshall: Honourable senators, I would like to thank Senator Gagné for her comments on Bill C-17. In this bill, the government is requesting \$21 billion. However, Supplementary Estimates (B), which support this bill, also outline \$59 billion in statutory spending. This \$59 billion in statutory spending has already been approved by existing legislation. For example, \$29 billion for the Canada Emergency Response Benefit, or CERB, was approved by the Public Health Events of National Concern Payments Act, enacted last March. Almost all of the \$59 billion in statutory spending is COVID related.

Of the \$21 billion requested in Bill C-17, \$15.5 billion is COVID related. The Public Health Agency of Canada is requesting \$9 billion of the \$21 billion. Of this amount, \$5.3 billion is for medical research and vaccine development, while \$2.2 billion is for protective gear and medical equipment. The remaining \$1.4 billion is for a variety of items, including border and travel measures and isolation sites at \$196 million, development of a COVID-19 vaccine at \$46 million, five respirators at \$6.4 million and Kids Help Phone at \$3.3 million.

In addition, \$8.7 billion has already received approval under the Public Health Events of National Concern Payments Act. Included in this \$8.7 billion was \$3.8 billion for medical research and vaccine developments and \$3.3 billion for protective gear and medical equipment.

Given the extent of funding for vaccines in Supplementary Estimates (B), there was a significant amount of interest expressed by senators during Finance Committee meetings regarding the COVID-19 vaccines. Officials from the Public Health Agency informed us that government has signed agreements to secure what they refer to as tens of millions of vaccine doses. The three most promising at the time of the committee hearings were Pfizer, Moderna and AstraZeneca. At the time of our study, public health officials also said the agency was expecting doses to start coming into the country likely in January and February. However, no vaccine numbers were provided to the committee.

Officials further indicated that there is no order-of-country priority stipulated in the contracts for the vaccines. We are now seeing small amounts of vaccines coming into the country for distribution. Vaccine availability and distribution will continue to be a subject of discussion.

For example, my province is 1 of 14 distribution sites, and we expect to receive 1,950 vaccines around December 14. I expect additional vaccine funding to appear in Supplementary Estimates (C).

The Department of Finance is requesting \$3.2 billion, of which \$1 billion is for the Safe Return to Class Fund, \$1 billion is for the Province of Alberta to clean up inactive oil and gas wells and \$700 million is for the Safe Restart Agreement.

The \$1 billion requested for the Safe Return to Class Fund is part of a \$2-billion program to help provinces and territories cover the costs of adapting the education sector to ensure a safe return to class and cover costs related to increased hand sanitization and hygiene, personal protective equipment and cleaning supplies.

Another \$1 billion for the Safe Return to Class Fund was already approved under the authority of the Financial Administration Act. It is disclosed in the Supplementary Estimates (B) document as a statutory item, the Financial Administration Act being the relevant authority.

Since that section of the Financial Administration Act was repealed on September 30, it required the second instalment of \$1 billion to be requested in a supply bill.

As I indicated previously, the Department of Finance is requesting \$700 million for the Safe Restart Agreement. The Safe Restart Agreement is a \$19-billion program, which supports all of the provinces and territories in restarting their economies, notably in the areas of health care, testing and contact tracing support, child care, sick leave, municipalities and personal protective equipment procurement.

While \$700 million is being requested by the Department of Finance in this supply bill, the department has already been provided with \$12.2 billion as a statutory amount under the authority of the Financial Administration Act.

However, that section of the Financial Administration Act was repealed on September 30. Any payments after that date must be approved by a supply bill.

The Department of Health is also requesting \$315 million for the Safe Restart Agreement, while \$18.5 billion payments have already been approved under the Public Health Events of National Concern Payments Act.

Tracking the funding for the Safe Restart Agreement has presented its challenges because funding for the agreement is included in two departments, and within each of those departments, some funding is being requested in the supply bill while other funding has already been approved by the Public Health Events of National Concern Payments Act and the Financial Administration Act.

The Department of Finance is also requesting \$461 million for the Essential Worker Support Program. This is a \$3-billion program, of which \$2.5 billion has already been drawn down by the provinces. This \$461 million is the remaining instalment.

The Department of Health is also requesting \$737 million, of which \$319 million is for medical research related to COVID-19, \$315 million is for the Safe Restart Program and \$100 million is for drugs, medical devices and virtual care.

Of interest, officials told us that before the pandemic, 5% of visits with doctors and other health care providers were virtual. This has increased to over half of interactions with health care providers now being done by phone, video conferencing or by other virtual means.

The Department of Transport is requesting \$516 million in this supply bill. The largest item is \$180 million for the purchase and refit of the marine vessel *Villa de Teror*. The purchase cost is \$155 million and refit costs are estimated at \$25 million.

This vessel was acquired to provide ferry service to the residents of Îles de la Madeleine. It will be retrofitted and will provide service during the summers of 2021 until 2026.

Officials assured us that these were the final costs associated with the *Villa de Teror*. Some senators were interested in the cost of the acquisition and retrofitting of the *Villa de Teror* because some jurisdictions, when acquiring used marine vessels, significantly underestimate the retrofitting costs. My province is one of those jurisdictions. The cost of the *Villa de Teror* will be followed up when we study future estimates.

Honourable senators, as I mentioned earlier, \$15.5 billion of the \$21 billion in this bill is COVID related. Of the \$59 billion in statutory expenditures in Supplementary Estimates (B), almost all is COVID related. I will have further comments on COVID-related expenditures when I speak to Bill C-16 later this evening.

In closing, I would like to thank my colleagues on the National Finance Committee for their probing questions during committee meetings, as well as to our chair, Senator Mockler, deputy chairs, Senator Forest and Senator Klyne and, of course, the fourth member of our steering committee, Senator Richards.

I also express my appreciation to officials and staff for their hard work and support during discussions of these expenditure items. Thank you, honourable, colleagues.

• (1910)

Hon. Rosa Galvez: Honourable senators, I rise today to speak on third reading to Bill C-17, which appropriates funds to departments for expenditures related to their operations and programs. The final destination of these funds is outlined and defined in the 2020-21 Main Estimates and Supplementary Estimates (B), on which the Standing Senate Committee on National Finance reported yesterday.

[*Translation*]

I would like to begin by thanking the members of the Standing Committee on National Finance and their staff for their thorough and diligent work during the study of this bill. I especially want to thank Senator Forest for his contribution; he requested that the committee be mandated to study a clean and just economic recovery that would place the well-being of Canadian society at the heart of its objectives.

[*English*]

Also, I want to thank the committee for directing the government to increase our domestic capacity to develop, manufacture and produce coronavirus vaccines, medical countermeasures and personal protective equipment.

C-17 includes a program expenditure to allocate to the Department of Finance a \$1 billion sum, provided to the Government of Alberta to “close inactive oil and gas wells and rehabilitate the well sites.”

Section 7.5 of the Senate Standing Committee on National Finance report hints at the fact that the orphan and abandoned wells issue is extremely complex. There is uncertainty regarding when and how the wells will be remediated and how this will result in job creation.

I wish to focus my remarks on this particular aspect of Bill C-17 that I found to be poorly understood, poorly communicated and lacking transparency.

This is the final instalment of the government support announced in April 2020, of a \$1.7 billion transfer to Western provincial governments to help cover the costs of remediating the ever-growing number of inactive and orphan wells. This is the single largest COVID-19 pandemic support package given to a specific industrial sector to date.

[Senator Marshall]

While I rejoice that the federal government prioritizes remediation efforts, I have concerns about the program’s design and the lack of strings attached.

Since this money serves to cover remediation obligations of the fossil fuel sector, we can consider this support to be another form of subsidy of this industry.

Yesterday we heard Senators Mockler and Pate explaining, with passion, that millions of citizens living below the poverty line did not receive financial assistance. Meanwhile, the petroleum industry has received this generous subsidy, giving further evidence to support claims that there is socialism for certain corporations and capitalism for the poor.

As you may or may not know, there are 450,000 oil and gas wells in Alberta, of which over a third are abandoned. They are inactive and have yet to be remediated. A subset of all of these wells are owned by companies that have become defunct and are no longer able to repair the damage their well has caused to the environment or to the landowner from whom they leased the land. These are orphan wells, of which there are 5,650 across the country.

Oil and gas companies are legally obligated to remediate their wells, but are often not required to put the money aside as insurance, from the beginning of the operations, as is now required of the mining industry in some provinces. This allows corporations to shirk their remediation obligations by going bankrupt and reincorporating into a new form — abandoning their wells and jeopardizing the health and safety of humans and ecosystems.

In Alberta, when industry is not able to remediate these wells, the cost is transferred to the Orphan Well Association.

This association is funded through industry contributions. However, at the current rate of contributions to this fund, my office estimates it would take almost 160 years to clean up existing abandoned wells, soon to be major liabilities.

Ultimately, as is the case with the \$1.7 billion in federal support, there is a real risk this liability will fall back on the public, as only \$200 million provided to the Orphan Well Association is meant to be repaid.

[*Translation*]

When the government takes steps to reduce the adverse impacts of resource extraction, it is true that it is protecting our local communities, our farms and our environment. However, the it is not following one fundamental principle of social justice, the polluter-pays principle. The industry generates pollution and governments subsidize the clean-up costs that result from their carelessness.

If this is the first time you're hearing about it, that's because the subject has not been given the attention it deserves in our debates. To put things into perspective, we spent hours analyzing and debating Bill C-9, An Act to amend the Income Tax Act regarding the Canada Emergency Rent Subsidy and Canada Emergency Wage Subsidy, in committee and in this chamber, but we have spent less than five minutes discussing the orphan wells subsidy, and the final committee report doesn't comment on the matter at all.

