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(HANSARD)

Tuesday, May 4, 2021

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators, Officers of the Senate and the Ministry.

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THE SENATE

Tuesday, May 4, 2021

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

Prayers.

SENATORS' STATEMENTS

AGRICULTURE IN THE CLASSROOM

Hon. Robert Black: Honourable senators, I rise today to highlight the work of Agriculture in the Classroom, or AITC, across Canada and to congratulate AgScape on their thirtieth anniversary.

I spent the first 15 years of my working career with the Ontario Ministry of Agriculture, Food and Rural Affairs, known as OMAFRA, long before I was appointed to the Senate. At that time, OMAFRA had started Agriculture in the Classroom, which I am proud to say, here in Ontario, has grown into AgScape. AITC is a cross-country effort wherein 10 provincial members work to empower students and educators with accurate, balanced and current curriculum-linked programs, resources and initiatives focused on agriculture and the food industry.

It's been a real pleasure to watch the AITC/AgScape programs grow into the organizations they are today. The teams, along with other AITC provincial members, work tirelessly to enhance the visibility of agriculture in the eyes of young Canadians and to prove that it is a viable career path.

It is important for our future generations to understand that our farmers work hard to produce good food. As a parent and a grandparent, I speak from experience. Kids need to see for themselves that our farmers care about the land and the animals they grow, and it's critical that we help them understand that there is so much to learn about agriculture in our community and around the world.

As I mentioned earlier, AgScape will be marking their milestone anniversary at their annual general meeting tomorrow. While we won't be able to gather and celebrate the occasion as we would have liked, I am looking forward to participating in tomorrow's virtual event and reconnecting with many familiar faces.

Honourable colleagues, this pandemic has made many Canadians more interested in learning about where and how their food is grown. I hope that, if given the opportunity, you will take some time to learn more about the Agriculture in the Classroom programs available in your home provinces.

Food connects us all to agriculture. In our complex and changing world, it is more important than ever to inspire the next generation to care about the food they eat, know where it comes from, know the farmers who grow it and how it gets to their plates. Agriculture in itself is a complex and changing industry, and it is in Canada's best interests to continue to enhance, strengthen and grow the sector. We do rely on it three times every day. Thank you. *Meegwetch.*

THE LATE HARRIS ROYSTON (ERIC) AMIT

Hon. Mary Coyle: Honourable senators, I rise today during Asian Heritage Month to speak to you today from Mikmaqi, Nova Scotia, home for a half century to my dear friend, gentle guide and professional mentor, the late Eric Amit.

Eric Amit was my predecessor as director of the Coady International Institute at St. Francis Xavier University. He was an intelligent, well-educated man with credentials from the University of Ceylon, Carleton University, with an Oxford University fellowship and an honorary doctorate from StFX.

In 1971, the year before Ceylon became a republic and changed its name to Sri Lanka, Eric Amit's arrival at the Coady Institute signalled an important shift within the institute as it recognized and embraced experiences from the global south.

Born in 1929 into a highly stratified social order in colonial Colombo, into an interracial, intercultural and inter-religious family, with an English mother and a Malaysian father, who died soon after his birth, Eric understood adversity from a young age. Fortunately, his keen intelligence was recognized. Higher education and his marriage to his university sweetheart Amy became his tickets to a better life and a senior career in the Ceylonese civil service. Eric served as district commissioner, assistant secretary in the ministries of housing, fisheries, trade and commerce, and as land commissioner. Eric Amit directed the World Council of Churches' relief and rehabilitation program in post-war Bangladesh.

This vast work experience, complementing his academic credentials and his core integrity, is what prepared Eric so well for his leadership role at Coady. Working in the area of participatory rural planning and development, Eric inspired and influenced many of the more than 9,000 Coady graduates coming from civil society organizations, cooperatives and all levels of government in 130 countries around the world. He was recognized by the United Nations Association as a Global Citizen in 1995.

Eric was brilliant professional, but he was much more than a capable administrator and teacher. Eric Amit was a man with a mission. The central question driving Eric's work was, "What will it mean for the poor?"

Dr. Amit had great respect for his students and their experiences. Coady graduate Dr. Keerthi Bollineni, of India, said, "He walked with us."

Eric and his late wife Amy created a beautiful family — children Minoli, Hilary, Udeni and the late Iromi; grandchildren Alistair, Claire, David, Julia, Daniel, Rene and Dominique; and great-grandchildren Alec and Eva.

Honourable senators, Eric Amit left an enduring mark on his family, on our community and our world. May he rest in peace.

ASIAN HERITAGE MONTH

Hon. Victor Oh: Honourable senators, I rise today to speak on Asian Heritage Month. Since 2001, the month of May has been an opportunity to celebrate and recognize the contributions and achievements of Canadians of Asian descent. It is also a time to reflect on the struggles faced by Asian Canadians throughout our nation's history.

The head tax and the Chinese Exclusion Act of the 19th and 20th centuries are just a few examples of hardships faced by Asian Canadians. Despite this, Asian Canadians have demonstrated significant resilience, perseverance and strength with their ongoing efforts to build Canada into the prosperous country that it is today. However, since the onset of the pandemic, there has been a dramatic increase in anti-Asian racism around the globe due to misinformation.

Victims of these hate crimes have been targeted solely because they are visibly of Asian descent. Over half of these crimes are targeting some of our most vulnerable citizens, including seniors and women. Many Asian-owned businesses have also been targeted.

These recent acts must be condemned by all Canadians. Diversity is one of our nation's greatest strengths, and I call on all citizens to uphold our values and put an end to this disturbing trend. Let us continue to be recognized for our inclusivity, acceptance and compassion.

• (1410)

During Asian Heritage Month, let us celebrate the contribution of Asian Canadians. Let us acknowledge our voices in the performing arts and literature. Let us thank and remember all Asian Canadians for their service in the Canadian Armed Forces. Let us celebrate Asian-Canadian entrepreneurship and support our local Asian businesses. Finally, let us thank the Asian Canadian front-line workers who have been working tirelessly to keep our communities safe and healthy. Thank you, *xie xie*.

THE LATE JOAN FRASER

Hon. Terry M. Mercer: Honourable senators, it is with great sadness that I learned in March of the passing of my dear friend Joan Fraser of Halifax.

Joan grew up in New Brunswick and later moved to Wolfville, Nova Scotia, to attend Acadia University. Upon graduation, she worked for Imperial Oil and Trans-Canada Airlines in Halifax and was eventually appointed as a judge in the Court of Canadian Citizenship.

Following this, Joan was executive director of the Heart & Stroke Foundation of Nova Scotia until her retirement in 2002.

Joan will be most remembered for her community work. She had a sharp political mind and always showed commitment to the cause — through hard work and perseverance — with a touch of fun and always with a smile that would light up a room.

Joan served on many volunteer boards and advisory committees. From the Canadian Advisory Council on the Status of Women to the board of directors of the QEII Health Sciences Centre in Halifax, Joan loved being an advocate for people.

Honourable senators, Joan was the Liberals' Liberal. For the countless who knew her, many in the Liberal Party went to the "Joan Fraser School of Politics." In fact, I am one of her "graduates" and learned a lot from her. I am very proud to be a feminist and credit Joan for her guidance and being a leader on women's issues.

Making a phone call and/or going door to door to campaign are at the heart of any winning strategy, and Joan made sure you went to see and talk to the people. Joan believed in people — that people can make a difference and that people's opinions need to be respected.

Honourable senators, Joan was never afraid to speak truth to power and she was right to do so. Her tenacious determination and her warm and genuine soul will be missed by so many. My condolences to Susan, Janice and Peter, her family and friends and all who knew her. We will miss you, Joan.

[*Translation*]

WORLD PRESS FREEDOM DAY

Hon. Julie Miville-Dechêne: Yesterday was World Press Freedom Day, and an increasingly disturbing trend is of great concern to me: The growing number of women journalists around the world who are thinking of leaving journalism or giving it up altogether because of the online harassment and violence they are subjected to, which is increasingly spilling over into the real world. Fewer women reporters means less diversity of information, in addition to undermining freedom of the press.

The statistics are terrifying. According to an extensive worldwide UNESCO survey, three quarters of women journalists endured either constant abuse or extreme threats at some point or even large-scale online attacks that often had a sexual connotation. That's four times the rate at which their male colleagues experience such things. Twenty per cent of the female journalists surveyed believe that the violence generated online is linked to the assaults, insults and harassment that spill over into their real lives.

The consequences can be deadly. Consider the 2017 murder of the courageous Maltese journalist Daphne Caruana Galizia, who wrote a blog about the relationship between organized crime and political corruption. At a conference I attended recently, I heard the heartbreaking testimony of her sister. Corinne Vella recounted how, before she was murdered in a bomb attack, her sister Daphne, an investigative journalist, was vilified by the government and faced 47 lawsuits, and how she and her family were constantly intimidated by threats online and offline.

I also heard Zaina Erhaim speak. She is a Syrian journalist, one of the few women journalists working in Syria during the war. She said that journalism is not considered a woman's profession in her conservative province, because it brings her into contact with men. She has chosen to speak out publicly rather than conform to the traditional role expected of women. Her family's reputation was tarnished, and her life was in danger. This social context and the constant online harassment finally forced her to flee to Great Britain. She was not writing about the war, but rather about the reality facing women. Zaina Erhaim was kidnapped by pro-Assad militiamen and was threatened with death. The sisterhood of feminist journalists is what kept her going.

This online violence is not just the work of isolated madmen. It often involves a coordinated and organized network, and state agencies are sometimes even involved. These virtual threats extend to the families and sources of these women journalists. This hate is intimate and often highly sexualized. It's meant to humiliate, discredit, instill fear and provoke silence.

The voices of these women journalists need to be heard, because they are changing the world, in their own way, by sharing different stories and bringing new perspectives. Media owners, police and authorities must protect them rather than telling them to ignore this online hate.

Thank you.

[*English*]

BATTLE OF HILL 187

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, May 2 to 3, 2021, marked the sixty-eighth anniversary of one of the final battles of the Korean War. Today and always, let us honour the selfless sacrifice and service of the members of the Royal Canadian Regiment, RCR, and their fallen comrades who fought in the Battle of Hill 187.

In May of 1953, most of the soldiers of the 3rd Battalion RCR had just arrived in Korea. Soon after their arrival, they were thrust into battle, taking over defences of Hill 187. Never fully prepared for battle, they would never forget the horrific experiences and haunting memories from one of the last engagements of the Korean War.

On the night of May 2, 1953, a Canadian patrol led by Lieutenant Gerry Meynell made contact with the vanguard of a Chinese assault. Suddenly and overwhelmingly, the patrol was overcome in an all-out attack by over 400 Chinese assault troops. The bursts of gunfire, grenades and the unmistakable staccato of the Canadian Sten gun could be heard by the rest of the battalion positioned above on Hill 187.

Having lost contact with Meynell's patrol, the rest of the 3rd Battalion prepared for the attack, which came a short time later in the form of intense shellfire that rocked the Canadian defensive positions. The only respite in the relentless shelling came when waves of Chinese soldiers attacked their positions. The pattern would repeat itself for two days, until the Canadian position was finally overrun.

Suffering the heaviest losses in a single battle during the war, it comes as no surprise that Hill 187 would become known as the "forgotten battle in a forgotten war." Canadian censors did not want the news of the casualty rates getting out, so the engagement was largely unreported and the sacrifices and heroics would be largely forgotten — stories such as the death of Lieutenant Meynell and over half of his patrol in their desperate attempt to stop the enemy reaching their comrades; how the battle degenerated into hand-to-hand combat after the Canadians had exhausted all their ammunition with one platoon lobbing over 350 grenades alone; how Lieutenant Ed Hollyer, in a desperate last-minute attempt to stop an estimated 800 Chinese soldiers, called down artillery on himself.

It was at a terrible cost. Twenty-six Royals paid full measure for their country and for the citizens of South Korea. Another 27 Royals were wounded and 7 were taken prisoner. Hill 187 remains part of the proud and enduring legacy of the Royal Canadian Regiment and is enshrined in their motto of courage, chivalry and dash.

Honourable senators, as Grand Patron of the Korea Veterans Association Heritage Unit, I vow that not one battle of the Korean War will be forgotten; not one precious Canadian soldier's life given in sacrifice will be forgotten, so that I have the privilege and honour to stand in this place to speak to that sacrifice. We will remember them.

[*Editor's Note: Senator Martin spoke in Korean.*]

• (1420)

[*Translation*]

ROUTINE PROCEEDINGS

ECONOMIC STATEMENT IMPLEMENTATION BILL, 2020

FOURTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Éric Forest, for Senator Mockler, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, May 4, 2021

The Standing Senate Committee on National Finance has the honour to present its

FOURTH REPORT

Your committee, to which was referred Bill C-14, An Act to implement certain provisions of the economic statement tabled in Parliament on November 30, 2020 and other

measures, has, in obedience to the order of reference of Tuesday, April 20, 2021, examined the said bill and now reports the same without amendment.

Respectfully submitted,

PERCY MOCKLER
Chair

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

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

[*English*]

BUDGET IMPLEMENTATION BILL, 2021, NO. 1

CERTAIN COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER

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

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of all of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures, introduced in the House of Commons on April 30, 2021, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to meet for the purposes of its study of the subject matter of Bill C-30, even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto;

That, subject to available capacity, the Standing Senate Committee on National Finance be authorized, for the purposes of its study of the subject matter of Bill C-30, to meet outside its assigned time slots during periods that it is authorized to sit; and

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject matter of the following elements contained in Bill C-30 in advance of it coming before the Senate:

   (a) the Standing Senate Committee on Aboriginal Peoples: those elements contained in Divisions 10 and 31 of Part 4;

   (b) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Divisions 1, 2, 3, 4, 5, 7, 8 and 9 of Part 4;

   (c) the Standing Senate Committee on Foreign Affairs and International Trade: those elements contained in Divisions 6 and 20 of Part 4;

   (d) the Standing Senate Committee on Legal and Constitutional Affairs: those elements contained in Divisions 26, 27 and 37 of Part 4; and

   (e) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 21, 22, 23, 24, 28, 29, 32, 33, 34, 35 and 36 of Part 4;

2. That each of the committees listed in point one that are authorized to examine the subject matter of particular elements of Bill C-30 submit its final report to the Senate no later than June 7, 2021;

3. That, subject to point four, as the reports from the various committees authorized to examine the subject matter of particular elements of Bill C-30 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting;

4. That each of the committees authorized to examine the subject matter of particular elements of Bill C-30 be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting, with the reports thus deposited being placed on the Orders of the Day for consideration at the next sitting following the one on which the depositing is recorded in the *Journals of the Senate*; and

5. That the Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under points three or four into consideration during its study of the subject matter of all of Bill C-30.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Pierrette Ringuette introduced Bill S-233, An Act to amend the Criminal Code (criminal interest rate).

(Bill read first time.)

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

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

PARLAMERICAS

GATHERING OF THE GENDER EQUALITY NETWORK, SEPTEMBER 23 AND OCTOBER 2, 2020— REPORT TABLED

Hon. Rosa Galvez: Honourable senators, I have the honour to table, in both official languages, the report of the ParlAmericas concerning the Twelfth Gathering of the Gender Equality Network held as virtual sessions on September 23 and October 2, 2020.

[*English*]

QUESTION PERIOD

HEALTH

COVID-19 VACCINE ROLLOUT

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate.

Leader, during Question Period on Friday, I raised the subject of the Johnson & Johnson COVID-19 vaccines that had just been delivered to Canada. It was our first shipment of this vaccine, although it had been approved for use almost two months earlier. Late that same afternoon, Health Canada revealed it had suspended the distribution of Johnson & Johnson due to quality control concerns.

Leader, it's now Tuesday, and we still don't know when or if these vaccines will be released to the provinces. Over 34,000 doses of Johnson & Johnson were intended to be used in two hotspots in Alberta: Banff and Fort McMurray.

Leader, what is happening with the Johnson & Johnson vaccine? When will Health Canada's review be completed?

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

With regard to Johnson & Johnson, Health Canada has determined that they need to investigate the safety of this particular vaccine, not in terms of its design but in terms of its manufacturing by virtue of the facility from which it originated. This is an example of our system — in this case, Health Canada — doing what it needs to be doing and should be doing to protect the health and safety of Canadians.

Many parts of the country are experiencing terrible situations — notably Alberta — and it's very regrettable that these particular vaccines have been delayed, but it's better to be safe than sorry.

In that regard, the government is pleased that it continues to receive more shipments of other vaccines. Indeed, it has distributed approximately 15 million doses already to the provinces, with many millions more to come.

Senator Plett: I'm not sure whether I missed it in that answer, but I asked when Health Canada's review will be completed. I really didn't get an answer to that.

• (1430)

Leader, in a press release from April 25, Health Canada stated that the Johnson & Johnson vaccines were not coming from the Emergent facility in Baltimore, which ruined 15 million doses of this vaccine back in March through cross-contamination. Five days later, a different press release from Health Canada stated that a drug substance used in the 300,000 doses we received last week was in fact produced in this facility, leader. Johnson & Johnson was then pulled from distribution to the provinces.

Why didn't Health Canada know about this just a few days before Johnson & Johnson arrived in Canada? How do you think this whole situation impacts vaccine hesitancy amongst Canadians?

Senator Gold: Thank you for the question. Vaccine hesitancy is a real problem, and let's acknowledge that it's a problem in parts of Canada amongst segments of the population and elsewhere in the world. No one can deny that the problems experienced, whether it's AstraZeneca or this most recent one, could have an impact on those who are skeptical and worried, as one should be worried about their health and the health of those around them.

That said, this is an example of Health Canada acting responsibly and quickly when it became aware of information to make sure the health of Canadians is protected.

I'm not able to give you a date. You're quite right, you didn't hear an answer to your first question, senator. That's because Health Canada is an independent agency that is doing its due diligence and its work, and when that work is completed and if it is satisfied that the vaccine is safe for administration, it will say so and the vaccine will be released. If not, then Canadians will continue to benefit from the Pfizer and Moderna vaccines that are coming with increasing frequency.

NATIONAL DEFENCE

HARASSMENT ALLEGATIONS

Hon. Denise Batters: Senator Gold, over the last several weeks, the military harassment scandal that has engulfed this government has blown up, once again exposing the Trudeau government's fake feminism. The scandal has left many victims

in its wake, and those victims are women and men who serve Canada in our military. They deserve better and Canadians deserve better.

Senator Gold, given the defence minister's total mismanagement of this file, why hasn't Minister Sajjan lost his job yet?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question. The situation in the Canadian military is a deplorable one, and the women and men who have suffered harassment and other inappropriate behaviour deserve better. This government knows they deserve better.

The fact is that the government has put in place several initiatives since 2015 in direct response to Justice Deschamps' report. Not only is it not enough, but the government recognizes we haven't solved the problem yet and much work needs to be done. That's why, in the appointment of Justice Arbour, the government is determined to take further steps to effect the deep, necessary and admittedly difficult cultural change required so that Canadians who serve our country can do so in a safe and appropriate environment.

Senator Batters: Senator Gold, this is six years after the Deschamps report. It has become painfully obvious over this so-called feminist government's time in office that when men in the Trudeau cabinet flounder, they stay in place or get promoted.

Why is it that only women in the Trudeau cabinet get fired or demoted? Is that because it's 2021?

Senator Gold: Senator, again, I don't accept the premise of your question. The government is working hard to address this issue. It is a deplorable situation. The government is continuing the steps it has taken since 2015 to effect the change, which is not complete. Much more needs to be done, and this government is committed to doing what is necessary.

[*Translation*]

JUSTICE

MANDATORY MINIMUM PENALTIES

Hon. Josée Forest-Niesing: My question is for the Government Representative in the Senate.

Senator Gold, my question is about Bill C-22, which is currently being studied in the other place. In listening to the speeches given by members of the government and other parties, I was surprised to hear the different perspectives on major and minor crimes.

The government mentioned several times that the mandatory minimums that are done away with under Bill C-22 pertained only to minor crimes. Why does the government not allow judges to exercise their judgment or discretion in the case of major crimes? In other words, why does it not allow judges to take into account the circumstances of the crime in those cases? Does the government not recognize that it is our judges, and not parliamentarians, who have the expertise, evidence and discretion required to determine the appropriate sentence for both major and minor crimes?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government has a great deal of respect for members of the judiciary, their expertise and their ability to mete out justice.

The bill that we are awaiting with interest here in the Senate represents a major step in doing away with minimum sentences for many crimes. This is the first time that the government supported that decision. As I've said many times in this chamber, the bill is currently being examined in preparation for the next steps.

For now, we look forward to the bill's arrival here so that we can further discuss it.

Senator Forest-Niesing: I have another question. Obviously we applaud this first step and we're very happy about it.

However, why didn't the government go all the way? Why didn't it at least scrap the mandatory minimum sentences that various provincial courts have deemed unconstitutional?

Senator Gold: Thank you for the question, senator. I can't give you a different answer.

Once we have a chance to study the bill and debate it here in the chamber or in committee, we'll hear more from ministers and senior officials about why they decided to go step by step.

EMPLOYMENT AND SOCIAL DEVELOPMENT

FORCED ADOPTIONS

Hon. Chantal Petitclerc: My question is for the Government Representative in the Senate.

Senator Gold, on May 9, the United Church of Canada will be holding a religious service during which it will recognize the role it played in forced adoptions, which occurred from the end of the Second World War through the early 1980s. This ceremony is further to the church's earlier public apology for separating unmarried mothers from their children in maternity homes.

Acknowledging responsibility, expressing regret and apologizing are all important parts of the healing process. The Government of Canada recognizes that and has apologized a number of times for past wrongs inflicted on Canadians.

Here and elsewhere, thousands of unmarried young women were forced to endure this shameful practice made possible by the combined efforts of churches and governments. Many churches in Canada and the Commonwealth have already acknowledged wrongdoing. Australia and Ireland, for example, have apologized.

• (1440)

Senator Gold, I have a hard time understanding why the Government of Canada has yet to recognize its responsibility in this file. Why is it not acknowledging the request for an official apology from these mothers and their children, who are joined by the Standing Committee on Social Affairs, Science and Technology, which released in 2018 a report entitled *The Shame is Ours* that includes, as its first recommendation, a request for an apology?

Senator Gold, I have already asked you this question, and I fear I'll have to ask it again in the future. Does the government intend to apologize to the victims of this odious practice, and when does it intend to do so?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator, and for highlighting this appalling part of our history. Our government takes its responsibilities very seriously with regard to this situation. I can't give you a specific response today, but I will inquire with the government and report back to the chamber as soon as I have an answer.

[*English*]

CANADIAN HERITAGE

POTENTIAL AMENDMENTS TO THE BROADCASTING ACT

Hon. Pamela Wallin: Honourable senators, my question is for the Government Representative and concerns what many are calling an assault on free speech. Minister of Heritage Steven Guilbeault has warned that the government could impose censorship on the content of personal tweets, YouTube or Facebook posts, TikTok videos, et cetera. If a government-appointed referee can decide the language used or the opinions offered up by ordinary citizens offends what the minister calls "social cohesion" or if the language is considered what the minister calls "political taunts" critical of the government or its policies, if that is possible, then this undermines the very foundation of democracy. It is an infringement on free speech. Do you agree with the intent of these proposed laws?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The issue of if and how one regulates the changing landscape of social media information and its impact on the democratic process is a complicated one. All members of the Senate will acknowledge that, regardless of their point of view on this issue.

The issue is being studied in the other place. In the last few days, there have been amendments and proposals to ensure that the legislation, when it emerges from the committee process, will strike the appropriate balance between the competing interests and will comply with the Charter. To that end, as honourable senators will know, an additional Charter Statement to take into account a clause that was removed is being undertaken, as well as assurances given by this government — which I think are important — to the effect that the private uploading of citizens' content will not be subject to regulatory oversight in the way in which some have feared.

Senator Wallin: Senator Gold, I think the fear is that any of these proposed infringements on free speech, whether it is Bill C-10 or other legislation that the minister muses about, could come to us hidden in an omnibus budget bill or another spending bill where it cannot be directly debated or voted on in our chamber. Your role is a two-way street. You promote the government's agenda here, of course, but you must always take our concerns to the government. Debate has been shut down in the other place, and so it is more important that it carries on here.

Can we please have clarity on the government's intention regarding laws that would profoundly and negatively affect every single Canadian, restricting our ability as citizens to debate or speak freely, including the ability to question or criticize the government?

Senator Gold: Thank you, senator. You have my assurances that I regularly communicate the Senate's preoccupations to the government. I consider that to be a critical part of my role; as critical if not more critical, quite frankly, than other aspects.

I also want to assure this chamber that what is being discussed in the other place, and discussed properly and intelligently by dedicated members of all parties, is simply finding the right balance between the necessary regulation of these new platforms for the dissemination of information and the important Charter values of free speech, debate and critical thought that are the hallmark of our democracy. Nothing that is being discussed in committee and with regard to that bill is being buried in a budget document. We have a responsibility to the Senate to protect Charter values. The motion that we passed today authorizing committees to examine the budget implementation bill included a role for the Legal and Constitutional Affairs Committee. I have every confidence in the members in this place and in the other to keep those Charter values front and centre.

FOREIGN AFFAIRS

COPYRIGHT ACT

Hon. Patricia Bovey: Honourable senators, this question is for the Government Representative in the Senate. Senator Gold, you are well aware of the complexities of Canada's copyright laws and their implementation. Some copyright issues came up during the Foreign Affairs Committee's cultural diplomacy study, which underlined the unlevel playing fields internationally in this area of law for Canadian artists. Others came through other pathways.