[English]

We have essentially handed the oil and gas industry close to \$2 billion, and in doing so we have sent the signal that it is okay for an industry to ruin the environment and the health of citizens, pollute farms and agricultural soils, and risk the future of our children, because government will step in and fix it.

Not only does it send the signal that it is okay to pollute, it in fact incentivizes polluting activities because the companies reap the profit of the commodity while avoiding the externalities attached to it. And those benefits are not even for Albertans or for Canadians, since 70% of oil sands production is owned by foreign corporations or shareholders.

Struggling fossil fuel companies have already left a multi-billion dollar legacy of liabilities in the form of mine tailings, orphan wells and disused pipelines. Worst-case scenario estimates from Alberta Energy Regulator have put the price tag at around \$260 billion for oil and gas liabilities in this province alone. Despite being legally responsible, these companies have set aside a very small fraction of the anticipated costs, and the full burden will inevitably fall on taxpayers, exactly as the Auditor General of Alberta pointed out in his 2015 report.

It would be irresponsible to expect the industry will or can come up with the required sums, since there has been a 79% reduction in oil sands capital expenditures since 2014. It is expected to decline again in 2020 for the sixth straight year.

Colleagues, the worst thing we can do is stick our heads in the sand. We must address and assist Albertans in fair and sustainable ways, and promote and support the diversification and sustainability of their economy.

[Translation]

This financial assistance ignores the polluter-pays principle, jeopardizes public funds and delays reconciliation efforts, not to mention that it could also constitute a potential violation of the human rights of Indigenous peoples. To date, only 0.1% of oil sands land has been recovered and returned to the provinces. Canadians — particularly the citizens of Alberta, Saskatchewan and British Columbia — deserve a transparent accounting of this liability, so that we can hold the industry to account and come up with a realistic plan to remedy the situation.

[English]

Finally, and in case you didn't read about it, a recent Financial Post article revealed that Imperial Oil, Suncor and Canadian Natural Resources, along with lesser known fossil fuel companies such as Enerplus, AltaGas and Peyto, which all

received federal assistance through the CEWS program, continued to pay dividends to shareholders during the COVID-19 pandemic.

Is this managerial practice acceptable to Canadians?

Colleagues, I will support Bill C-17. I will end my intervention by emphasizing the inefficiency and promotion of public distrust of this form of use of public funds and would like to refer to a recommendation from the white paper my office recently released on the urgent need for a clean and just recovery from the COVID-19 pandemic.

• (1920)

Financial assistance, if provided, must be accompanied by strict accountability measures as well as enforceable and demonstrable commitments to contribute to human and ecosystem well-being.

Thank you very much, *meegwetch*.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill read third time and passed, on division.)

APPROPRIATION BILL NO. 4, 2020-21

THIRD READING

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate) moved third reading of Bill C-16, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021.

She said: Honourable senators, thank you for this opportunity to discuss the 2020-21 Main Estimates.

Canadians and parliamentarians have the right to know how public funds are being spent and the right to hold the government to account for that spending.

That's why the government is committed to providing meaningful information on the government's finances and the expected outcomes of its investments.

[Translation]

Before I get into the main points, I would like to sum up the timeline that the budgetary cycle followed this year.

If you recall, on February 27, 2020, the President of the Treasury Board tabled the Main Estimates 2020-21, which provides the information for the total planned budgetary expenditures of \$304.6 billion.

In March, the government presented the first interim supply bill, which Parliament passed in order to provide funding for departments to operate from April to June.

Then on April 20, in response to the situation in Parliament caused by the COVID-19 pandemic, the House of Commons adopted a motion to temporarily amend Standing Order 81 of the House of Commons. That made it possible to extend the study of the Main Estimates until December.

In June, a second appropriation bill was tabled and passed by Parliament to cover the activities of federal departments from July to December.

In September, after the prorogation of Parliament and the opening of a new session, the Main Estimates 2020-21 was tabled a second time in the House of Commons.

The objective was to allow Parliament to continue to examine the planned budgetary expenditures for 2020-21 before approving a final appropriation bill for the remainder of the Main Estimates in December.

[*English*]

The Main Estimates document that was retabled on September 30, 2020, is the same as the one tabled on February 27, 2020. By retabling these Main Estimates at the start of the second session of Parliament, the government reaffirmed its commitment to the sound management of public funds in an open and transparent manner.

Honourable senators, as I mentioned, these Main Estimates include the following priorities: creating opportunities for citizens from coast to coast to coast; advancing reconciliation with Indigenous peoples; addressing climate change and protecting our environment; reinforcing our nation's infrastructure; supporting the men and women of the Canadian Armed Forces; and ensuring Canada continues to play a prominent and constructive role on the international stage.

Through these spending plans, the government is asking Parliament to authorize expenditures from 122 federal organizations to maintain existing programs and services delivered by these departments and agencies for the coming fiscal year.

I would add that these Main Estimates reflect the government's base spending plans.

Incremental changes to spending plans, including the government's response to COVID-19, have been and continue to be reported in supplementary estimates throughout the fiscal year.

[Senator Gagné]

Details on how departments and agencies plan to use financial allocations, as well as their targets and expected results, are available in the annual departmental plans which were tabled in Parliament on March 10, 2020.

Overall, the Main Estimates detail total planned budgetary expenditures of \$304.6 billion. This represents a 1.6% increase in total funding requested over the 2019-20 Main Estimates. Of this total, \$125.1 billion relates to budgetary voted expenditures and \$179.5 billion to statutory budgetary spending, which I'll turn to later.

[*Translation*]

With respect to budgetary voted expenditures, I would first like to point out that the amount of budgetary voted expenditures is slightly lower, by nearly half a billion dollars, than what was presented in the 2019-20 Main Estimates last year.

Among the 122 organizations presenting funding requests, 6 are asking for more than \$5 billion in budgetary voted authorities, for a total of \$58.5 billion, or approximately 47% of the total budgetary voted expenditures.

This total includes the following amounts: \$21.8 billion for the Department of National Defence; \$12.7 billion for the Department of Indigenous Services; \$7.1 billion for the Department of Foreign Affairs; \$6 billion for the Treasury Board Secretariat; \$5.7 billion for the Office of Infrastructure of Canada; \$5.2 billion for the Department of Veterans Affairs.

Dear colleagues, as Parliament continues to examine the Main Estimates and related documents, it will become clear that the government's expenditure plan mirrors the priorities expressed by Canadians.

Naturally, this requires that Canada keep moving forward on reconciliation with Indigenous peoples. I am obviously referring to the fundamental importance of guaranteeing the right of Indigenous peoples to have access to the same opportunities and services that non-Indigenous Canadians take for granted.

Closing the unacceptable socio-economic gap separating Indigenous and non-Indigenous peoples in this country is essential to achieving this reconciliation. Our planned spending therefore includes a total of \$5.4 billion for Indigenous health and social services. These expenditures are essential to building stronger, healthier communities, and they are even more essential to ending decades of shameful discrimination in the delivery of these vital services to Indigenous peoples.

An additional \$2.4 billion will support the exercise of Indigenous peoples' inherent right to self-determination in the design and delivery of these and other services.

Each and every child in this country must have access to quality education. The estimates provide for significant funding to support Indigenous students at all levels, increase access to early learning opportunities and continue to advance Indigenous self-determination in education.

• (1930)

[*English*]

Colleagues, the Main Estimates demonstrate the spending required to maintain the programs that are envied by so many around the world. It supports measures to advance human rights, combat climate change and diversify Canada's trade and investment opportunities. This includes \$4.8 billion for international development, peace and security programming and \$1.1 billion to support Canada's presence abroad.

As well, as we have seen during the COVID-19 pandemic, Canada must be prepared to support its citizens at home and abroad. Therefore, the Main Estimates include \$52.5 million to help Canadians when they may be in difficulty in another country. Our planned international spending assistance also targets the empowerment of women and girls around the world.

Colleagues, Canadians also take great pride in our Armed Forces. The Main Estimates, therefore, include plans to invest significant amounts to ensure that these men and women have the equipment and support they need to respond effectively to emergencies at home and to join our allies in protecting global security. These expenditures include investments in major capital projects under the Strong, Secure, Engaged defence policy, such as the Canadian Surface Combatant, fixed-wing search and rescue aircraft replacement and the Armoured Combat Support Vehicle fleet.

For example, the fixed-wing search and rescue aircraft replacement involves the procurement of 16 CC-295 aircraft equipped with advanced technology systems and opening a new training facility in Comox, British Columbia.

The Armoured Combat Support Vehicle project involves the procurement of 360 vehicles, which will be delivered beginning in late 2020. The last vehicles are to be received in 2025. These vehicles will support a range of operations, which include domestic disaster relief and overseas peacekeeping missions.

[*Translation*]

Colleagues, the government also recognizes the sacrifices made by Canadian veterans and their important contributions to Canada and the world.

The funding plans laid out in these Main Estimates include improved online services and support for veterans and their families, including pain and suffering compensation and income replacement benefits.

The government will keep taking steps to improve the health and well-being of Canada's veterans and to provide them with the benefits and services they are entitled to.

The government is also working hard to build a stronger, safer Canada in other ways. The Main Estimates lay out a total of \$7.9 billion in public infrastructure investments through the Canada Infrastructure Bank and Infrastructure Canada.

That amount includes funds to support the economic, environmental and community infrastructure priorities of other levels of government, such as repairing and upgrading basic municipal infrastructure and carrying out major public transit projects.

The government is committed to ongoing collaboration with all other levels of government and other partners to build the Canada of the 21st century.

By supporting these kinds of projects, we are recognizing that the environment and the economy go hand in hand. Public transit, for example, makes our cities more efficient and more livable and helps reduce emissions. That is why these spending plans include \$845.3 million for Environment and Climate Change Canada to take action on clean growth and climate change. An additional \$360.4 million will enable the department to carry out its responsibilities with respect to preventing and managing pollution.

[*English*]

Colleagues, I would also draw your attention to the amount of \$2.2 billion in the Main Estimates to support Treasury Board operations as the employer of Canada's professional public service.

As well, there are central votes essential to helping the government address pressing issues and expedite the implementation of programs and services in a responsible manner. These include \$750 million for the Treasury Board vote 5, related to government contingencies. This provides for miscellaneous, urgent or unforeseen expenditures that are not otherwise provided for in the authorities approved through departmental votes. Planned Treasury Board related expenditures also include a contribution of \$282,000 to the Open Government Partnership.

Canada has been a member of the Open Government Partnership since 2012, and served as its chair in 2018-19. With 78 member countries, this international partnership is the leading global forum for advancing open government: a vibrant network dedicated to making governments more transparent, accountable and participatory.

Honourable senators, we all share a concern over emerging threats to democracy, the spread of disinformation and the need to meet citizens' rising expectations for access to information held by their governments. We're all aware of the negative impacts of the rise in so-called "fake" news, hateful speech and privacy violations. The member countries of the Open Government Partnership work to reduce these negative impacts and increase the ways technology can be used to increase accountability and public participation.

Canada, of course, stands with them in defence of democracy worldwide.

[Translation]

Honourable senators, before I conclude, allow me to briefly mention, simply by way of information, the projected statutory spending, which is also set out in detail in the Main Estimates.

The statutory budgetary spending is \$179.5 billion, an increase of approximately \$5.4 billion compared to the previous Main Estimates.

That amount includes elderly benefits, transfers to the provinces and territories, and public debt charges. It does not include benefits paid out under the Employment Insurance operating account or spending governed by the Income Tax Act, such as the Canada Child Benefit.

Here are a few of the significant changes to the 2019-20 statutory budgetary spending: increased major transfer payments, as outlined in the Economic and Fiscal Update 2019, including elderly benefits, fiscal equalization and the Canada Health Transfer; the implementation of climate action incentive payments; a decrease related to the one-time top-up transfer to the federal Gas Tax Fund in 2019-20; and lastly, a decrease in interest on unmatured debt.

Furthermore, statutory non-budgetary spending of \$3 billion is planned for loans, investments and advances. That is an increase of approximately \$750 million compared to the previous year, and it reflects the increase in incentives for rental housing construction and the First-Time Home Buyer Incentive.

[English]

Colleagues, the investments in these Main Estimates reflect the values of Canadians — humane and progressive values that we all cherish. By debating and adopting these estimates, we continue our contribution to Canada's open and prosperous democracy. Thank you. *Meegwetch.*

• (1940)

Hon. Elizabeth Marshall: Thank you, Senator Gagné, for your comments on Bill C-16.

Honourable senators, Bill C-16 is the final instalment of the Main Estimates funding for government departments and agencies for this fiscal year.

The Main Estimates, which were tabled in March, sets out \$125 billion in voted expenditures.

Departments and agencies have already received about nine twelfths of their Main Estimates funding in two previous supply bills. This is the final instalment of Main Estimates funding in the amount of \$26 billion. The amount provided to each entity varies from \$263,000 for the Northern Pipeline Agency to \$5.4 billion for the Department of National Defence.

[Senator Gagné]

In addition to the remaining Main Estimates funding provided by Bill C-16, additional funding is also provided to some departments and agencies through Supplementary Estimates (B) as authorized by Bill C-17, which we just discussed a few moments ago. Supplementary Estimates (B) is requesting \$21 billion.

Both bills, Bill C-16 and Bill C-17, are now before us this evening in this chamber.

This year, the Senate Finance Committee studied the Main Estimates and Supplementary Estimates (B) together, so the report tabled by Senator Mockler on Tuesday provides information on our study of both the Main Estimates and the Supplementary Estimates (B).

Our Finance Committee report is very detailed, and I thank Senator Mockler, Senator Forest and Senator Pate for their speeches yesterday. I will not repeat what is in the report but will focus on the challenges of reviewing the government's spending plans.

In previous years, I have discussed the challenges and difficulties of linking new spending initiatives, such as budget initiatives, to the Main Estimates and the supplementary estimates documents. To address some of these issues, the government had initiated an estimates reform project in recent years but has now cancelled or discontinued the project. Pilot projects were implemented in two fiscal years, and there were some noticeable improvements for those two years. However, the problem of tracking new spending initiatives, including the COVID-19 initiatives, remains.

In addition, difficulties in obtaining information on individual departmental programs persist. For example, I have often spoken on the capital spending program of the Department of National Defence and how it is impossible to track their capital spending in the estimates and supplementary estimates to their spending plan in their Strong, Secure, Engaged defence policy.

This year, new challenges — or perhaps I should say problems — arose with tracking COVID-19 spending of the government. Honourable colleagues will recall that I previously indicated on numerous occasions that the government has failed to provide parliamentarians with the financial information they need to provide parliamentary oversight. Information that is provided is often dated, disjointed and provided in various locations, and information is often simply not provided. The problem has persisted to a greater degree since the COVID-19 programs have been implemented.

I have made numerous requests for information.

For example, on October 29, in this chamber, I asked Senator Gold why the government was refusing to provide current financial information to parliamentarians and Canadians in general. I specifically referenced the COVID-19 biweekly reports which the government ceased providing in early August.

On November 12, the Minister of Finance appeared before the National Finance Committee to discuss Bill C-9. At that time, I indicated to her that there was no requirement within that bill to publicly provide any financial or program information on the two programs, which were the subject of the bill, specifically, the wage subsidy program and the rent subsidy program.

I also told her that the biweekly COVID reports, which had provided some information on the COVID-19 programs, were discontinued on August 6 and that program and financial information were very much lacking. In fact, I told her that the lack of program and financial information is the biggest issue I have.

The President of the Treasury Board also appeared before the National Finance Committee on December 1 to discuss the Main Estimates and Supplementary Estimates (B). At that time, I asked him why he had not provided us with all the financial information we need as parliamentarians to do our jobs.

The estimates documents, which were the subject of those discussions, do not provide estimates of all government spending, and in order to track expenditures and match them up with the estimates or vice versa, we have to research *The Fiscal Monitor*, ministerial remarks, websites of Crown corporations, proceedings of committees of the House of Commons, reports of the Parliamentary Budget Officer and so on. Neither the Minister of Finance nor the Treasury Board President satisfactorily responded to my questions.

While Supplementary Estimates (B), and Supplementary Estimates (A) before them, include many COVID-19-related expenditures, it is not a complete accounting of these expenditures. I would like to summarize some of the problems encountered.

The Department of Employment and Social Development is requesting \$28 billion for the Canada Emergency Response Benefit, or CERB, as we call it, in Supplementary Estimates (B). This is in addition to the \$60 billion approved in Supplementary Estimates (A), for a total estimated cost of \$88 billion.

However, CERB was transitioned to the EI program in September. The most recent *Fiscal Monitor* provided by the Department of Finance for September has now split the cost of the CERB program so that payments to individuals eligible for EI previously reported as CERB have now been reclassified as Employment Insurance benefits. While Supplementary Estimates (A) and (B) enable us to track the estimated cost of the CERB program, as well as program information such as the number of applicants, et cetera, this information is no longer being disclosed as of September 30.

Another example occurred last month when we passed Bill C-9, which authorized two COVID-19 programs: The Canada Emergency Wage Subsidy, and the Canada Emergency Rent Subsidy. The costs of these programs do not show up in the supplementary estimates because they are considered tax expenditures. High-level information on the wage subsidy program is disclosed in *The Fiscal Monitor* and on the Canada Revenue Agency website, but there is no information on the rent subsidy program in either *The Fiscal Monitor* or on the Canada Revenue Agency website.

A third example is the Canada Emergency Commercial Rent Assistance program, which was administered by the Canada Mortgage and Housing Corporation. It was announced in April and was initially estimated to cost \$3 billion, but as of July, only \$367 million of the \$3 billion had been allocated. The last COVID-19 biweekly report in August indicated \$644 million had been allocated to businesses, and then I saw nothing until I saw a press release on November 2, which stated that \$2 billion had been paid to assist 138,000 businesses. However, there was no program or financial information available on an ongoing basis. This lack of information was raised with CMHC officials when they testified on Bill C-9. They indicated that they had met their reporting obligations by daily reporting to the Department of Finance and the Privy Council Office and weekly reporting to the provinces and territories. There is no consideration for giving information to parliamentarians.

Since the Canada Emergency Rent Subsidy program will now be administered by the Canada Revenue Agency, their officials assured us at committee that they would be providing information similar to the wage subsidy program. However, this information has yet to appear on their website.

Honourable senators, given the lack of information being provided by government, many parliamentarians are turning to the Parliamentary Budget Officer for information. Last month, the Parliamentary Budget Officer released a report on Supplementary Estimates (B). In that report, he concludes that:

. . . the amount of information that is publicly available to track this spending is lacking, thus making it more challenging for parliamentarians to perform their critical role in overseeing Government spending and holding it to account.

He further concludes that:

. . . there is currently no public document published by the Government which provides a complete list of all measures announced to date, or updated cost estimates. There is also no consistency to which organizations publicly report on the implementation of these measures.