However, Canada's artists, particularly Indigenous artists, are dealing with a very serious infringement: Other countries are appropriating their symbolic iconography and family motifs — their cultural property — illegitimately mass-produced, often with the wrong materials, for the international market and to the financial benefit of the infringing country. China has been doing this, as evidenced by the so-called argillite works for sale in airports. So have other nations with dream catchers and mahogany totem poles. This weekend, I was notified that images are being appropriated and reproduced in large scale in Ukraine. Those specific Facebook postings were sent to me by a northwest coast artist whose works are being stolen in that manner.

Can you tell me if international violations of artists' copyrights as articulated in the June 8, 1988, act are being followed, stopped and prosecuted by Canada, and will these infringements on Indigenous cultural properties be specifically noted in the new Copyright Act?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. The government wishes to thank the Senate committee for its ongoing work and the important cultural diplomacy report that it issued in the last Parliament. The government knows how important traditional cultural expressions, such as artwork, handicrafts, fabric and other expressions are, not only to the artist who produced them but to the cultural fabric — if you'll allow that phrase — and identity of this great country. That's why the government has introduced many initiatives, including the Intellectual Property Strategy announced in 2018 and the Indigenous Intellectual Property Program launched in 2019, to support the participation of our Indigenous peoples in domestic and international discussions about the protection of Indigenous knowledge and cultural expressions.

To your question regarding the enforcement of copyright against those who profit from the unauthorized and illegal use of Indigenous art, I have been advised that the government has been engaged and is engaging with our partners, both domestically and internationally, to seek effective solutions for promoting and protecting Indigenous art and cultural expressions.

Senator Bovey: The Order of Canada Kwakwaka'wakw artist who drew the latest situation to my attention has frequently said, properly within the scope of the current act:

> When I make something, I am claiming the rights to it for myself and at the same time for our children and all Kwakwaka'wakw people. They are the ones who really own it.

I very much appreciate your answer, senator, but I would like to know, in keeping with the goals of reconciliation, what reparations for lost income he, and others whose hereditary images are being summarily stolen, can expect?

• (1450)

Senator Gold: Thank you for your question. I will have to make some inquiries and report back to the chamber.

[*Translation*]

NATIONAL DEFENCE

PROTECTION OF VICTIMS OF SEXUAL ASSAULT

Hon. Pierre-Hugues Boisvenu: On Friday I heard the Prime Minister say in an interview that the victims of sexual assault at the Canadian Armed Forces needed an independent structure to confide in.

Senator Gold, please tell Mr. Trudeau that the victims at the Canadian Armed Forces don't need someone to confide in, they need to be able to report incidents safely by exercising their rights, which the Prime Minister doesn't recognize to this day.

Instead of taking responsibility on sexual assault in the Canadian Forces, your government chooses to invite Justice Arbour, who has an impeccable international reputation, to play a cynical role when Justice Deschamps' report has practically been put on ice by your government since 2015.

For months both the Prime Minister and the Minister of Defence and their entourage have been wilfully hiding the truth to protect their image, while the first people who should be protected are the women of the Armed Forces.

Senator Gold, in all honesty, can you tell female soldiers watching us today what Justice Arbour might add to the work that has already been done by another equally competent judge?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and dedication to the important cause of the well-being and safety of women and men in the Canadian Armed Forces. As you rightly mentioned, Justice Louise Arbour is an extraordinary person. I have known her some 40 years as we were colleagues at university and we remained friends. Ms. Arbour accepted this mandate because she sees that there is an opportunity to move forward based on Justice Deschamps' report. We are not talking about redoing the report, but of going further. It is absolutely clear, for those who know Ms. Arbour, that she would never have accepted this mandate if she believed it was just a "cynical" game, to use your own words, or futile. I will quote her in English:

[*English*]

> There's been huge disappointment, and I suspect there's probably a lot of skepticism about whether this exercise is going to make any difference. If I didn't believe that it could and will, I wouldn't be bothered.

[*Translation*]

She then added the following:

[*English*]

> This is an opportunity to go beyond what Marie Deschamps said . . . .

[*Translation*]

In short, the government has full confidence in Justice Arbour, especially for one very important reason: Her appointment represents a major step forward in resolving a problem, which you quite rightly described as being unacceptable, and addressing it.

Senator Boisvenu: Michel Drapeau called it a perplexing decision.

Can you tell the military women listening to us this afternoon what is most important to you? Is it protecting the victims of sexual assault in the Armed Forces or protecting the image of the Prime Minister and his defence minister?

Senator Gold: With all due respect, it's not a choice or a decision. Even if we didn't succeed and are admitting that we must do more, the government's decisions and steps that have been taken since the Deschamps report was tabled seek to create a structure and a culture within the Armed Forces that will protect women and men who are victims of this unacceptable behaviour, and give them the tools and sound and safe structures to move forward and also to ensure that justice is served if complaints are well founded.

[*English*]

HEALTH

COVID-19 VACCINE ROLLOUT

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the Canadian Cardiovascular Society has recently stated its deep concern with the four-month delay in the second dose of the Pfizer or Moderna COVID-19 vaccines. Its president told the health committee of the other place on Monday that health care workers and hospital support staff who provide direct care to patients need full protection from this virus.

Dr. Marc Ruel pointed out that during an outbreak three weeks ago, the Heart Institute here in Ottawa, founded by our late colleague Senator Keon, had more staff at home with COVID than they had patients with COVID at the hospital.

The four-month delay is dictated by our inadequate vaccine supply. As a result, we cannot ensure our front-line health workers are vaccinated as manufacturers recommend, leader. How do you justify telling them the delay is an appropriate decision as you stated last week?

Hon. Marc Gold (Government Representative in the Senate): All Canadians and this government amongst them deplore having those front-line workers expose themselves to risk for the health and safety of Canadians and then falling victim themselves to this insidious disease.

My short answer, senator — and thank you for your question — is that the explanation is that the National Advisory Committee on Immunization recommended the safe delay of the second dose, on balance, to ensure a larger number of Canadians receive the vaccine. That has been the advice that was given and, clearly, advice that the provinces also received and have acted upon in terms of their own jurisdiction to make those decisions.

[*Translation*]

ORDERS OF THE DAY

JUDGES ACT
CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Pierre J. Dalphond moved third reading of Bill C-3, An Act to amend the Judges Act and the Criminal Code.

He said: Honourable senators, I hope that this third reading of Bill C-3, An Act to amend the Judges Act and the Criminal Code, will be the culmination of the tireless efforts of the Honourable Rona Ambrose, the former interim leader of the Conservative Party of Canada, who began work on this issue back in February 2017. I also hope that this will reflect the amendments made by the House of Commons Standing Committee on the Status of Women in May 2017, the amendments made by the Standing Senate Committee on Legal and Constitutional Affairs in June 2019 and, lastly, the most recent amendments by the House of Commons Standing Committee on Justice and Human Rights in October 2020.

I remind senators that there was unanimous support among members of Parliament for the principle of this bill during the last Parliament and again during this session. Although this bill is an important one, it contains just four measures. First, it requires that candidates nominated for a provincial superior court, not a federal one, commit that, if appointed, they will take training on sexual assault and social issues, including systemic racism and discrimination.

Second, it urges the Canadian Judicial Council to provide training on these topics after consulting with survivors of sexual assault and the organizations that support them, including Indigenous leaders and other resources the council considers appropriate. Third, it requires that the council report to Parliament, through the Minister of Justice, on judges' participation in this training.

• (1500)

Finally, it amends the Criminal Code to require that all judges, whether appointed by the provinces or the federal government, explain their decisions in sexual assault proceedings.

[*English*]

Taken together, these measures seek to bolster public confidence, particularly among survivors of sexual assault, in our justice system's ability to treat all individuals fairly and to handle sexual assault matters in a respectful manner, free of myths and bias, should their case be brought before a judge.

Bolstering public confidence, and in particular the confidence of sexual assault survivors, in our criminal system is not a simple task. It requires better education of police officers, Crown attorneys and all other actors involved in the handling of sexual assault allegations and any charges that may follow.

Harmful myths and stereotypes about victims of sexual assault are still very present in our society, including the following: that women who choose to go home with a man are necessarily consenting to sexual activity; that women who dress provocatively are "asking for it;" that women who do not resist are consenting; that women "cry rape" after a consensual sexual encounter that they later regret; and that women who have consented to prior sexual activity also consent to subsequent sexual activity.

There are also myths and stereotypes specific to some groups that add to these stereotypes. Before the committee, Viviane Michel of Quebec Native Women explained:

> Indigenous women are subject to many forms of discrimination, including on the basis of race, sex, sexual orientation and gender. As everyone here knows, the current systemic discrimination is rooted in colonialism, a gendered process that has resulted in many insidious stereotypes for Indigenous women.
>
> These stereotypes stem from the European view of Indigenous women as "savages," shameless, prostitutes, bad mothers, ugly and lacking in feelings or morals. . . .

Not only is the reliance on myths and stereotypes detrimental to the public confidence in the justice system, but when said myths and stereotypes are a part of a judge's mindset, they distort the truth-seeking function of the trial process. As the Supreme Court of Canada noted in 2019 in a case called *R. v. Goldfinch*:

> Our system of justice strives to protect the ability of triers of fact to get at the truth. In cases of sexual assault, evidence of a complainant's prior sexual history — if relied upon to suggest that the complainant was more likely to have consented to the sexual activity in question or is generally less worthy of belief — undermines this truth-seeking function and threatens the equality, privacy and security rights of complainants.

The Supreme Court further noted:

> In 1992, Parliament enacted section 276 of the Criminal Code . . . to protect trials from these harms. Nearly 30 years later, the investigation and prosecution of sexual assault continues to be plagued by myths. . . .

Moreover, the improper application of the complex sexual assault law adds to these factors and deters victims from reporting sexual assault.

Sexual assault continues to be the most under-reported crime in Canada. According to Statistics Canada's latest General Social Survey on victimization, only 5% of sexual assaults were reported to police that year, compared to 37% for physical assault and 46% for robbery. In other words, sexual assault is not only a violent crime, but it is also one that is under-reported.

Statistic Canada's 2018 Survey of Safety in Public and Private Spaces shows that one in five victims of sexual assault experiences victim-blaming. This is one of the key contributors to victims' under-reporting of sexual assault to police. In addition to the internalization of shame, guilt or stigma, the perception that they will be blamed, revictimized, dismissed, not believed or treated disrespectfully is not helping. The broader sense of societal normalization of inappropriate or unwanted sexual behaviour is also very negative.

In a 2017 Statistics Canada report, nearly half of the victims of sexual assault who did not report the crime to the police cited reasons related to the "hassle, burden or belief that they would not see a positive outcome in the justice system."

[*Translation*]

Statistics show that victims who decide to report a sexual assault to the police face a complex process. The accused is identified in just three out of five cases. Less than 43% of sexual assaults reported to the police resulted in charges being laid, compared to 75% of alleged physical assaults. This means that prosecutors were not certain they could get a conviction. Of the cases that led to charges being laid, only half proceeded to court for a judge to decide if the accused was guilty or not. This can happen because the victim drops the charge, because the accused is a friend or family member, or for other reasons, such as the discovery of new facts or the death of the accused. Ultimately, of incidents retained in the justice system, just over half, 55%, led to a conviction, compared to 59% in physical assault cases.

However, it is important to note that, when the accused is found guilty, the justice system is more likely to impose a custody sentence, which happened in 56% of sexual assault cases compared to 36% of physical assault cases. That is probably because only the most serious sexual assault cases proceed to court.

[*English*]

Despite the many barriers to the reporting of sexual assaults, I note that the number of cases reported to the police markedly increased in the midst of the #MeToo movement that went viral on or around October 15, 2017. According to Statistics Canada, there were 23,834 victims of founded sexual assaults in 2017, a 13% increase from 2016. This is a good sign; more people are reporting. While this is certainly a positive side of the #MeToo movement, we must also acknowledge that the movement was born either in part or in whole out of public dissatisfaction, particularly among women, with the perceived ineffectiveness of the judicial system.

[*Translation*]

The Expert Committee on Support for Victims of Sexual Assault and Domestic Violence indicated the following in a report presented to the Quebec National Assembly on December 15, and I quote:

> The #MeToo movement speaks out against a culture of complacency toward sexual violence. It has demonstrated in dramatic fashion just how widespread sexual violence is in every community and social class and that it is too often tolerated or trivialized.
>
> Although the relationship between the #MeToo movement and the traditional justice system has not yet been the subject of an in-depth analysis, the movement is clearly the product of frustration with judicial institutions and their perceived ineffectiveness. . . . That being said, the #MeToo movement can also not be reduced to a criticism of the justice system. Those who choose to speak out via social media rather than in a traditional judicial forum do not do so only because they lack confidence in traditional institutions. Often, they are looking for something else, such as a community, an empathetic ear or social change.

• (1510)

Although the #MeToo movement cannot be reduced to a simple criticism of the justice system, the fact remains that the movement did shed some light on many of the system's shortcomings.

Although judicial training is important, it is not a cure-all that will correct all of those shortcomings and address all of the complaints of sexual assault victims. In its 190 recommendations, the Quebec expert committee indicated that there is a need for the following: additional resources to provide better psychosocial and judicial support for victims; funding for victims assistance organizations; the harmonization of police practices; the development of culturally relevant services; the offer of a restorative justice process for adult Indigenous victims; and the offer of free legal advice, regardless of the victim's income.

[*English*]

That said, judicial training is part of the solution to bolster public confidence in the justice system. As the Canadian Judicial Council noted in a press release distributed at the conclusion of its annual spring meeting, very recently, on April 9, 2021:

> Judicial education is critical to public confidence in the administration of justice. The council works diligently to ensure that federally appointed judges have access to, and participate in relevant and high quality judicial education programs. The council recognizes the public's expectations surrounding judicial education, and in particular, the evolving realities with regard to sexual assault law, unconscious bias and systemic discrimination.

Given the council's strong commitment to judicial training, it may be tempting to conclude that legislative interventions on the matter are superfluous. To that I say: Is it so wrong for Parliament to stress the importance of judicial education to all Canadians when Parliament ultimately funds that education? Maintaining public trust in the justice system, a cornerstone in any democracy, matters to Parliament as much as it does to the judiciary.

Moreover, as the Honourable Adèle Kent of the National Judicial Institute explained before the senatorial committee:

> . . . since 2017, when Ms. Ambrose introduced Bill C-337, the dialogue between the judiciary, the legislature and the dialogue that we have had with representatives of victims' groups and so on has been valuable.
>
> Although I appreciate Mr. Calarco's —
>
> — from the Canadian Bar Association —
>
> — comments with respect to the need for the judiciary to remain independent, I also value the kind of dialogue that we have had in the last four years.

Bill C-3, in its preamble, affirms the need for survivors of sexual violence to have faith in the criminal justice system, and Parliament's responsibility to ensure that Canada's democratic institutions reflect the values and principles of Canadians and respond to their needs and concerns. The preamble also acknowledges the importance of an independent judiciary.

We are extremely lucky as Canadians to have a robust and independent judiciary. A core constitutional principle underlying all modern democracies, judicial independence means that our judges need to be free to decide each matter on its own merits and that courts should manage their affairs without any external influence. Judges must not be subject to interference or influence of any kind. Particularly relevant to our discussions today, judicial independence requires that the judiciary retains control over the management of its affairs, including the discipline and training of judges. This ensures that judges are neither, nor perceived to be, subject to undue influence in their decision-making process.

These considerations guided the analysis and redrafting of the bill by the Senate, the House of Commons and the government.

The first version of the JUST Act provided that any prospective appointee to a federally appointed provincial Superior Court was required to have completed an up-to-date and comprehensive course on sexual assault law and social context prior to their appointment.

It also set out a number of new obligations for the Canadian Judicial Council, an entity created by the Judges Act and composed of the Chief Justices and associate Chief Justices of each of Canada's Superior Courts.

Among these obligations was the annual reporting on the number of sexual assault cases brought before judges who had never participated in sexual assault training. This was a clear form of interference with court management.

Finally, the JUST Act dictated to the council the content of the judicial education, including who was to be involved in the design of seminars and conferences.

Each of these elements was compromising judicial independence and they were addressed by amendments made by the Senate Committee on Legal and Constitutional Affairs in June 2019, and incorporated in the subsequent government bill before us now. As Mr. Niemi put it before the senatorial committee, the bill, as is, does not raise

> . . . an issue of overlap or threat to judicial independence; we see the training of judges on issues of sexual violence, systemic discrimination and racism as a way to elevate the knowledge of judges and make the judiciary more relevant to society and especially to those most in need of justice.

[*Translation*]

In the fall of 2020, at the Standing Committee on Justice and Human Rights, thanks to the efforts of the Bloc Québécois, the bill was further amended to avoid any interpretation that it might constitute interference in judicial matters. Thus, we replaced the term "shall" by "should" with regard to the reports to submit to Parliament and to the consultants who design the training courses. Thus, the obligation became an invitation, with respect, I remind the chamber, to activities financed by Parliament, which has the right to make suggestions and to see some form of accountability for the use of public funds.

That said, as with the Ambrose bill, Bill C-3 is fundamentally about making sure that the victims of sexual assault have confidence in the criminal justice system and that rulings on sexual assault are made under the law and based on facts, without the influence of stereotypes, myths or prejudices, for every judge, not only the ones appointed by the federal government.

To that end, the bill amends the Criminal Code to require that judges provide reasons for decisions in sexual assault proceedings. These reasons must be entered into the record of the proceedings or included in the ruling. This ensures greater transparency in the judicial process, while allowing the complainant, the accused, litigants, the media and appeal courts to fully understand the trial judge's reasoning. It also ensures that the reasons are not only sound in law, but also free of bias, stereotypes and myths.

The duty of transparency is crucial to maintaining public confidence. I would add that the duty to provide reasons reduces the risk of error and can sometimes bring out, for the individuals writing, any prejudices that may have unconsciously guided them. This can all help reduce the likelihood of an appeal and retrial, which would require the complainant to testify again, often publicly, and relive traumatic events.

I would also like to clarify that the requirement to provide reasons, as envisioned in Bill C-3, is a form of codification of the Supreme Court's 2002 decision in *R v. Sheppard* in which the court emphasized the importance of providing reasons, in particular to facilitate the appellate review of convictions and acquittals.

• (1520)

The appeal process allows unfortunate mistakes to be corrected, like the ones often reported in the media. We saw that with the Supreme Court, which has intervened a number of times over the past few years to reiterate the potential adverse effects of using myths, prejudice and stereotypes when it comes to sexual assault. There is still a lot of work to do.

The Supreme Court in *R v. Slatter*, which involved a young woman with a developmental disability who was assaulted by her neighbour for several years, noted once again in these terms the importance of questioning myths:

> We would simply underline that when assessing the credibility and reliability of testimony given by an individual who has an intellectual or developmental disability, courts should be wary of preferring expert evidence that attributes general characteristics to that individual, rather than focusing on the individual's veracity and their actual capacities as demonstrated by their ability to perceive, recall and recount the events in issue, in light of the totality of the evidence. Over-reliance on generalities can perpetuate harmful myths and stereotypes about individuals with disabilities, which is inimical to the truth-seeking process, and creates additional barriers for those seeking access to justice.

Although such situations may be identified and addressed through the appeals process, that is not the best response. The best response is a ruling that is not influenced by prejudices and myths. We must therefore ensure that all judges understand the law as it relates to sexual assault, the impact of sexual offences on victims and the social context surrounding the parties in a case. The judges must be cautioned about the prejudices and myths that they, as members of society, may be aware of, and even share, without realizing it.

[*English*]

This is why Bill C-3 proposes to amend the Judges Act to limit eligibility for appointment to provincial superior courts to individuals who agree to participate, if appointed, in training on sexual assault law and social context. This measure will ensure that each newly appointed judge to a provincial superior court starts their judicial career with this critical training and, hopefully, way of thinking.

The bill calls on the Canadian Judicial Council to design the seminars on sexual assault law in consultation with persons, groups or organizations the council considers appropriate, such as sexual assault survivors and persons, groups and organizations that support them. This is important.

Bill C-3 focuses on two particular areas of judicial education: matters related to sexual assault law and the social context, including systemic racism and systemic discrimination.

Since 1983, the Criminal Code has been amended multiple times with a view to providing better safeguards for complainants' rights and dignity, which has had the effect of making some provisions longer and more complex. This increases the risk of mistakes by counsel and judges. To reduce the risk of error in law, the bill invites the Canadian Judicial Council to provide more training about sexual offences law and for new and sitting judges to take advantage of these courses.

As for training in social context, the requirement was first added to the bill in May 2017 by the House of Commons Standing Committee on the Status of Women to ensure judges receive training on the intersectional factors that may contribute to the victimization or criminalization of individuals. These include factors such as gender, race, indigeneity, ethnicity, religion, culture, sexual orientation, differing mental or physical abilities, age and socio-economic background.

Social context education is meant to provide awareness of the realities of individuals who appear in court and how these realities may shape personal or societal biases, myths and stereotypes. Full consideration of the social context is needed to understand that crimes, particularly sexual assaults, impact individuals differently, depending on their social context. It is also important to better understand the realities of all persons who appear before a court, whether it is in a matter of domestic violence, a divorce case or a claim for unjust dismissal.

In the fall of 2020, Bill C-3 was further amended by the House of Commons Standing Committee on Justice and Human Rights to specify that social context includes systemic racism and systemic discrimination.

[*Translation*]

I would like to briefly talk about the difference between "systemic racism" and "systemic discrimination." If the amendment presented in the House of Commons was meant to emphasize the issue of racism, the terms "systemic racism" and "systemic discrimination" are two completely different, yet closely connected, concepts. As Fo Niemi, from the Centre for Research-Action on Race Relations, said in his testimony before a Senate committee:

> Systemic discrimination is of course a form of discrimination that applies to all grounds. . . .
>
> Systemic discrimination is at its root a subtle form of institutionalized discrimination. When we talk about systemic racism, we add the dimension of race to the concept of discrimination; it is systemic racial discrimination or systemic racism. . . .
>
> The notion of systemic discrimination is very well recognized; the Quebec Pay Equity Act, in its first section, talks about systemic pay discrimination against women, and explicitly refers to "systemic discrimination."

[*English*]

Focusing on discrimination based on race, I noted that the Supreme Court has repeatedly recognized its relevance in deciding cases. Most recently in the 2019 case of *R. v. Le*, the Supreme Court stated:

> At the detention stage of the analysis, the question is how a reasonable person of a similar racial background would perceive the interaction with the police.

The Supreme Court added:

> We do not hesitate to find that, even without these most recent reports, we have arrived at a place where the research now shows disproportionate policing of racialized and low-income communities. . . . Indeed, it is in this larger social context that the police entry into the backyard and questioning of Mr. Le and his friends must be approached. It was another example of a common and shared experience of racialized young men: being frequently targeted, stopped, and subjected to pointed and familiar questions. The documented history of the relations between police and racialized communities would have had an impact on the perceptions of a reasonable person in the shoes of the accused. When three officers entered a small, private backyard, without warrant, consent, or warning, late at night, to ask questions of five racialized young men in a Toronto housing co-operative, these young men would have felt compelled to remain, answer and comply.

Despite the Supreme Court's teaching on the relevance of the racialized context in some cases, we heard at committee that lawyers and parties sometimes hesitate to raise the issue in court because of the perceived or very real judicial discomfort around the issue. Indeed, before the committee, Mr. Fo Niemi added:

> I think the issue of sensitivity also raises what is called judicial discomfort with issues of racism from time to time. When we talk about systemic racism and racial profiling, sometimes we notice a certain rather uncomfortable and sometimes hostile reaction from some members of the judiciary, to the point where we sometimes say to each other among lawyers that it would be better not to raise these racial dimensions, for example, in criminal proceedings with respect to the defence.

• (1530)

Bill C-3's clarification that "social context" includes systemic racism and systemic discrimination will contribute to enhancing public confidence, particularly among Indigenous peoples and members of racialized communities, in the justice system's ability to deal with these sensitive topics in a respectful and open-minded manner when they submit to justice.

As to the concept of social context more broadly taken, it is not foreign to the Canadian Judicial Council or the courts. In 1994, the council passed a unanimous resolution approving the concept of "comprehensive, in-depth, credible" programs on social context issues, which incudes race and gender. Social context training has been available to judges since then. This bill encourages that training to continue and even provides for more.

In their *Professional Development Policies and Guidelines*, updated in September 2018, the CJC notes:

> Professional development also includes awareness of the social context within which judges perform their role. Judges must ensure that personal or societal biases, myths and stereotypes do not influence judicial decision-making. This requires awareness and knowledge of the realities of individuals who appear in court, including an understanding of circumstances related to gender, race, ethnicity, religion, culture, sexual orientation, differing mental or physical abilities, age, socio-economic background, children and family violence. . . .
>
> Each judge's professional development should incorporate the three-dimensional approach recognized by Council and referenced above, which encompasses substantive content, skills development and social context awareness.

In short, the social context education referred to in this bill is already something that judges are invited to do, and we're not imposing different thinking on the courts or adapting or changing the way they teach judges. We are supporting and encouraging them to continue and go further.

This is particularly relevant in the context of cases that raise Charter issues. As the Supreme Court explained in 2019, still in the case of *Le* to which I referred before:

> The realities of *Charter* litigation are that social context evidence is often of fundamental importance, but may be difficult to prove through testimony or exhibits. To be sure, social context evidence is a type of "social fact" evidence, which has been defined as "social science research that is used to construct a frame of reference or background context for deciding factual issues crucial to the resolution of a particular case".

For those who wonder what "social context" means, the Supreme Court provides the answer.

Social context education can also help ensure that all litigants, whether they are successful or not, leave the courtroom with the feeling that they have received the respect and fair treatment they deserve. When it comes to witness credibility assessment, it can raise awareness about possible mistaken assumptions about human behaviour.