In addition, the supplementary estimates that we studied at the Finance Committee do not include all the planned spending, since the document only provides details of organizations which make payments from the Consolidated Revenue Fund.

• (1950)

Some of the measures not included in Supplementary Estimates (B) are the Canada Emergency Wage Subsidy, the Business Credit Availability Program, the Canada Emergency Business Account, the enhanced benefits provided through the Employment Insurance Operating Account and the new benefits enacted in October 2020 through the Canada Recovery Benefits Act.

In his report on Supplementary Estimates (B), the Parliamentary Budget Officer makes an interesting observation. He discloses that:

While not all COVID spending is made public, federal departments and agencies are required to update the Government's Central Financial Management and Reporting System with actual spending data on a monthly basis.

In other words, the information that I'm looking for as a parliamentarian is available. The government just isn't providing it.

In addition to the direct COVID-19 spending reflected in Supplementary Estimates (A) and now Supplementary Estimates (B), the government has also provided liquidity support measures to targeted populations, many of which are delivered through Crown corporations.

These measures would include loans, guarantees and deferred tax payments and are generally repayable. However, they do impact the government's exposure to risk because government is the sole shareholder of each of these corporations. Any gains or losses in these Crown corporation programs could affect the federal government's bottom line. There are currently five Crown corporations providing liquidity support: The Bank of Canada, Farm Credit Canada, Export Development Canada, Business Development Bank of Canada and Canada Mortgage and Housing Corporation.

The Bank of Canada has put in place a number of COVID-19 programs for the federal government, the provinces, financial institutions and corporations, primarily to provide liquidity. However, the Bank of Canada is unique in that it publicly reports on a weekly basis the status of its liquidity supports. So the weekly growth in the Bank of Canada's balance sheet as a result of their COVID-19 programs is easily accessible on their website, and officials are available to answer inquiries.

Information on the COVID-19 programs of the other four Crown corporations had been provided in the biweekly COVID-19 reports. However, as noted previously, the government ceased providing this information as of August 6. As a result, financial and program information on the COVID-19 programs of these Crown corporations is lacking.

In October, the Parliamentary Budget Officer released a report on Crown corporations' COVID-19 liquidity support, indicating that the increases in liquidity supports by those four Crown corporations have provoked questions from several parliamentarians regarding the budgetary risks associated with these financial commitments.

In his report, the Parliamentary Budget Officer indicated that the liquidity supports for the Crown corporations — and I'm not referring to the Bank of Canada here but the other four Crown corporations — represent extraordinarily large expansions of their financial operations in the billions of dollars. He concluded that the public reporting on the probable or potential budgetary costs of these liquidity supports has been lacking.

He also said that the government, within its economic and fiscal snapshot in July — the current fiscal update came after this report — included estimates for the net profits or losses expected on these liquidity measures but they were combined with other activities, so there was only a net amount.

He went on to say that, upon request, Finance Canada provided him with the five-year profile for aggregate gains and losses for enterprise Crown corporations on a confidential basis. In other words, additional information is available but, again, it will not be provided to parliamentarians.

Honourable senators, last weekend, I read an article about a CBC investigation — and I have read several since then — on the billions of dollars that the federal government handed out during the first eight months of the pandemic and the lack of details surrounding the programs. The article indicated that CBC had compiled the figures from federal government websites, corporate financial reports, the Office of the Parliamentary Budget Officer, and through access-to-information requests. Yes, I can confirm that the CBC did not get all their information from the Government of Canada, because the government quite simply has refused to disclose it.

Kevin Page, our former Parliamentary Budget Officer and now head of the University of Ottawa's Institute of Fiscal Studies and Democracy, says that the numbers disclosed in November's fiscal update are estimated numbers and not the actual monies that are going out the door.

Honourable colleagues, I have been requesting program and financial information on the COVID-19 programs for several months. CBC's investigation included a search of corporate reports filed by 2,000 corporations. I have made several conclusions based on those reports.

The CBC article also cited costs associated with PPE-related expenditures and cites costs per type of equipment. It is a sad state of affairs when parliamentarians have to resort to CBC to obtain information on COVID-19 spending.

CBC related an interesting exercise in their article with which I can relate. For example, in seeking information on the "one-time, tax-free payment for seniors," CBC said they had to follow a maze of websites of the Office of the Parliamentary Budget Officer, spreadsheets and legislative costing notices that provided three different totals for the program, ranging from \$2 billion to \$2.5 billion. That is the sort of exercise I do when I'm trying to track expenditures.

That experience is consistent with my experiences when information has to be gleaned from the website of the Office of the Parliamentary Budget Officer, the departmental website, Crown corporation websites, ministerial briefing notes and other sources deemed reliable.

Even former Parliamentary Budget Officer Kevin Page, who worked within government for many years, says he can hardly make sense of the recent 223-page fall economic update. He said, "It's impossible to read. I have done this for years and I can't even follow the money." He wonders if someone in government is actually trying to obscure the data. "I hope it's not deliberate," he said.

In closing, I refer my honourable colleagues to the Finance Committee report on Bill C-9, which was adopted last month, and our report on Main Estimates and Supplementary Estimates (B), adopted by the Senate yesterday.

The Finance Committee, in reporting on Bill C-9, recommended that the government reinstate the publication of the biweekly COVID-19 report and publish timely, monthly updates on all of its COVID-19 programs. The Finance Committee also recommended that the government identify indicators to assess the performance of its financial support programs, providing timely and meaningful data on actual results.

The Finance Committee report on Main Estimates and Supplementary Estimates (B), which was approved yesterday, further recommends that the federal government provide clear and consistent monthly reports on the costs and performance of all its COVID-19 programs.

Honourable senators, it is time for the federal government to implement the recommendations of the Standing Senate Committee on National Finance. Parliamentarians and Canadians should not have to seek this information from sources outside government.

In closing, I refer colleagues to the Finance Committee report on Bill C-9 and our report on Main Estimates, adopted by the Senate yesterday.

Honourable senators, the government should stop talking about transparency of spending and start being transparent about its spending. Thank you very much.

The Hon. the Acting Speaker: Are senators ready for the question?

Hon. Senators: Question.

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 and bill read third time and passed, on division.)

[Translation]

THE SENATE

STATUTES REPEAL ACT—MOTION TO RESOLVE THAT THE ACT
AND THE PROVISIONS OF OTHER ACTS NOT BE
REPEALED ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 8, 2020, moved:

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Parliamentary Employment and Staff Relations Act*, R.S., c. 33(2nd Supp):

-Part II;
2. *Contraventions Act*, S.C. 1992, c. 47:

-paragraph 8(1)(d), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following sections of the schedule: 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16) and 85;
3. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;
4. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

-sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;
5. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

-subsections 107(1) and (3) and section 109;
6. *Yukon Act*, S.C. 2002, c. 7:

-sections 70 to 75 and 77, subsection 117(2) and sections 167, 168, 210, 211, 221, 227, 233 and 283;
7. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:

-sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;

8. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:
-Part 18 other than section 125;
9. *An Act to amend certain Acts in relation to financial institutions*, S.C. 2005, c. 54:
-subsection 27(2), section 102, subsections 239(2), 322(2) and 392(2);
10. *An Act to amend the law governing financial institutions and to provide for related and consequential matters*, S.C. 2007, c. 6:
-section 28, subsections 30(1) and (3), 88(1) and (3) and 164(1) and (3) and section 362;
11. *Budget Implementation Act, 2008*, S.C. 2008, c. 28:
-sections 150 and 162;
12. *Budget Implementation Act, 2009*, S.C. 2009, c. 2:
-sections 394, 399 and 401 to 404;
13. *An Act to amend the Transportation of Dangerous Goods Act, 1992*, S.C. 2009, c. 9:
-section 5;
14. *Payment Card Networks Act*, S.C. 2010, c. 12, s. 1834:
-sections 6 and 7; and
15. *An Act to promote the Efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, 2010, c. 23:
-sections 47 to 51 and 55, 68, subsection 89(2) and section 90.

She said: Honourable senators, I rise today to ask you to support Motion No. 22, that the Senate resolve, before December 31, that an act and the provisions of the 14 other acts listed in the motion not be repealed. I am asking the Senate to ensure that this act and these provisions, which have not come into force since their enactment, are not repealed pursuant to the Statutes Repeal Act.

• (2000)

I would like to share some general information about the Statutes Repeal Act.

Bill S-207, the Statutes Repeal Act, received Royal Assent on June 18, 2008, and came into force two years later. The act is an administrative measure that tidies up federal legislation by regularly pruning provisions that have not been brought into force within 10 years.

[English]

Section 2 of the Statutes Repeal Act requires that the Minister of Justice table an annual report before both Houses of Parliament on any of the first five sitting days in each calendar year. This report lists the acts of Parliament or provisions of acts of Parliament not yet in force that were enacted nine years or more before December 31 of the previous calendar year. However, these acts and provisions can be saved from automatic repeal if they are brought into force before December 31 or if one of the Houses of Parliament adopts a resolution exempting them from repeal.

This is the tenth year of implementation of the Statutes Repeal Act. The tenth annual report was tabled on January 29, 2020, in the other place and on February 4, 2020, in the Senate.

Since the tabling of the report, the Department of Justice Canada has contacted the departments responsible for the act and provisions listed in the report to verify whether they should be saved from repeal. Eleven ministers have recommended the deferral of repeal of provisions for which they are responsible.

I would like to set out the reasons for the recommended deferrals, as has been the custom in this chamber.

[Translation]

The Minister of Finance recommends deferring the repeal of certain provisions of three acts.