For example, many years ago, as a young judge, I participated in social context training where we learned how Canadians of different heritage show respect toward authority figures, including judges, in a way that may easily be confused with dishonesty. Canadians of Asian heritage, for example, often look down or away when speaking to judges. This seems quite simple and obvious now but, based on my upbringing and my experience to that point, I very well could have mistaken that cultural sign of respect as evasiveness and dishonesty. By simply learning more about the perspectives, beliefs and experiences of others in Canadian society, I, like other judges, am able to avoid that misconception.

It would be a mistake to assume that judges are fully aware of others' beliefs and experiences simply by virtue of their previous legal training or that the mere fact of their appointment to the bench transformed them. This is not what's happening. You remain the individual you were, and judges often come from the same group and the same background with the same stereotypes and mindsets that may be characteristics of that background. That's why training is important.

Social context education aims to ensure judges are and remain aware of the ordinary experiences of their fellow citizens. In doing so, it ensures that every person who walks into the courtroom is treated respectfully, fairly and equally.

[*Translation*]

Parliament, like the Canadian Judicial Council, has an interest in encouraging the ongoing training of judges to maintain and even increase the confidence of litigants in the courts, without which true democracy cannot exist. Thus, year after year, the government allocates significant resources to support the professional development of judges. In budget 2019, Parliament added $2.7 million over five years to the $6 million provided every year to the Canadian Judicial Council for the training of judges.

Let us hope that the provinces, which are responsible for appointing judges to provincial courts, where the majority of sexual assault cases and many other civil and criminal cases are heard, will follow suit and adopt legislative measures similar to those found in Bill C-3. To encourage them to do so, the Standing Senate Committee on Legal and Constitutional Affairs, in its comments, strongly urged the federal government to provide the appropriate funding to the provinces.

In conclusion, honourable senators, the time has come to adopt this important bill, which seeks to increase public confidence, especially that of survivors of sexual assault, in the administration of justice. Bill C-3 would ensure that everyone who interacts with the judicial system is treated with the dignity, respect and compassion they deserve and that the decision-making process in civil, criminal or other matters is free of myths, stereotypes and prejudice. Thank you, *meegwetch*.

[*English*]

Hon. Bev Busson: Honourable senators, I rise today in support of Bill C-3, An Act to amend the Judges Act and the Criminal Code. This proposed law is short — barely four pages long — but that should not lead anyone to underestimate its importance and significance. I don't have to remind you, colleagues, that this bill is the result of a very stubborn parliamentary process. Bill C-3 is currently before this chamber, and has been named and renamed several times — at least three.

It has also shown its importance in other ways. It originated as a private member's bill in the other place but was then adopted by another political party as a government bill to keep it alive. It has survived both dissolution and prorogation.

When the former Conservative member of Parliament the Honourable Rona Ambrose first introduced her private member's bill in February 2017, she was reacting to a series of controversial statements about sexual assault made by sitting judges in their courtrooms. I believe an overwhelming majority of judges would not have made such statements, but the situation questions how any judge could behave in such a way, exhibiting such an utter lack of understanding of the complex social and legal context of sexual assault.

This was and remains a disturbing issue today. Rona Ambrose not only identified this problem, but acted. She did not just talk; she walked the proverbial walk. She deserves our collective recognition for doing so.

We should also recognize the Honourable David Lametti, Minister of Justice and Attorney General of Canada, who took the orphaned private member's bill under his charge and has doggedly pursued it as Government Business through two successive parliamentary sessions.

• (1540)

The philosopher Elbert Hubbard once said, "There is no failure except in no longer trying . . ." In this sense, the journey of Bill C-3 has already been a legislative success. My honourable colleagues, we now need to continue trying and therefore not fail to pass this important legislative contribution to ensuring that victims of sexual assault can have better confidence in the system.

Our justice system is complex, with different actors each responsible for distinct functions and activities. All contribute to the outcome in their own way. The police investigate and gather evidence and offer support to victims and witnesses. The lawyers for the Crown and the defence carry the process forward, along with the judges themselves, who weigh the evidence and decide the truth. We cannot ignore the work done by the various external counsellors, advocates and other experts, who, in most instances, have taken the responsibility to train and educate themselves about sexual assault for some time now.

In the police force that I know best, the RCMP, training has been ongoing for decades to ensure that sexual assault cases are investigated with the sensitivity and focus they require to complete a successful investigation, by bringing the perpetrator to justice and, at the same time, to better support the victims of such heinous crimes.

I know that other police forces do the same thing. In 2014, it is believed that approximately 635,000 incidents of sexual assault took place in Canada, of which an estimated 90% were not reported to the police. Of the reported cases, about 87% of the victims were women. Police recognize that these statistics have remained virtually unchanged during the previous decade, while the rates of other types of crime have been decreasing.

More importantly, there was a recognition that victims, for a variety of reasons, did not feel confident in reporting such crimes to the police. In reaction to this and other data, police training for the interviewing of victims, both adults and children, and the requisite investigational techniques have quickly evolved into a field of expertise with specialized training required.

In the case of lawyers, most Canadian law schools have been integrating course work and training related to sexual assault law into their curriculum for years. For example, the Allard School of Law at the University of British Columbia, my alma mater, offers a second-year law course called "Women, Law and Social Change." Osgoode Hall Law School has, for a number of years, offered the specialized "Feminist Advocacy: Ending Violence Against Women Clinical Program."

Other law schools across the country have aligned their curricula to this difficult topic, bringing a focused and critical lens to the abhorrent practice of treating victims of this horrible crime like they are responsible for their own sexual violation. Unfortunately, we still see the evidence of ignorance at best and misogyny at worst within the judicial system as it deals with sexual assault and intimate partner violence.

As a result, and given the requirement in section 3 of the Judges Act for a minimum of 10 years at the bar, we may be approaching a point where the cohort of new judges under consideration for federal appointment will include increasing numbers of those who have already been exposed to modern and current sexual assault law and precedent and its ethical and social implications. One hopes that they will be properly sensitized to the issues and presumably be open to ongoing training.

The training envisaged in Bill C-3 is another step towards the ultimate goal that all judges currently serving are educated and are aware of the biases that unfortunately still exist in our society.

The investigators and the law schools forming the next generation of lawyers are paying ever-greater attention to understanding sexual assault and violence as an important factor in carrying out their respective responsibilities. This begs the question: If these integral parts of the justice system are receiving training and are being better educated, why, then, should not the other principal actor — the judiciary — do the same?

One of the effects of Bill C-3 will be to ensure that all parts of our legal system are working from a basis of shared knowledge and understanding. The victims of sexual assault deserve nothing less.

There are few crimes where the victim is actually put in the position of being judged. For example, it is unheard of for someone who is robbed in a dark alley to be subjected to criticism or be personally admonished for being out after dark or having their wallet or purse with them. Indeed, victims of sexual assault are often treated much worse during court proceedings than the perpetrators themselves, who often don't even have to take the stand.

To put a personal spin on this, as a young female member of the RCMP working major crimes, I was assigned more than my fair share of investigations relating to sexual assaults of both adults and children. I have held the hands of numerous women in hospital while they were subjected to the added intrusion of a "rape kit" while at the same time trying to recover from the initial violation of a sexual assault. I would encourage them to continue, all the time knowing that it was going to get even tougher.

I have urged and supported women and children, through their parents, to agree to carry on with a charge, only to watch them be taken apart by defence counsel or a judge, causing more harm to the individual than they had already been subjected to, making them even more frail.

I can assure you, honourable senators, that the police officers who work on these difficult cases and support the victims, sometimes through months and years of delays, are personally as devastated and frustrated as other victim advocates by the kind of abusive remarks and even adverse judgment of an ill-informed judge — the kind that spurred Rona Ambrose to action.

It is undeniable that judicial independence is one of the core foundational principles of our constitutional democracy. The rights of victims — or, for that matter, the accused — are not protected without it. In considering Bill C-3, this truth has been the most important consideration. I am satisfied that the government, in proposing this bill, has shown itself appropriately attuned to the importance of judicial independence.

As the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Arif Virani, succinctly summarized while speaking on behalf of the government in the other place, "Judicial independence is sacrosanct in any westernized democracy."

The amended final version of the proposed bill before us asks in the conditional tense that the Canadian Judicial Council should consult with outside expert groups whom the council considers appropriate in developing the content of continuing education seminars on sexual assault. It should include the content described in the new section 60(3)(b) of the Judges Act: ". . . where the Council finds appropriate . . . ."

In other words, the Canadian Judicial Council is in the driver's seat and actually holds the steering wheel on this matter. This fully respects the concept of judicial independence. As Mr. Virani again confirmed:

> Bill C-3 and its predecessor, Bill C-5, were carefully drafted to ensure ultimate judicial control over judicial education.

Bill C-3 is, of course, not perfect. It does not apply to judges appointed by the provinces, for example, but it is a significant step to real justice. It is intended to fix a problem in a practical way while being respectful of the Charter of Rights and Freedoms, the role of independent judges, and ultimately, the rights of victims to be spared these archaic beliefs, biases, concepts and moral judgments.

The time for this solution and for Bill C-3 has come. It is my hope that its successful adoption will encourage more of the provinces to enact their own legislation regarding the appointment of judges by requiring corresponding training that mirrors the intent we are debating today. Even more importantly, honourable senators, this legislation will encourage more victims of sexual assault to come forward without fear and claim their right to justice.

Please, let's not hesitate, when we have come so far, to make this long-awaited bill a reality. I echo the plea of the former interim Leader of the Conservative Party of Canada and long-serving cabinet minister in the government of Prime Minister Stephen Harper, the Honourable Rona Ambrose, when she appeared in committee on March 31, please do not amend, but pass this important legislation.

Thank you. *Meegwetch*.

The Hon. the Speaker pro tempore: Senator Batters, do you have a question for Senator Busson?

• (1550)

Hon. Denise Batters: I do, if Senator Busson would take a question?

Senator Busson: Yes. Thank you.

Senator Batters: Senator Busson, you spoke briefly about your experience in courts and how many times you've witnessed sexual assault cases where judges displayed woefully inadequate training in dealing with sexual assault victims. I imagine that you probably saw similar things to what I did when I was practising law, also dealing with domestic assault victims. Could you expand on that? You just indicated that you don't want to see any amendments, but what about a simple amendment dealing with domestic assault on this act?

Senator Busson: Thank you, Senator Batters, for that thoughtful question. You're right; I believe there is always room for improvement, but I think it is important right now to take the immediate first step to address the issues regarding victims of sexual assault specifically and that, down the road, there may be time to consider other issues. I mentioned in my speech that this legislation is not perfect, and there are a number of things that we can do to help improve the judicial system and certainly the system generally when it comes to victims of crime. There is lots to be done.

Hon. Larry W. Campbell: Honourable senators, I have two major issues with this bill. I believe that it is an intrusion into judicial independence. I don't want to use the hackneyed term "slippery slope," but as Senator Busson said, the independence of the judiciary is sacrosanct. When we lessen the independence, we are striking at the very foundations of our democracy.

We heard evidence that the federal judges already get educated on issues such as sexual assault. I want to thank Senator Busson for her speech because it brought out a number of things that I also believe. Lawyers get trained in this as they go through school. You have to be a lawyer to be a judge in this case. There are time limits on when you can apply. Ten years, I believe, was used. However, there is an ongoing process with regards to education.

The Hon. the Speaker pro tempore: Senator Campbell, may I interrupt you because I believe a portion of your speech was not received. There was a technical issue. I don't want you to start from the start, but if you could go back for at least a few minutes in your speech?

Senator Campbell: My first problem is the judicial independence. My second problem is the education process. We heard that 98% of all assault cases are heard by provincial court judges. All this bill says is the federal government should consider finding some money to give to the provinces to train their judges in this area.

I actually don't think that the problem is the education. I think the problem is how we did in the past, perhaps, go about determining who would be a judge. As Senator Busson said, I believe there is a generation coming through where we will see continual changes, an evolution, if you will. The training is important; there is no question about it, but we are training federal judges who don't even hear these cases.

The courts are continually having to address issues as we change as a society and as we see things in a different manner. That comes from education, but it also comes from the choosing of who will be our judges. Those are my two issues on this bill. Thank you.

The Hon. the Speaker pro tempore: Resuming debate. Senator Pate.

Hon. Kim Pate: Honourable senators, as we rise today to speak to Bill C-3, fewer than 1 in 20 sexual assaults in Canada are reported to police, let alone go to trial. Sexual assault is the least reported offence in Canada because, for too long, people who have been victimized, particularly women and girls and especially those who are Indigenous, Black or living with disabilities are not believed or, worse yet, are treated by the legal system as if they, themselves, have done something wrong.

Not long after I was appointed to this place, I spoke about an experience I had reporting to police that my home had been broken into and my television stolen. I asked colleagues to imagine, instead of the professional and considerate assistance that I received, that it had been different. Imagine if I had been first asked by a police officer or a lawyer or judge about whether I ever let people watch that TV, whether I let people into my home regularly, and whether they were able to see the TV from inside or outside the house. Was there a cupboard for the TV? Did I keep the cupboard closed? Was the TV visible from the street? Were there curtains in my living room windows? Did I keep them closed? Did I keep them drawn at all times, in fact? When I bought the TV, what did I do with the box? Did I put it on the curb for recycling? Wasn't all of this really just drawing attention to the fact that I had the TV; flaunting it, in fact? Really, wasn't I just inviting someone to take it? That is how sexual assault victims are treated.

I know it sounds ridiculous, and yet these types of demeaning, invasive and intimidating inquiries are a reality and a palpable fear for far too many, especially if they are reporting a sexual assault.

While the debate on Bill C-3 necessarily focuses our attention on the treatment of sexual assault complainants by judges, we cannot forget that almost 9 out of 10 women in federal prisons in Canada have histories of physical or sexual abuse. Too many receive the message from the legal system that it is their job to protect themselves and their fault if they fail. Some end up criminalized when, after being deputized in that manner to protect themselves, they do so. These staggering numbers surely reflect the same systemic and shameful failure within the legal system to respond adequately to violence against women and children that Bill C-3 rightly acknowledges.

Will Bill C-3 make the difference it has promised for those with lived experience of abuse and assault? Victims, survivors, advocates and legal experts have been more than clear that the provisions are not sufficient to address the realities of sexism, racism, classism and ableism experienced by sexual assault complainants.

We must not allow the passage of this bill to trick us into being complacent. We must not think that our work is done. Crucially, Bill C-3 fails to ensure that judicial decisions in sexual assault cases are meaningfully accessible to complainants, members of the public, journalists and researchers.

This interferes not only with the principle that judicial decision making must be accessible as a form of public accountability. It also removes the opportunity to monitor whether Bill C-3 — criticized by many experts as merely aspirational or performative — will actually improve legal responses when it comes to sexual assault.

The Senate Legal Committee, in its report on Bill C-3, has called on the government to remedy this gap in accountability by working with provincial and territorial counterparts to ensure that all decisions in sexual assault law cases are readily available to the public, ideally through a free online database. Both Senator Dalphond, the sponsor of the bill, and the Honourable Rona Ambrose, author of the original legislation on which Bill C-3 is based, have been instrumental in advocating this measure as a necessary complement to Bill C-3.

• (1600)

The original version of the legislation, Bill C-337, would have ensured accessibility by requiring that judges not only provide their reasons but do so in writing in all sexual assault cases. By contrast, Bill C-3 requires written reasons only where proceedings are not "recorded."

In practice, this requirement adds nothing in terms of transparency or accountability because all criminal proceedings are already recorded. Bill C-3's requirement for written reasons would therefore never apply or lead to any improvement on the status quo.

Bill C-3 treats written decisions and oral decisions with recordings as interchangeable. They are not.

While decisions with written reasons appear, and are routinely accessible and searchable, on court websites or through the public CanLII database, oral decisions with recordings do not. This creates significant barriers to access.

The Federal Ombudsman for Victims of Crime has noted that many complainants cannot absorb reasons delivered orally. Some are understandably overwhelmed or may choose to leave the courtroom if hearing the decision in the presence of the accused is experienced as unbearable. Those without legal backgrounds may require technical jargon to be distilled into plain language.

Unless the Crown decides to appeal a case or a journalist decides to report on it, there are almost no opportunities for researchers, legislators or the public, let alone complainants, to scrutinize sexual assault cases where decisions are given orally instead of in writing. Gaining access to recordings of oral decisions usually means ordering a transcript. This process varies from jurisdiction to jurisdiction. A person may be aware that the decision exists but have no idea, much less the technical know-how, to navigate the complex, costly and time-consuming process for requesting transcripts.

We now know well examples of cases in which courts failed women, in particular Indigenous women, who were victims and survivors of sexual assault: the *Wagar* decision, where the trial judge committed multiple legal errors and asked the complainant why "couldn't she have kept her knees together?" if she really didn't want the accused to assault her; the *Al-Rawi* decision, where the legal errors regarding capacity to consent were exemplified by the trial judge's assessment that "clearly a drunk can consent"; the *Blanchard* decision, where the trial judge ordered the complainant to be shackled in court and imprisoned her for five nights in a cell next to the accused; the *Barton* decision, where the trial judge made errors of law, including failing to adequately insulate the jury from misogynist and racist myths and stereotypes.

These cases are not, unfortunately, horrific outliers. They are horrific. Rather, they stand out because they are among the relatively few that happened to be appealed, or a journalist happened to be in the courtroom, or the diligent efforts of feminist scholars brought together the combination of skills, resources and persistence needed to obtain and comb through transcripts.

Unless we ensure that oral reasons are transcribed and made available to the public, Bill C-3 cannot live up to the promise in its preamble of enhanced transparency and accountability. Witness after witness before the Legal Committee emphasized the importance of accountability and monitoring in order to generate public confidence in an area of the law that is exceedingly complex and too often infused with discriminatory and harmful myths and stereotypes.

In addition to its observation regarding accessibility of decisions, the Legal Committee reported that a law commission could play a vital role in monitoring and providing expert advice for addressing sexism, racism and other forms of discrimination in the legal system affecting those who have experienced abuse. The 2021 budget allocates an annual budget for the revival of the Law Commission of Canada, with few details so far regarding plans for implementation.

Monitoring the implementation and impact of Bill C-3 could be one potential role for the commission. As the government invests in training judges with respect to sexual assault law, it would also be timely to review the ways in which mandatory minimum penalties prevent judges from putting this training into practice when crafting fit and fair sentences.

In particular, as was documented by Justice Lynn Ratushny when she conducted the Self-Defence Review, the harshest mandatory minimum penalty, life in prison, disproportionately penalizes women who protect themselves or their children by using lethal force against an abuser. It is often used to coerce guilty pleas in bargains that effectively prevent judges from considering whether a charge is even appropriate in the first place or whether the circumstances and context of histories of abuse warrant a less harsh penalty.

Victims, survivors and their advocates shared their concerns that Bill C-3 does not go far enough. They want and trust us to act to ensure that monitoring mechanisms are in place, that reasons in sexual assault law cases are accessible and that the push to end violence against women and children does not stop with the passage of Bill C-3. Thank you. *Meegwetch*.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Bill C-3, An Act to amend the Judges Act and the Criminal Code.

I want to thank the sponsor, Senator Dalphond; the critic, Senator Boisvenu; all the members of the committee; the clerk, Mark Palmer; and the staff of the Standing Senate Committee on Legal and Constitutional Affairs for their work on this bill.

I want to also thank the Honourable Rona Ambrose for standing up for women who are sexually assaulted. Ms. Ambrose, by introducing Bill C-337, the predecessor to Bill C-3, you have shown your dedication and commitment to addressing harmful myths and stereotypes about sexual assault law, and I know women across Canada thank you for that.

Just the fact that you introduced this bill has already had a great impact on the judiciary. As we all know, most cases of sexual assault are heard in provincial courts.

During witness testimony for the committee's study of Bill C-3, we were informed that provincial judges in British Columbia heard more than 98% of sexual assault cases in that province.

According to Ashani Montgomery from the Vancouver Rape Relief and Women's Shelter:

> Most sexual assaults are tried in provincial court. In 2017 in British Columbia, out of 4,279 sexual assault trials, 81 were tried in Supreme Court . . .

That amounts to approximately 2%.

Honourable senators, that percentage likely reflects similar rates in the rest of Canada.

The Honourable Adèle Kent, Chief Judicial Officer, National Judicial Institute, echoed that "The reality is that provincial and territorial judges conduct most of the sexual assault cases in Canada."

Paul Calarco of the Criminal Justice Section of the Canadian Bar Association also stated:

> . . . provincially or territorially appointed judges . . . preside in the courts across Canada where the majority of sexual assault cases are actually heard.

What is more, I believe we are all aware that Judge Camp was a provincial court judge when he made the most despicable remarks, which really are the genesis of this bill.

Justice Camp's discipline hearing was while he was a Federal Court judge and the justices dealt with his case. He is no longer a judge.

To reiterate, this bill applies to Federal Court judges only, and approximately 2% of sexual assault cases are heard in federal courts.

Honourable senators, I do not look at statistics lightly. We all know one case is too many. That said, I do believe that this is a cause for pause and reflection.

From a very young age I have been an activist, and I have fought for the equality of all women. Some of my capacities have been as the chair of the British Columbia Task Force on Family Violence and a member of the national panel on violence against women.

I continue to work on these issues of sexual assault.

As an activist and as a lawyer, after two years in practice, I started working on training with judges on violence against women and how racism affects women of colour.

Later, I started working with Justice Campbell and the Western Judicial Education Centre that used to train provincial court judges.

After a while, we were also working with the National Judicial Institute. We travelled across the country to provide courses on violence against women and racism.

Now, in my role as a senator, I take very seriously my responsibility of being a Canadian legislator.

• (1610)

All this experience has formed my unrelenting belief of how important it is that there be appropriate and well-informed training of judges who enforce our rule of law. This has to exist within the independent judiciary, external to the rule of Parliament. Honourable senators, without an independent judiciary there can be no rule of law. Since 1982, the rule of law has been enshrined in the preamble to the Charter. Maintaining the rule of law depends on the existence of an independent judiciary.

That is not to say that there have not been challenges. There are still politicians who propose challenges to the independence of the judiciary. For instance, in February 2001, a political movement in B.C. reminded us that the foundational principles assert:

> . . . the legislature has supremacy over the judiciary, the executive and the administrative branches of government and all must be held fully responsible for the proper execution of their respective functions . . .

Further, this political movement wanted to include clauses that require legislation for the recalling of politicians and judges.

In 1956, Professor Lederman, a Canadian constitutional scholar and the first dean of the Queen's University Faculty of Law, spoke about the independence of the judiciary as one of the four basic principles of English common law:

> . . . (1) "That no man (one) is above the law . . . (2) That those who govern . . . do so in a representative capacity and are subject to change . . . (3) That there shall be freedom of speech, thought and assembly. (4) That there shall be an independent judiciary. . . .

To paraphrase Lederman, it is unacceptable that Parliament should today regard itself as free to abolish the principle that has been accepted as a cornerstone since the Act of Settlement.

Lederman is clear:

> It has been recognized as axiomatic that if the judiciary were placed under the authority of either of the legislative or the executive branches of the Government then the administration of the law might no longer have that impartiality which is essential if justice is to prevail.

In *Beauregard*, former Chief Justice of Canada, Justice Dickson, stated:

> The role of our courts as resolver of disputes, interpreter of the law and defender of the Constitution, requires that they be completely separate in authority and function from all other participants in the justice system . . . .
>
> In Canada, the rationale for this separation is even stronger than in Britain since we have a federal system that requires an independent judiciary to settle issues between provinces and the provinces and the federal government.

It follows that at the heart of judicial independence is the practice that judges are clearly set apart and are free to act impartially and free from influence that could interfere with proper exercise of judicial function. This privileged position may at first glance appear to allow judges to act as they wish, even to the detriment of the common good. There are, however, a number of restraints on judicial conduct. A judge is barred by the discipline of the law and is obliged to decide in accordance with the law. Of course, as we have all seen, judges make errors,

which is the reason for the courts of appeal. With regard to judicial misconduct, there is a process that can result in removal from office, as was in the case of Justice Camp.

The privileges of judicial independence sometimes come under scrutiny by us as politicians. These are sometimes derived out of the good intention to, in some way, educate the judiciary. However, honourable senators, I believe that the best way to ensure that the judiciary is capable and worthy of being justices in Canada is to ensure that judges are chosen from a diverse Canada and have a deep understanding of the communities they live in. This will better ensure proper judgments than any remedial legislation we might have.

Honourable senators, I would like to point out that the government's Bill C-3 is very different from Bill C-337, Ms. Ambrose's bill. Unfortunately, Bill C-3 does not address myths and stereotypes, as was the vision originally brought forth by Ms. Ambrose. Whereas Bill C-337 made written decisions mandatory, Bill C-3 has rendered them optional. Additionally, while Bill C-337 made it clear that the judicial council shall submit a report on the seminars to the minister, Bill C-3 has changed this wording to "should."

Further, Bill C-337 ensured that the minister would receive reports related to how many sexual assault cases were presided over by a judge who never participated in the seminars. Bill C-3 removes this clause completely.

Finally, one the foundational principles of Bill C-337 is to require a judicial candidate to complete sexual assault education. Bill C-3 reframes this foundation by simply requiring a new judge to undertake — but does not make it mandatory — to complete this training, thus effectively removing the requirement entirely. That is not to mention that this requirement only applies to new judges and does not apply to current judges. In effect, Bill C-3 has taken all the muscle out of Bill C-337. They are not the same bills.