The first recommendation has to do with several provisions of An Act to amend certain Acts in relation to financial institutions. These provisions amend the definition of “solicitation” in the Bank Act, the Insurance Companies Act and the Trust and Loan Companies Act. A deferral of repeal of these provisions is recommended so that the government has time to adopt the proposed legislative amendments.

The second recommendation has to do with several provisions of An Act to amend the law governing financial institutions and to provide for related and consequential matters. Section 28 of this act has to do with the special security regime in the Bank Act. A deferral of repeal of these provisions is recommended so that the Department of Finance can consult stakeholders to assess the need to modernize the special security regime and the potential repercussions of the repeal of this section.

The remaining not-in-force provisions amend the corresponding sections of the Bank Act, the Cooperative Credit Associations Act and the Trust and Loan Companies Act in order to require that financial institutions try to contact the holders of unclaimed balances by e-mail, in addition to the existing requirement that they send a notice to the holder’s address on file. A deferral of repeal of these provisions is recommended until the legislative amendments are implemented, as announced in Budget 2019.

The Minister of Finance's third recommendation has to do with certain provisions of the Payment Card Networks Act. Sections 6 and 7 of this act authorize the Governor-in-Council to make regulations respecting the operation of payment card networks and the behaviour of their operators in order to promote fair and transparent business practices. It is recommended that the repeal be deferred because more time is needed to complete the work and the consultations on the approach.

[*English*]

Let's move on to foreign affairs.

The Minister of Foreign Affairs is recommending deferrals of repeal for one act. The deferral recommendation concerns the Comprehensive Nuclear Test-Ban Treaty Implementation Act. This act will be brought into force as soon as the Comprehensive Nuclear Test-Ban Treaty enters into force. However, before the treaty enters into force, it requires ratification by 44 specific states. Currently, 8 out of these 44 states have not yet ratified the treaty. The act will implement the treaty once its entry into force is achieved.

Next, let's discuss innovation, science and industry.

The Minister of Innovation, Science and Industry is recommending deferrals of repeal of certain provisions of one act. The deferral recommendation concerns an act better known as Canada's anti-spam legislation but which is entitled An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act.

This act prohibits, among other things, sending unsolicited commercial electronic messages, altering transmission data and installing computer programs, such as malware, without consent. The provisions for which a deferral of repeal is requested create a private right of action, allowing any person affected by a violation of the act to apply to the courts for compensation for loss or damage suffered or expenses incurred and for statutory damages.

The coming-into-force of these provisions was suspended by order-in-council pending a review of the act to provide greater legal certainty for the numerous stakeholders, given the uncertainty surrounding the interpretation of several of its provisions. A deferral of repeal is therefore recommended until the government has completed its review of the act.

[*Translation*]

The Minister of Justice and Attorney General of Canada recommends the deferral of repeal of certain provisions of three acts.

The first recommendation pertains to the provisions of the Contraventions Act. This act establishes an alternative to summary conviction under the Criminal Code for the prosecution of federal offences that are designated as contraventions. The

Department of Justice entered into agreements with every province, with the exception of Alberta and Saskatchewan, to implement the ticketing regime through provincial regimes already in place for criminal matters. The Department of Justice also intends to initiate negotiations for implementation in the territories once the regime is implemented in the two remaining provinces.

In the event that these negotiations do not succeed, the Department of Justice will reassess the need to implement an independent federal regime in these jurisdictions by applying the provisions of the act not yet in force. The deferral of the repeal is therefore being recommended in the event that an independent federal regime must be put in place.

The second recommendation pertains to three provisions of the Modernization of Benefits and Obligations Act, which are not yet in force. These provisions would allow for regulations to expand the categories of parents to whom EI parental benefits are paid, in situations where legal parentage could be denied under provincial or territorial law. Although the initial intention was to have these provisions go into force and to make regulations to deal with these situations, it was instead decided that the provinces and territories would be allowed to remedy this shortcoming, and to have these federal provisions go into force only if necessary. Over the years, many provinces and territories updated their legislation to bring it in line with the Charter, but some have not yet done so.

• (2010)

A deferral of repeal is recommended to allow the Government of Canada to complete the review of the parental benefit provisions in order to determine whether the provincial and territorial legislation has advanced to the point where deferring repeal of the provisions in question would no longer be necessary.

The third recommendation concerns section 399 of the Budget Implementation Act, 2009, which amends the Canadian Human Rights Act to provide that the Canadian Human Rights Commission does not have jurisdiction to deal with pay equity complaints made against an employer within the meaning of the Public Sector Equitable Compensation Act.

The Public Sector Equitable Compensation Act has never come into force. The Budget Implementation Act, 2018, No. 2, enacts the Pay Equity Act to replace the Public Sector Equitable Compensation Act.

The purpose of section 399 of the Budget Implementation Act, 2009, was to support the implementation of the Public Sector Equitable Compensation Act, and it is null and void if that legislation does not come into force.

A deferral of the repeal of section 399 is recommended so that it can be done at the same time as the repeal of the Public Sector Equitable Compensation Act.

[*English*]

The Minister of National Defence is recommending a deferral of repeal for certain provisions of two acts.

The first recommendation concerns certain provisions of An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts. These provisions amend the Canadian Forces Superannuation Act and relate to supplementary death benefits and elective service rules. They cannot be brought into force before the accompanying regulations are made.

A deferral of repeal is recommended since additional time is required to complete the regulations and obtain the necessary approvals to bring them into force.

The second recommendation concerns section 150 of the Budget Implementation Act, 2008. This provision amends the Canadian Forces Superannuation Act to provide authority for the Governor-in-Council to make regulations for the payment of interest, when refunding amounts paid by a contributor, that are in excess of amounts required under this act. This provision cannot be brought into force before the supporting regulations are made. A deferral of repeal is recommended to allow time to complete the regulatory process.

The Minister of Northern Affairs is recommending deferral of repeal of certain provisions of one act.

The deferral recommendation concerns sections 70 to 75 of the Yukon Act. These provisions allow the Yukon government to appoint its own auditor general and cease to use the services of Canada's Auditor General. The Government of Yukon needs to establish a position of auditor general before these provisions can be brought into force.

The other provisions of the Yukon Act for which a deferral of repeal is recommended are consequential amendments to other acts that should be brought into force when the federal Yukon Surface Rights Board Act is repealed and the Yukon Legislative Assembly enacts legislation in its place.

[Translation]

The Hon. the Acting Speaker: Senator Gagné, your time has expired. Are you asking for five more minutes?

Senator Gagné: Yes, please.

The Hon. the Acting Speaker: Is it agreed to grant five more minutes?

Hon. Senators: Agreed.

Senator Gagné: I will speak quickly.

[English]

A deferral of the repeal of these provisions is recommended to enable the Government of Canada to continue its dialogue with the Government of Yukon and Yukon First Nations to implement the negotiated terms of the devolution agreement.

The Minister of Public Safety and Emergency Preparedness is recommending a deferral of repeal for one provision of one act.

The deferral recommendation concerns section 162 of the Budget Implementation Act, 2008. This provision amends the Royal Canadian Mounted Police Superannuation Act to allow for the payment of interest on the refund of an amount overpaid by a contributor into the RCMP pension plan and to provide authority for the Governor-in-Council to make regulations for the payment of interest. This provision cannot be brought into force before regulations are made.

Deferral of repeal would allow the RCMP and the Department of National Defence to finalize all policy decisions through departmental and stakeholder consultations.

The Minister of Public Services and Procurement is recommending a deferral of repeal for certain provisions of two acts.

The first recommendation concerns Part 18 of the Budget Implementation Act, 2005. This part amends several provisions of the Department of Public Works and Government Services Act and gives the Minister of Public Services and Procurement the exclusive authority for contracting for services, as the minister currently has for goods.

Granting the deferral of repeal for Part 18 of the Budget Implementation Act, 2005 would provide time to fulfill the procurement modernization mandate.

The second recommendation concerns sections 401 to 404 of the Budget Implementation Act, 2009, which amend the Federal Public Sector Labour Relations Act to include references to the Public Sector Equitable Compensation Act.

Sections 401 to 404 of the Budget Implementation Act, 2009, were meant to support the implementation of the Public Sector Equitable Compensation Act, but the Budget Implementation Act, 2018, No. 2, enacted the Pay Equity Act as a replacement to the Public Sector Equitable Compensation Act. Sections 401 to 404 will have no purpose or effect without the coming into force of the Public Sector Equitable Compensation Act.

A deferral of repeal of sections 401 to 404 of the Budget Implementation Act, 2009 is recommended until the Pay Equity Act comes into force and the Public Sector Equitable Compensation Act is repealed.

[Translation]

The President of the Queen's Privy Council for Canada is recommending a deferral of repeal for certain provisions of one act. The requested deferral of repeal pertains to Part II of the Parliamentary Employment and Staff Relations Act. Part II of that act implements the standards of Part III of the Canada Labour Code for parliamentary employers and also refers to the section of the code that deals with wrongful dismissal.

A deferral of the repeal of Part II of the Parliamentary Employment and Staff Relations Act is recommended in order to allow the President of the Queen's Privy Council for Canada, in close partnership with the Minister of Labour, to continue to assess the timelines for implementation.

The Minister of Transport recommends deferring the repeal of a single provision of one act. The requested deferral of repeal pertains to Section 5 of An Act to amend the Transportation of Dangerous Goods Act, 1992.

Treasury Board is recommending a deferral of repeal for provisions in two acts. The first recommendation has to do with certain provisions of the Public Sector Pension Investment Board Act that address supplementary death benefits for the Canadian Armed Forces. These provisions amend the Canadian Forces Superannuation Act to permit regulations to be made prescribing the amount of supplementary death benefits payable and the amount of premiums.

The second recommendation pertains to section 394 of the Budget Implementation Act, 2009, which refers to the Public Sector Equitable Compensation Act. In addition to enacting the Pay Equity Act, the Budget Implementation Act, 2018, No. 2, also includes provisions to repeal the Public Sector Equitable Compensation Act. This act will only be repealed once all pay equity complaints filed under section 11 of the Canadian Human Rights Act have been referred to the Federal—

The Hon. the Acting Speaker: Senator Gagné, would you like a few more minutes?

Senator Gagné: Yes, please.

The Hon. the Acting Speaker: Would senators grant a few more minutes?

Hon. Senators: Agreed.

• (2020)

Senator Gagné: Thank you. In addition to enacting the Pay Equity Act, the Budget Implementation Act, 2018, includes provisions to repeal the Public Sector Equitable Compensation Act. This act will be repealed once all pay equity complaints filed under section 11 of the Canadian Human Rights Act that have been referred to the Federal Public Sector Labour Relations and Employment Board have been fully dealt with.

[English]

The Statutes Repeal Act provides that deferrals of repeal last one year, and any legislation for which a deferral of repeal is obtained this year will appear again in next year's annual report.

It is important that this motion be adopted before December 31, 2020. Otherwise, the act and provisions of other acts listed in the motion will be repealed on December 31, 2020, by operation of the Statutes Repeal Act. If the resolution is not adopted in time, the repeal of the act and the provisions listed in the motion could lead to inconsistencies in federal legislation.

Therefore, colleagues, I urge you to support the motion and vote in favour of a resolution that the act and provisions of other acts listed in the motion not be repealed on December 31 of this year by application of the Statutes Repeal Act.

Some Hon. Senators: Hear, hear.

Hon. Donna Dasko: Will the senator accept a question? I'm sorry I don't have the answer to this. Has this gone through the other place yet?

Senator Gagné: I will make inquiries and get back to you.

Senator Dasko: You don't have much time.

The Hon. the Acting Speaker: I've just been informed that it only needs a resolution in one of the two houses.

Hon. Pat Duncan: Honourable senators, I'm grateful to live and work and to be speaking to you from the traditional territory of the Káwlnin Dün First Nation and the Ta'an Kwäch'an Council. This evening, I rise to speak to government Motion No. 22.

Dear colleagues, throughout the chamber I appreciate that most, if not everyone, considers Motion No. 22 a routine matter and not requiring a great deal of debate or attention. My remarks will be brief.

I thank you for the time to provide an argument as to why we do need to provide careful consideration representing all voices in my region, and why this annual motion requires careful deliberation and review.

Colleagues, you've heard me state before in this chamber that I believe our individual signatures — although we don't sign documents in person as often as we used to and in today's tech-savvy world sometimes it's an electronic signature — that act of signing, even an electronic signature, expresses our commitment or approval. It's among our most valuable possessions and we don't give it lightly.

Voting on matters in this chamber is to my mind akin to signing a document. We do not vote lightly or without considerable second thought.

Careful consideration of this motion will reveal that there are several clauses, as Senator Gagné has stated, with reference to the Yukon Act and the Yukon Surface Rights Board Act.

Honourable senators, it is not my wish to begin a constitutional debate about provincial status in Canada, the provinces, territories and Indigenous governments. All of us, quite frankly, have other matters that warrant our immediate and undivided attention.

Nevertheless, the Yukon Act is my region's "constitution," and while the matters in this motion are routine and similar to other amendments that we see in, for example, the Miscellaneous Statute Law Amendment legislation that we see in other jurisdictions, they do warrant a comment, and if you'll allow me, a little briefing.

Prior to 1985, the Yukon and the Northwest Territories' duly elected representatives would travel each year to Ottawa, reminiscent of Oliver Twist, cap in hand, seeking an annual budget from Ottawa. Thanks to the quiet work of our member of Parliament and deputy prime minister at the time, Erik Nielsen,

in the mid-1980s the territories received a formula finance funding arrangement, similar to provincial equalization formula and payments. It was a major step forward for both territories.

Another major milestone occurred in 2001, with the Devolution Transfer Agreement, the bill referenced in this Motion No. 22. For senators who weren't in the chamber at the time, the devolution agreement between Canada and Yukon was the transfer of care and control over land and resources to the Yukon. I travelled to Ottawa in my capacity as leader of the third party in the Yukon legislature, part of a Yukon all-party effort to persuade members of Parliament to approve the Devolution Transfer Agreement, Bill C-39. I do not recall any one of us seeking an audience with senators. Now I know better.

It was my great honour and privilege, as Yukon's premier, to sign that final Devolution Transfer Agreement. We truly became the masters and mistresses of our own house.

Some of the specific provisions addressed today are to do with the Auditor General of Canada. As Senator Gagné noted, until such time as Yukon appoints an auditor general, the Auditor General of Canada maintains responsibility. Quite frankly, as I mentioned earlier, Yukon, Canada and territorial, provincial and Indigenous governments have other priorities than appointing an auditor general, and we remain truly appreciative of the Auditor General of Canada's work on our behalf. The work, Senator Marshall, is still underway, and close scrutiny is offered to financial expenditures in the territories.

I would like to address the Yukon Surface Rights Board Act provisions, which are also contained in this motion.

Honourable senators, Canada's Prime Minister, Justin Trudeau, Ministers Freeland, Bennett, Vandal, Monsef, Joly, her parliamentary secretary and our Member of Parliament Larry Bagnell, to name a few, Premier Sandy Silver and his cabinet and caucus, Grand Chief Peter Johnston and Yukon First Nations chiefs with self-government agreements and those without, work diligently with one another to ensure the best government for all citizens. The strong government — Canada to Yukon, government to government, Canada to Yukon and to First Nation government relations, that government to government to government relations that exists in the Yukon — sets a gold standard for our fellow Canadians.

For these reasons, and knowing that these provisions on the Yukon Surface Rights Board would not have been brought forward without this strong relationship and the strong consultative process it includes, I'm quite comfortable in commending this motion to the chamber.

Honourable senators, I appreciate that the air time in this chamber is much in demand and I thank you for your time and consideration in allowing me to make these remarks and to express my support for Motion No. 22.

Thank you, *gùnáłchish, mahsi'cho*.

[Senator Duncan]

Some Hon. Senators: Hear, hear.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 14, 2020, at 6 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (2030)

COMMITTEE OF SELECTION

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS AND ADJOURNMENTS OF THE SENATE AND HOLD HYBRID OR ENTIRELY VIRTUAL MEETINGS

Leave having been given to proceed to Motions, Order No. 53:

Hon. Terry M. Mercer, pursuant to notice of December 1, 2020, moved:

That, the Committee of Selection be authorized:

- (a) until the end of December 2020, and notwithstanding rule 12-18(1), to sit even though the Senate may then be sitting;
- (b) until February 1, 2021, and pursuant to rule 12-18(2), to meet during an adjournment of the Senate; and
- (c) to hold hybrid meetings or to hold meetings entirely by videoconference, notwithstanding any provision of the Rules or usual practice and taking into account the exceptional circumstances of the current pandemic of COVID-19; and

That the provisions of subparagraphs 7 to 10 of the order adopted by the Senate on November 17, 2020, concerning hybrid meetings and meetings entirely by videoconference, apply in relation to any hybrid meetings of the committee or any meetings that are entirely by videoconference.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THIRD REPORT OF COMMITTEE ADOPTED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Order No. 7:

The Senate proceeded to consideration of the third report (interim) of the Committee of Selection, entitled *Speaker pro tempore on an interim basis*, presented in the Senate on December 9, 2020.

Hon. Terry M. Mercer moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE HONOURABLE LILLIAN EVA DYCK

INQUIRY—DEBATE

Leave having been given to proceed to Inquiries, Order No. 12:

Hon. Jane Cordy rose pursuant to notice of December 1, 2020:

That she will call the attention of the Senate to the career of former senator the Honourable Lillian Eva Dyck.

She said: Honourable senators, I wish to initiate debate on this inquiry, and this will allow time for those senators who, due to time constraints, were unable to pay tribute to our former colleague the Honourable Senator Lillian Dyck in the time that had been allocated for tributes. Thank you.

Hon. Yvonne Boyer: Honourable senators, I would like to pay tribute to Senator Lillian Dyck, a person who laid the groundwork for a better future for Indigenous women.

When Senator Dyck was called to the Senate, she immediately recognized the need for diversity in the upper chamber and believed it was her duty to accept it. She wasn't afraid to take on this role and become the change that she wanted to see. Senator Dyck was the first woman from a First Nation and the first Canadian-born person of Chinese descent to be appointed to the Senate. Now she's also the first Indigenous woman to retire from the Senate. She has rightfully earned the title of "trailblazer."

For over 15 years, Senator Dyck has represented the province of Saskatchewan — my home province — and has been an outspoken advocate for human rights, particularly the rights of Indigenous women and Chinese Canadians. She pushed against racist laws that discriminated against Chinese people and fought for stiffer penalties in domestic violence cases involving Indigenous women. She was also involved in the passing of Bill S-3, a bill that addressed the sex-based inequalities of the Indian Act and allowed Indigenous women to pass their status on to their children.

She chaired the Senate Committee on Aboriginal Peoples from 2015 to 2019, and has advocated for better education for Indigenous students. For the past 10 years, she has tirelessly fought for justice for missing and murdered Indigenous women and girls and their families. She has accomplished great things, but she also had to overcome many barriers.