Honourable senators, most of you know that I fled my home of Uganda under the tyranny of Idi Amin. In Uganda, prior to the time my family and many others were expelled, we did have an independent judiciary. My mother was a probation officer, and throughout my adult life I heard her speak about how she was in court the day Amin's army officials walked into the courtroom of the then-Chief Justice of Uganda, Benedicto Kiwanuka, to issue arrest warrants against some of the most prominent Ugandans to show that Amin's regime had credibility in arresting these people. On a very personal note, I am told my father was on that list and very soon after that, my father fled Uganda in very difficult circumstances.

In the face of this threat to his personal safety, Chief Justice Kiwanuka exercised his right of independence and refused. He was threatened that if he did not issue the arrest warrants, he would be dealt with harshly. He still refused. He was dragged out of his courtroom and dumped into the back of a car trunk, never to be seen again. We know he suffered a terrible death, but he never relented.

Honourable senators, that is why the independence of the judiciary is in my DNA. Fortunately, our Canadian justices will never suffer that fate, and they know they will always be able to exercise their right of freedom. However, now Parliament is intruding on that right. Honourable senators, I finally ask you all: Will this change anything?

When Senator Campbell, deputy chair of our committee, asked Justice Kent what this bill would add to the training that is already going on across Canada, Justice Kent replied:

> In one respect, I would suggest that the training will continue to evolve the way it has, and in one way, I might say, it would make no difference.

Senator Campbell then asked Ms. Savard, director of the Criminal Lawyers' Association, what this bill will add to what is already taking place; her answer was very telling: "I think the short answer is nothing."

Senator Campbell followed up by asking, "Is this bill constitutional?" Ms. Savard stated: "I would say no, and I'll let Ms. Enenajor add to that if she wishes." Her colleague Ms. Enenajor echoed the sentiment when she replied that she believes the bill is not constitutional.

Honourable senators, still today, I work directly on these issues of sexual assault. In fact, every week I get up early on Thursday morning to speak with women about how to address issues of physical and sexual assault against women in Canada and around the world. This is a federal bill, and most sexual cases are heard in provincial courts. Bill C-3 falls short of the intent of Bill C-337. It will change nothing. It is also very likely unconstitutional and it will infringe on the coveted balance of legislative and judicial powers upheld by judicial independence.

• (1620)

Honourable senators, we know that as the chamber of sober second thought we have a different role than the other place. The question we now have to ask is this: Are we prepared to erode our Canadian judiciary's enshrined rights of independence? Thank you very much, senators.

(On motion of Senator Martin, debate adjourned.)

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Petitclerc:
>
> That the following Address be presented to Her Excellency the Governor General of Canada:
>
> To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Mary Coyle: Honourable senators, I rise today in a delayed celebration of Earth Day here in Mi'kma'ki, the unceded territories of the Mi'kmaq people, to speak in response to the Speech from the Throne.

In her speech on September 23, 2020, the Governor General said:

> Canadians also know climate change threatens our health, way of life, and planet. They want climate action now, and that is what the Government will continue to deliver.
>
> The Government will immediately bring forward a plan to exceed Canada's 2030 climate goal . . . . will also legislate Canada's goal of net-zero emissions by 2050.

Colleagues, the then Governor General Julie Payette was an astronaut. In the 2019 Throne Speech, she said:

> And we share the same planet. We know that we are inextricably bound to the same space-time continuum and on board the same planetary spaceship.

Colleagues, while many of us have been captivated by the recent landing of the Mars rover, Perseverance, and the flight of the Mars helicopter, Ingenuity, as we search for environments beyond our own which can support life, let's today turn our attention to our own planet and the theme of this year's Earth Day, which is "Restore Our Earth" — restoring our Earth so it can continue to support life will require both human ingenuity and collective perseverance.

Did you know that the first Earth Day was started in 1970 by an American senator Gaylord Nelson, a Democrat, and Pete McCloskey, the Republican congressman he recruited to be his co-chair?

The theme of the original Earth Day was "A Question of Survival" and its message, as highlighted by CBS's Walter Cronkite, was "act or die." Gosh, they sounded a lot like Greta Thunberg back then.

On Earth Day this year, U.S. President Joe Biden hosted a virtual global summit to discuss action on the climate emergency, and it looks like the "act or die" mantra of the original Earth Day has been revived. More on that later.

Honourable colleagues, on June 17, 2019, the House of Commons passed a motion to declare a national climate emergency in Canada. Since then, we had a federal election in which the environment and climate change were clear priorities for Canadians.

Last February, I launched a Senate inquiry into finding the right pathways for Canada to meet our net-zero carbon and other greenhouse gas emissions targets. Senators Mitchell, Galvez and Pate each spoke on the inquiry and many other Senate colleagues were lined up to follow. The idea was to spark our own Senate conversation on climate change solutions and then ignite interest and action across Canada. Like many of our best-laid plans for 2020, the inquiry was hijacked by the pandemic and then died with prorogation.

Colleagues, I would like to join the chorus line of other "pivoters" and pick up the climate conversation where we left off last March and I invite you to join me to advance it further.

Today, I will reference Speeches from the Throne, highlight what Canada has promised, touch on the U.S. and other international players, speak to pathways toward net zero and conclude with a modest proposal for you, my fellow senators. So please stay tuned until the end.

In October 1970, just months after the first Earth Day, Governor General Roland Michener introduced the Pierre Trudeau government's plans in the Speech from the Throne:

> All our efforts for a stable prosperity and for humane community will be of little value to us . . . if we do not quickly and determinedly grapple with the threat to our well-being and the well-being of future generations of Canadians which is represented by environmental pollution. Pollution is a many-headed hydra and requires action in many forms. You will be asked to consider bills intended to deal with pollution . . . in the ocean and in the atmosphere. . . . There will be proposed the establishment of a department to be concerned with the environment . . . .

On October 2, 1986, Governor General Jeanne Sauvé spoke on the Brian Mulroney government's plans:

> My government recognizes fully the essential relationship between a healthy environment and the quality of Canadian life. A new Environmental Protection Act will be introduced . . . .

On September 30, 2002, Governor General Adrienne Clarkson delivered the Jean Chrétien government's message:

> On a global scale, the problem of climate change is creating new health and environmental risks and threatens to become the defining challenge for generations to come.

On October 16, 2007, Governor General Michaëlle Jean articulated the Stephen Harper government's commitment:

> Climate change is a global issue and requires a global solution. Our Government believes strongly that an effective global approach to greenhouse gas emissions must have binding targets that apply to all major emitters, including Canada.

On December 5, 2019, Governor General Julie Payette highlighted the Justin Trudeau government's priority:

> Canada's children and grandchildren will judge this generation by its action — or inaction — on the defining challenge of the time: climate change.

One year later, the Canadian government introduced its plan entitled "A Healthy Environment and a Healthy Economy." The plan aims to create over 1 million jobs and includes $15 million in investments over and above the Canada Infrastructure Bank's $6 billion for clean infrastructure.

Central to the effort is placing an escalating price on carbon pollution. The federal government's constitutional right to do this was recently affirmed by the Supreme Court decision, which noted that global warming causes harm beyond provincial boundaries and that it is a matter of national concern under the "peace, order and good government" clause of the Constitution.

Chief Justice Richard Wagner described climate change as, "a threat of the highest order to the country, and indeed the world," that will cause:

> . . . significant environmental, economic and human harm nationally and internationally, with especially high impacts in the Canadian Arctic, in coastal regions and on Indigenous Peoples.

Budget 2021, introduced April 19 by Canada's first female finance minister, Deputy Prime Minister Chrystia Freeland, provides $17.6 billion toward a green recovery to create jobs, build a clean economy and to fight and protect against climate change.

The government introduced Bill C-12, the climate accountability act, more than five months ago and recently introduced Bill C-28, which would enshrine the right to a healthy environment in Canadian law and strengthen the Canadian Environmental Protection Act.

Canada has promised a variety of 2030 targets on the road to meeting our net-zero-by-2050 Paris Agreement commitment. The original target was to reduce our greenhouse gas emissions by 30% below 2005 levels; the recent budget promised 36%; and at the U.S.-convened Earth Day summit, Canada promised to meet a target of between 40% to 45% reduction by 2030.

Having rejoined the Paris Agreement, U.S. President Biden committed to a target of 50% to 52% emissions reduction — very significant for the world's second-largest emitter.

China's surprise announcement last year at the UN General Assembly that it would cut emissions to net zero by 2060 is notable, given that China is the most polluting nation on earth, responsible for 28% of global greenhouse gas emissions.

Also at the summit, the U.K. committed to 68% reduction by 2035, and the European Union to 55% below 1990 levels by 2030.

Honourable senators, with the U.S., China, the U.K. and a climate-determined Europe all expressing ambitious net-zero targets, Canada has clear opportunities for collaboration, and a significant competitive innovation and business imperative to add to our drive for a healthy, climate-stable world.

• (1630)

Honourable senators, with the World Meteorological Organization confirming that the global average temperature in 2020 was already 1.2 degrees Celsius above pre-industrial levels and the past six years the warmest on record, with Arctic sea ice receding, sea levels rising, epic wildfires, flooding and tropical storms all on the increase, our planet and its inhabitants are at a tipping point.

It's time to decide what we turn towards and time to decide, frankly, what we put behind us. It's time for smart and humane choices. We'll be asked to declare our choices in Glasgow this November, and the Canadian electorate may be asked to vote on those choices in the near future.

Jason Dion, lead author of the Canadian Institute for Climate Choices recent study, which outlines 60 scenarios for Canada to get to net zero, said that Canada has a strong hand with our landmass and resources, our infrastructure and know-how, but that we have "to play our hand wisely. Our advantage relies on action, so we can't simply sit on our cards and wait."

Let's remember, Canada has never met any of its targets.

Honourable colleagues, to meet our ambitious new 2030 target and to get to net zero by 2050, we clearly need to accelerate carbon pricing while at the same time finding other ways to rapidly reduce and stop our emissions.

At the top of our list has to be a quest for a secure, reliable, affordable and sustainable energy supply, with innovation in the production, distribution and utilization of green energy as our first priority. This includes hydro, wind, solar, geothermal and tidal power.

We know we also need to examine low-carbon energy options such as green hydrogen and possibly small modular nuclear reactors. We need to decide how quickly we can and must phase out fossil fuels. We need to reduce and eliminate carbon from our transport sector, buildings, manufacturing and agriculture.

Powerfully effective nature-based solutions to carbon storage and sequestration are an obvious choice for Canada with our abundant forests, grasslands, wetlands, coastal marshes and agricultural land.

While being mindful of a number of concerns, carbon capture and storage technologies will no doubt play a role in getting us to net zero.

Emerging from the COVID pandemic, we are facing a need to reconcile two once-in-a-century imperatives: One, accelerating our response to the climate emergency with the associated imperative of a just transformation and, two, the need to rebuild our post-pandemic economy. Both require focused attention on the well-being and the potential of our citizens: women, youth, Indigenous people, oil and gas sector workers, and other groups severely affected, while being mindful of equity across Canada's regions. No one and no region should be left behind.

Honourable senators, that is a tall order and one which will require bold leadership and all hands on deck. It will take an all-of-society approach. And that means a role for us, too: Canadian senators stepping up.

With our Senate independence and free of the constraints of short-term electoral cycles, imagine what we could do with our combined grey matter, diversity of experience, power and influence. We have high-quality studies, inquiries, Question Period opportunities and motions. Most importantly, we scrutinize and, where necessary, work to improve or initiate legislation. Today, I would like to propose a new way we as senators could lead in climate action. This is what I'm about to tell you about.

Colleagues, last month I had a call from Baroness Helene Hayman, former Lord Speaker, and Baroness Bryony Worthington, lead author of the U.K. Climate Change Act 2008. They had learned about our net zero inquiry and wanted to discuss potential collaboration between our chambers. They are co-founders of Peers for the Planet, the U.K. House of Lords group launched last year with 120 members. Both felt there was more parliamentarians could do to tackle climate change, and they recognized the unique potential to work across party lines to win ambitious but practical changes in policies and laws regardless of which party is in government. Their collaborative, big-tent approach has yielded concrete results in a number of areas.

Honourable senators, I am impressed with the momentum and results Peers for the Planet have been able to build, and I'm proposing to you today that we start our own similar Red Chamber group focused on Canada's pressing climate change response.

Fifty-one years after the first Earth Day, initiated by American senator Gaylord Nelson, and a year after the U.K.- Baronesses Hayman and Worthington launched Peers for the Planet, I am keen to work with you to formulate our own uniquely constituted and mandated Senate of Canada coalition for urgent climate action. Just imagine what we could do if we marshal our collective ingenuity and combine it with our unfaltering perseverance.

Honourable colleagues, if not us, who? If not now, when? Let's do it. Who's in? Thank you.

Hon. Stan Kutcher: Honourable senators, today I rise in response to the Speech from the Throne. I will follow the lead of Senator Coyle and focus on those parts of the Throne Speech that highlight the goal of a carbon-neutral future for Canada. In response to Senator Coyle's invitation to collaborate on climate change: Mary, you can count me in.

My purpose is not to review territory that Senator Coyle has so cogently addressed but instead to bring forward a consideration that may be less appreciated in the noise of the lively debates on climate change, yet ones that may help us move away from ideologies that divide us to appreciate a future that can unite us. It is a future powered by better energy than what we have now.