As a woman of both Cree and Chinese descent, Lillian Dyck has endured sexism and racism throughout her life. She remembers her mother telling her not to tell anyone that she was Indigenous, not to visit the George Gordon First Nation and to "forget about them." Her life story has inspired many, including Indigenous playwright Kenneth Williams, who wrote the play *Café Daughter* to honour her journey and raise public awareness of the difficult realities faced by Indigenous people and Chinese Canadians.

Senator Dyck's identity as a Cree-Chinese-Canadian woman was once regarded as an obstacle, but now we see it gave her an incredible, unique voice. She reminds us that the Senate should be a place where different perspectives are represented and valued, where sober second thought really means including everyone. Senator Dyck once said, "You don't just live for yourself. You live for those around you."

What an example you have set, my friend, and in doing so, you have led us all towards a brighter future. Thank you for your incredible contributions to the Senate of Canada.

[*Editor's Note: Senator Boyer spoke in Cree.*]

Good health, and travel safely, Senator Dyck. *Meegwetch.* Thank you.

Hon. Marilou McPhedran: Honourable senators, I am moved and honoured to pay tribute on the retirement of Senator Lillian Eva Quan Dyck of the McNabs from the Gordon First Nation, Saskatchewan, and the first-generation Canadian daughter of a father who immigrated to Canada in 1912 from China and had to pay the head tax, equivalent to two years' earnings at the time.

We have heard that Dr. Dyck was a pioneer among Aboriginal women in Canada in many ways celebrated by previous speakers, so I will just note that her impressive list of accomplishments includes attaining her doctorate and building her academic career in the sciences, honing the astute and incisive analytical skills she later brought here to the Senate.

I remember her beauty, dignity and humility when she was presented with a lifetime achievement award by Indspire. Just last year, she received a Women of Distinction Lifetime Achievement award from the YWCA in her home city, beautiful Saskatoon, just one of the many recognitions so rightfully flowing to her that I am sure will continue.

Alongside her research and academic work, the Honourable Dr. Lillian Eva Quan Dyck has remained available and responsive in setting a very high standard of public service. Just this week, I received an email from her with information that I found to be helpful. Senator Plett had us chuckling when he reminisced about Senator Dyck's stern finger wagging, and I too know what it feels like to earn her disapproval. With gratitude and some considerable relief, I can report that so far, Lillian has eventually forgiven me for my infractions over the years. Indeed, the memories of times when Lillian has guided and supported me and so many others far outweigh all other times.

A few days ago, Senator Pate and I were recalling when, soon after we arrived here as newbie senators, we rushed away from a prison visit that had been convened by the Senate Human Rights Committee, chaired then by Senator Munson, and we sped by train back to Ottawa for a meeting of the Aboriginal Peoples Committee, known widely just as APPA, chaired by Senator Dyck. En route, we managed to contact by phone Indigenous women's rights advocates, including lawyer Sharon McIvor, who has been litigating against the Indian Act for decades, to hear their critique of what was then Bill S-3, with a title that promised the "elimination of sex-based inequities in registration" in the Indian Act. That was on the APPA agenda that evening. With some scribbled notes in hand, Kim and I rushed into the APPA committee meeting late; very late. Our colleagues had already begun the process that, frankly, at that time seemed mysterious to me of reviewing Bill S-3 and deciding if any amendments could win majority approval. It seemed like only seconds after sitting down that APPA reached the crucial clause that most concerned the Indigenous women leaders to whom we had been speaking with while we were on the train, and I blurted out an amendment based on those scribbled notes on the train napkin.

• (2040)

If Senator Dyck had not been in the chair that evening, I doubt that what became substantial amendments to Bill S-3, and eventually Canadian law, would exist. That is because Senator Dyck chose to use her authority not to mock or undermine the sincere but inexperienced efforts of two rookie senators bringing to the table an amendment guided by the expertise of advocates for Indigenous women's rights. Instead, she quietly and efficiently employed resources available to her as the committee chair to guide us to the point where the amendments were accepted by a majority of the APPA members, launching the process that would roll out for almost two more years, until August 15, 2019, when the amendments came into force. Dr. Carolyn Bennett, Minister of Crown-Indigenous Relations, said on that day:

I stand in solidarity with the Indigenous women who have been working so hard for decades to end sex-based discrimination in the Indian Act registration and am proud

that today all remaining gender discrimination has been eliminated from Indian Act registration provisions.

Time is limited, but I am honoured to use this opportunity to share with you the voices of some Indigenous leaders who wish to convey their appreciation on the record here in the Senate.

From the Canadian Feminist Alliance for International Action comes these words:

Thank you Senator Dyck for your crucial, steadfast and visionary support for the '6(1)(a) all the way' amendment to the Indian Act, which finally came into force on August 15, 2019. Your leadership helped to bring an end to 150 years of sex discrimination against First Nations women, and to make thousands of First Nations women and their descendants eligible for 'Indian' status for the first time. FAFIA was honoured to name you one of the Famous Six, along with Jeannette Corbiere Lavell, Yvonne Bedard, Sandra Lovelace-Nicholas, Sharon McIvor and Dr. Lynn Gehl — the six who have all been leaders in the long struggle to make First Nations women equal persons under the law. Lillian, we at FAFIA thank you for being a leader, a partner in history-making work, and a friend. We have learned from you and we hope to carry your clarity, your principle and your grit forward. Thank you.

From Dr. Lynn Gehl:

Miigwetch Senator Lillian Dyck for your service. It is an honour for me to call you one of my Indigenous Famous Six sisters.

From the Union of BC Indian Chiefs:

We would like to acknowledge the years of leadership and perseverance of Senator Lillian Dyck as she served on the Senate of Canada. In her role she has worked tirelessly to address the crisis that is Missing and Murdered and Indigenous Women and Girls and to advance equity in the employment and education of women, Chinese Canadians and Indigenous peoples. She firmly established herself as a champion for Indigenous women's rights, standing up to move Bill S-3 and redress discrimination that robbed Indigenous women of their status and identity.

The Union of BC Indian Chiefs would like to recognize Senator Dyck for all of the work she has done on behalf of all Indigenous people in Canada. She is a role model whose strength, compassion and wisdom many will aspire to emulate for years to come.

Honourable senators, when I arrived in Saskatoon over 13 years ago to join the faculty of the University of Saskatchewan College of Law led by then Dean Brent Cotter, Lillian and I had a friend in common, Senator Nancy Ruth. We reconnected quickly and she brought me into a remarkable

Saskatoon group led by Indigenous women that welcomed all women who wanted to take action together, aptly entitled Iskwewuk E-wichiwitochik, or Women Walking Together, a grassroots network of activists established in 2005 to raise awareness about the human rights crisis of missing and murdered Indigenous women, and to provide moral and direct support to their family members. Each year, Iskwewuk organizes a Sisters In Spirit vigil on October 4. As Senator Cordy told us, this was the date when, at Lillian's suggestion, the Senate stood in silent commemoration.

In her tribute, Senator Bovey mentioned the special evening when, with Senator Pate, we attended the premiere at the National Arts Centre of *Café Daughter* by Aboriginal playwright Kenneth Williams. Lillian told us after that brilliant and moving performance that it was true to her early years, and I have left the NAC that evening having new information about Lillian and being even more impressed.

On August 15, when the Bill S-3 amendments were fully activated, I was in Batoche standing on the banks of the South Saskatchewan River taking part in what has become a treasured memory of being with Senator Lillian Dyck and Senator Lovelace Nicholas. We stood on a path over 600 feet long that wound down to the banks of the river where our mutual friend Maria Campbell was leading the final ceremony for Walking With Our Sisters, the art exhibit that grew over the years into an ever-expanding travelling memorial for missing and murdered Indigenous women and girls with over 2,000 handmade "vamps" — or moccasin tops — all unfinished, purposely not sown into moccasins. As the creator and curator of the exhibit Christi Belcourt explained:

The unfinished vamps represent a life cut short, and are as much a testament to those lost as they are to the love of the family members they left behind.

As I conclude, I need to mention another admirable characteristic of Senator Dyck — generosity of spirit. This evening, I'm wearing my favourite carved bone eagle earrings that some may recognize because I wear them often, especially on occasions when I need a little extra inspiration. Years before I arrived in this place, Lillian brought them on one of her trips to Winnipeg, and in gifting them explained that they were the creation of the famous carver Miles Henderson from Gordon First Nation, her home reserve.

Lillian, we've spoken about how strange these last months have been in marking the end of your tenure here in the Senate, and we wish you were sitting here with us as we try to convey how much you mean to us and how much your presence strengthened this place. I miss you. We miss you. I have a feeling that you're watching as we speak about you and to you. Please know your leadership has left a gap here, but we will do our very best to honour your strength, integrity and courage and be better senators for it. Thank you, Lillian. *Chi meegwetch*, dear Lillian.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

December 10, 2020

Mr. Speaker,

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 10th day of December, 2020, at 8:29 p.m.

Yours sincerely,

Assunta Di Lorenzo
Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, December 10, 2020:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021 (*Bill C-17, Chapter 14, 2020*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2021 (*Bill C-16, Chapter 15, 2020*)

• (2050)

[*English*]

THE HONOURABLE LILLIAN EVA DYCK

INQUIRY—DEBATE ADJOURNED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy, calling the attention of the Senate to the career of the former senator the Honourable Lillian Eva Dyck.

Hon. Jim Munson: Honourable senators, when I look around this chamber and see other senators virtually participating in this inquiry about Lillian Dyck, and seeing your accomplishments in what you have done in your professional and personal lives: How many of us have had themselves portrayed in a play? Imagine the story of your life on a stage. This is a story of Lillian Eva Dyck.

It was the summer of 2017 when many of us rushed off to the National Arts Centre to see *Café Daughter*. We were excited because this was the story of our colleague, Senator Dyck, the storyline of a bright student working up in a small Saskatchewan town. It was the 1950s, and the landscape in this prairie environment, like the landscape in all parts of the country, was one of racism and it wasn't hidden. For the daughter of a Chinese father and a Cree mother, barriers were everywhere. Her mother asked her to hide her Cree heritage.

Honourable senators, I was moved by the play, and it reminded me of growing up in Campbellton, New Brunswick in the 1950s. My new friend was Kit Wong; he had just arrived from Hong Kong. His uncle owned the Glory Café. Across the river was the Indian reserve. I have memories as a child of Kit and Indigenous young children facing community bullies.

Lillian's dad owned the Victory Café, like Kit in my hometown. She was very bright and it was her strength of intellect and personality which broke down barrier after barrier.

She became connected to her Cree heritage, and that was transformative. Instead of being shameful to be, as she said, an Indian, she found another level of strength. Here is what she said:

In fact, I have to laugh when I think of what a residential school survivor told me, who was a real character, and said you have to learn to man up. Stand your ground and not let it defeat you.

Well, as history has shown, the neuroscientist Dr. Lillian Dyck has more than manned up. As the song goes, she did it her way. Lillian Dyck has fought the good fight. Her voice at every level has been heard, from the university, to the Senate, to the Highway of Tears which is Highway 16 in British Columbia, where many Indigenous women were murdered.

By the way, the *Highway of Tears*, honourable senators, is a recent book by author Jessica McDiarmid. It's a must read. I recommend it.

Here in the Senate, we have witnessed Lillian's leadership, her passion and compassion. I sit behind her. I always had a box of Kleenex. I knew when she would be overcome by emotion. The issues she dealt with were personal. When someone hurt, she hurt. But she had a lighter side, and I liked to make her laugh. That's the Lillian Dyck I will remember.

Shortly after she retired, we had a telephone chat. For one day she said she missed this place and even watched the proceedings. But the next day she returned to her favourite place. Somewhere out in the prairie she is bird watching, and she is watching whooping cranes. She was excited to tell me about her secret hiding place, a place where you can find peace of mind and a piece of time to reflect on where you have been and where you are.

Senator Lillian Dyck has always lived in the moment. In her words, "You don't just live for yourself. You live for those around you."

Thank you, Lillian, for spending time on your life's journey with us. The Senate is better for it, the country is better for it, your province is better for it. As a Café Daughter, you have served and served well. Thank you.

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I'm honoured to share my voice today. I want to speak today on behalf of all Canadians, particularly women in general, and especially racialized women, to thank the Honourable Lillian Dyck, who retired from the Senate this past summer. I think it's fitting that we are doing this today, International Human Rights Day, and also the last day of the 16 Days of Activism against Gender-Based Violence.

Senator Dyck, on behalf of women in Canada, we thank her for being a trailblazer. We thank her for being a tireless advocate. We thank her for her demonstration of grace and tenacity during the most challenging situations. We thank her for being a strong role model and mentor for young women leaders.

When I reflect on her life's journey and all the contributions that she has made — and many colleagues have spoken about those wonderful contributions — I personally stand in awe, and I am truly grateful for the work she has done to break through so many barriers. She is truly a trailblazer: a woman of distinction in science, a woman of distinction in academia, a woman of distinction in her communities, and a woman of distinction here in the Senate. She has fearlessly advocated for the rights of those who do not have a voice.

My only regret is that I did not get an opportunity to work closely with Senator Dyck prior to her retirement. However, I do hope to create some opportunities to work together in the future.

Honourable senators, I wish our colleague Senator Dr. Dyck the very best in her retirement and truly look forward to seeing what she does in her next chapter. Thank you.

The Hon. the Speaker: Honourable senators, there are five more senators on the list to speak this evening, and I know as well that Senator Dalphond is prepared to move the adjournment. We only have a little over a minute left. I don't think it's fair to call upon another senator and interrupt them less than a minute into their speech.

If the Senate is in agreement, I will call upon Senator Dalphond to adjourn, and when we return, the rest of the people who wish to speak will have their 15 minutes, because this is an inquiry, not Senators' Statements. Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

(On motion of Senator Dalphond, debate adjourned.)

(At 9 p.m., pursuant to the order adopted by the Senate on October 27, 2020, the Senate adjourned until Monday, December 14, 2020, at 6 p.m.)

CONTENTS

Thursday, December 10, 2020

	PAGE		PAGE
SENATORS' STATEMENTS		QUESTION PERIOD	
The Late George Chow		Foreign Affairs	
Hon. Yonah Martin	626	Canada-China Relations	
16 Days of Activism against Gender-Based Violence		Hon. Donald Neil Plett	630
Hon. Nancy J. Hartling	626	Hon. Marc Gold	630
Lorie Kane, O.C.		Public Safety	
Congratulations on Order of Sport Award		Canada-China Relations	
Hon. Diane F. Griffin	627	Hon. Leo Housakos	630
International Human Rights Day		Hon. Marc Gold	630
Hon. Wanda Elaine Thomas Bernard	627	Finance	
Hon. Thanh Hai Ngo	628	NAV CANADA	
International Anti-Corruption Day		Hon. Paula Simons	631
Hon. Rosa Galvez	628	Hon. Marc Gold	631
		Charitable Sector	
		Hon. Ratna Omidvar	631
		Hon. Marc Gold	632
		Agriculture and Agri-Food	
		Dairy Industry	
		Hon. Robert Black	632
		Hon. Marc Gold	632
		Foreign Affairs	
		Canada-China Relations	
		Hon. Jim Munson	632
		Hon. Marc Gold	632
		Canada-Iran Relations	
		Hon. Linda Frum	633
		Hon. Marc Gold	633
		Health	
		COVID-19 Vaccine Rollout	
		Hon. Yonah Martin	633
		Hon. Marc Gold	633
		Finance	
		Fiscal Update	
		Hon. Yonah Martin	634
		Hon. Marc Gold	634
		Monetary Policy Framework Renewal	
		Hon. Diane Bellemare	634
		Hon. Marc Gold	634
ROUTINE PROCEEDINGS		ORDERS OF THE DAY	
Rules, Procedures and the Rights of Parliament		Business of the Senate	
Report Pursuant to Rule 12-26(2) Tabled		Hon. Raymonde Gagné	634
Hon. Leo Housakos	629		
Fisheries and Oceans			
Report Pursuant to Rule 12-26(2) Tabled			
Hon. Fabian Manning	629		
Social Affairs, Science and Technology			
Report Pursuant to Rule 12-26(2) Tabled			
Hon. Chantal Petitclerc	629		
Criminal Code (Bill C-7)			
Bill to Amend—Second Report of Legal and Constitutional			
Affairs Committee on Subject Matter Tabled			
Hon. Mobina S. B. Jaffer	629		
Fisheries and Oceans			
Notice of Motion to Authorize Committee to Study Issues			
Relating to Federal Government's Current and Evolving			
Policy Framework for Managing Fisheries and Oceans and			
Refer Papers and Evidence During the First Session of the			
Forty-second Parliament			
Hon. Fabian Manning	629		
The Senate			
Notice of Motion to Call on the Government to Create			
Pathways to Citizenship or Permanent Residency for			
Essential Temporary Migrant Workers Across All Sectors			
and Table a Status Report on the Issue			
Hon. Ratna Omidvar	629		

CONTENTS

Thursday, December 10, 2020

	PAGE		PAGE
Appropriation Bill No. 5, 2020-21 (Bill C-17)		Hon. Donna Dasko	655
Second Reading—Motion in Amendment Negatived		Hon. Pat Duncan	655
Hon. Donald Neil Plett	635		
Hon. Marilou McPhedran	635	Adjournment	
Hon. Pierre J. Dalphond	636	Motion Adopted	
Hon. Michael Duffy	636	Hon. Raymonde Gagné	656
Hon. Leo Housakos	637		
Hon. Yuen Pau Woo	638		
		Committee of Selection	
Criminal Code (Bill C-7)		Committee Authorized to Meet during Sitings and	
Bill to Amend—First Reading	639	Adjournments of the Senate and Hold Hybrid or Entirely	
		Virtual Meetings	
Appropriation Bill No. 5, 2020-21 (Bill C-17)		Hon. Terry M. Mercer	656
Second Reading	639	Third Report of Committee Adopted	
Third Reading—Debate		Hon. Terry M. Mercer	657
Hon. Raymonde Gagné	640		
Hon. Pierrette Ringuette	642		
		The Honourable Lillian Eva Dyck	
Appropriation Bill No. 5, 2020-21 (Bill C-17)		Inquiry—Debate	
Third Reading		Hon. Jane Cordy	657
Hon. Elizabeth Marshall	642	Hon. Yvonne Boyer	657
Hon. Rosa Galvez	644	Hon. Marilou McPhedran	657
Appropriation Bill No. 4, 2020-21 (Bill C-16)		Royal Assent	659
Third Reading			
Hon. Raymonde Gagné	645		
Hon. Elizabeth Marshall	648		
		The Honourable Lillian Eva Dyck	
The Senate		Inquiry—Debate Adjourned	
Statutes Repeal Act—Motion to Resolve that the Act and the		Hon. Jim Munson	659
Provisions of Other Acts not be Repealed Adopted		Hon. Wanda Elaine Thomas Bernard	660
Hon. Raymonde Gagné	651		