Colleagues, we are living through a period of global energy transition. Over the course of human history, our species has lived through several similar periods. Historically we have always moved from one source of energy to better sources of energy, improving the lives of people along the way.

Much early agriculturally based economic growth in North America was powered by hydroelectricity — water mills. These were small, local enterprises with substantial limitations. Over time, with technological advances, hydroelectric power was used to create electricity that could then be used more widely for lighting, heating and cooking, but not — for engineering and political reasons — for transportation.

As population growth in North America increased and technological capacity improved, the ability to efficiently create, transport and store large amounts of electric power led to increasing development of hydroelectric projects such as large dams and Sir Adam Beck II Generating Station and Manic-5, for example.

However, this was outpaced by the use of coal for electric power generation. For example, in the United States, coal use increased about twofold between 1930 and 1990, and concurrently we became aware of acid rain. It was also then that scientists determined that coal burning emits not only large amounts of sulphuric, carbonic and nitric acid, but also carbon dioxide.

But it was the mass production of the gasoline engine powered Model T and the widespread use of the gasoline engine in World War II plus the post-war baby boom, followed by the invention of the suburbs and the technology of modern highway construction and gasoline station infrastructure development that drove our fossil fuel consumption. The love affair that many of us have had with our fossil-fuelled cars resulted from these historical phenomena.

But these changes did not occur overnight. Indeed, they took over 70 years of technological thinking, engineering tinkering and scientific analysis to evolve. The first gasoline-fuelled four-stroke cycle engine was built in Germany in the 1860s when Karl Benz began the first commercial production of motor vehicles with internal combustion engines. And by the way, just for historical context, it was in 1888 that Nikola Tesla patented the electromagnetic motor.

We went from small amounts of our energy consumption being based on fossil fuels to much of our energy consumption based on fossil fuels within a period of less than 100 years. Indeed, it is now estimated that about 85% or so of all the world's primary energy consumption is from fossil fuels.

As fossil fuels came increasingly into use, they replaced existing sources of energy, promoted dislocation of people and changed markets for those existing sources of energy. Better energy won out.

• (1640)

For example, we no longer have a flourishing whaling industry in North America, as there is no demand for sperm whale oil. Those leviathans of the seas were hunted primarily for their oil, which provided domestic lighting and machine lubrication. It is estimated that this intense hunting resulted in the deaths of over one quarter of a million of these magnificent mammals in the 19th century, not to mention the horrific deaths of thousands of whalers who toiled in circumstances unimaginable to most people today. With the death of so many whales in easily accessible waters and increasingly high costs of whale oil to the consumer, the industry moved into marginal resource extraction mode, chasing smaller whales in colder and more extreme waters. By the end of the 19th century, the whale oil industry was a sunset industry, and all calls for continuing it full bore could not change that reality.

However, it was not only the waning of this non-renewable resource that stopped North American dependence on whale oil for lighting; it was the invention of the kerosene lamp, a better energy invention. Canadians can take pride in that, as it was Abraham Gesner, a Canadian geologist who figured out how to distill kerosene from petroleum. It was cheaper, easier to store and did not produce an offensive odour when burning. Ironically, it was technological advances in fossil fuels that contributed to saving the whales. However, development of that better energy source came with a cost to populations and markets that had relied on whale hunting as a traditional energy source.

Honourable senators, that is what is happening today. We are in a time of transition to better energy. It is comprised of both renewable and non-renewable resources. These include, but are not limited to, wind, solar, tidal, hydrogen and nuclear power. As our scientists and engineers improve our ability to capture, store and transmit this power, these technological advances will take the day.

For one example, photovoltaic research is rapidly surging ahead and will likely soon provide a more climate-neutral solution for some, but not all, future energy production. The discovery of the ability to generate energy from the sun is not new. Indeed, it was a young French physicist, Edmond Becquerel, who in 1839 discovered the photovoltaic effect, a process that produces electric current in the presence of light or radiant energy. From early photoelectric technology based on selenium coated with a thin layer of gold, to the discovery of using silicon for improved solar cell efficiency, we are progressing from today's crystalline silicon cells and thin films to even newer innovations in quantum dot solar cells of much greater efficiency. As these technologies are further developed, it is not unreasonable to predict that they will decrease our dependence on fossil fuels for energy production.

Similarly, advances in our ability to safely use, reuse, recycle and store spent fuel has led to a reconsideration of the value and promise of nuclear power. There exist innovative advanced fission projects, such as small modular reactors and Generation IV systems; for example, the Integral Molten Salt Reactor being developed by the Canadian company Terrestrial Energy. Perhaps the utilization of thorium or combined uranium-thorium fuels will develop quickly enough for us to reap the benefits of this new approach in the foreseeable future.

Honourable senators, let us all remember the adage: "The Stone Age didn't end because we ran out of stones."

As one of our most eminent modern thinkers, Steven Pinker, has written: ". . . societies have always abandoned a resource for a better one long before the old one was exhausted."

As we move ahead, our future growth and human development will need to embrace better energy which can help us continue climbing that ladder of global economic and social development while protecting the world we live in while we climb.

As history teaches us, each new energy replacement progress came with benefits and costs. Each required major changes to how people worked and lived. Each came with political turmoil and social disruption. But these transitional periods, difficult as they were, eventually led to better lives for more and more people. Coal mining was a dirty and dangerous job, but because coal was a primary energy source industry, its mining helped spawn the union movement, which created a better and more equitable path for worker health and democratic engagement that spread across all sectors of society.

Our challenge as senators is not to play Luddite, but to help nudge our country and our international partners towards a more rapid transition to better energy — better for us and for our climate.

As we move ahead, we must avoid the tragedy of the commons. This occurs when people become a free rider, expecting others to act but not demanding action of themselves. In Canada this is expressed in the argument that because we contribute less to global carbon emissions than others. we need not move quickly and robustly in our own jurisdictions. However, we cannot sit by and expect others to do it all.

We must also think in scale. It is not enough to signal virtue and only stop using plastic straws and single-use plastic bags. Our task is to take on the difficult work needed to effectively address climate change. That will require collective action much greater than changing to a metal straw from which to sip your latte.

As we do this, we must also do a better job of alleviating poverty, at home and abroad. Escaping from poverty requires abundant energy. It is not surprising that some of the world's largest CO_2 emitters are those nations currently experiencing historically unprecedented improvements in standards of living. This phenomenon occurred in what are now high-income countries during the period of the Industrial Revolution. Using the then-better fossil fuel energy, we in high-income countries have already polluted our way to wealth. Now is not the time to demand that other nations rein in their wealth creation, but to work with them to ensure that as they become wealthier they do so by utilizing better energy sources than fossil fuels. Indeed, a number of these nations are moving robustly in that direction. For example, India and China are leaders in the development of better energy technologies.

Our collective challenge is to rapidly reduce our reliance on fossil fuels and move toward a near zero-carbon energy state, often referred to as deep decarbonization. This will require vigorous, honest, and courageous leadership from government, industry, the financial sector and organizations that collectively make up civil society. This will require shifts in traditional fossil fuel-driven industries and investment in better energy infrastructure, much as what happened with our national highway systems and national railway systems, which were created under the nudge from fossil fuel energy innovations. This will require us to stop setting up camps, be they those of climate warriors or climate deniers. This will require us to increase support for scientists and engineers who will once again, as they have done throughout history, lead us to better energy. This will require national and global collaboration at historically unprecedented levels.

Honourable senators, each of us is in a position to help us move towards a better energy future together.

With this realization, I fully support Senator Coyle's invitation to combine our efforts and encourage each one of my Senate colleagues to do so as well.

Let's invest in building a better energy future for our children, their children and all future generations as well.

Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

(On motion of Senator Gagné, debate adjourned.)

• (1650)

PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Patricia Bovey moved third reading of Bill S-205, An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate).

She said: I speak from the traditional lands of the Anishinaabe, Cree, Oji-Cree, Dene and Dakota, and the birthplace of the Métis Nation and the heart of the Métis Nation Homeland.

Honourable senators, as you know, we have been here before with this visual artist laureate bill. It passed this chamber and went to the House of Commons in 2019, where it died with the election call that year. The outcry across the country. in many media, when it died on the Order Paper in the other place those several years ago, was significant. It, of course, died again in this chamber with prorogation. May we be successful this time.

The visual artist laureate bill is important. As you all know, I have spoken on the goals, implementation and impacts of this bill a number of times in this chamber. I will not restate my prior speeches today, save to say it brings parliamentarians and artists together in their social responsibilities. It underlines the importance of contemporary democracy and civics by portraying the issues and work of the Senate and the House of Commons, and the values, perspectives and principles of Canadians. This way of connecting with Canadians and residents of Canada of all ages through the international language of multiple visual media is truly meaningful.

Many artists have told me how important this position is and that it would be a key vote of moral support for Canada's artists in these dark times.

I thank artist Peter Gough who brought the idea forward years ago. I am only sorry that he passed away earlier this year. I spoke to him a few days before he died, and he did know it was again before this chamber.

I would like to thank the members of the Standing Committee on Social Affairs, Science and Technology for their indulgence in moving this along quickly last month. I thank Senator Ataullahjan, the critic, and all senators in this chamber for their interest and support.

Honourable senators, I truly hope this bill will get quick passage to the other place, and I thank you.

(On motion of Senator Ataullahjan, debate adjourned.)

KINDNESS WEEK BILL

THIRD READING

Hon. Jim Munson moved third reading of Bill S-223, An Act respecting Kindness Week.

He said: Honourable senators, I am here with senators on the unceded territory of the Algonquin Anishinabeg people.

This will be a short and kind speech. Why? Because I'm in a hurry to have this bill become law. The clock is ticking in this Parliament. The clock is also ticking before my best before date, which is July 14 of this year.

After serving more than 17 years as a senator, I know that nothing makes progress in this place without cooperation and collaboration. I know these are the reasons that an act respecting kindness week has made it to third reading in such record time in this session of Parliament, even with the intermittent sitting schedule because of the COVID pandemic.

I'm grateful for the support and enthusiasm for kindness week from young people, the public and here in this chamber. I especially want to thank Senator Mary Coyle and in particular Senator Yonah Martin. Senator Martin has been by my side with this bill the first time around, and certainly the second time around, with gracious speeches about kindness. Today, along with the rest of you, I am thinking softly and with my heart about what Senator Martin is going through with the loss of her mom and her support with her family, and how good and kind she has been with giving her time with her family. To Senator Martin, this is to you with plenty of love actually.

I am proud of the Senate's work on this bill and so many other private members' bills during my time, including my World Autism Awareness Day bill that became law some years ago.

The Senate is an important chamber for minorities in this country, from the rights of children, persons living with disabilities, conditions in long-term care homes and mental health issues. The pandemic has highlighted our good work and ability to bring issues facing minorities into the light.

Although the pandemic has separated us physically, by simply discussing this bill we are reminding ourselves that kindness can make a difference. We open the door to connection.

I want to say again that the inspiration and architect of kindness week is Rabbi Reuven Bulka. He started kindness week for the first time right here in Ottawa 17 years ago. I hope we will be able to see his vision of a national kindness week realized in this Parliament before another election. In fact, I hope before the end of June, next month. Imagine being the first country in the world with a kindness week.

The rabbi is a spiritual leader for many of us regardless of religion. Here I am a United Church minister and I have my own rabbi. I had to say that because he is such a wonderful, good man and offers incredible guidance. He is a bridge builder and believes, like I do, in the power of inclusion. I am honoured to be the sponsor of his idea, and I am encouraged that so many senators believe in the message of kindness. Like Senator Bovey, I would also like to thank everyone on the Social Affairs, Science and Technology Committee with their thoughtful and heartfelt questions. We talked it through recently, and they recommended unanimously that this would go to third reading. I do want to thank all members of the Social Affairs Committee.

Kindness week will cost no money to taxpayers, but it will have a huge impact. We know that kindness can help counter bullying, anxiety and depression. A single act of kindness can increase your serotonin levels. We all need a bit of that. One act of kindness often sparks another. The scientific evidence on the benefits of kindness continues to expand and the payoffs are becoming well known.

Some people ask why do we have all these weeks and these days in this country? What does it really matter? You know what? It really does matter because it connects us to other aspects of society culturally; those who are living in seniors homes and those who are children. No matter who we are, we're aware of what they're doing and we can engage in what they're doing. That's an important part of it. It also shows government that people must pay attention to everyone in this country.

• (1700)

I see kindness week as an opportunity for Parliament and, in turn, Canadians to come together and create something good during a time when we need it most. I see Canada being the first country with a national kindness week.

I hope that we can get through the third reading this week and send it to the other place — this is the second time around — so this bill can become law as soon as possible.

What a way to start summer, with kindness in our hearts.

Senators, I want to thank you for your support and kindness today and every day. Thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): Your Honour, I had intended to adjourn debate on this and to speak on Thursday at third reading, but in hearing Senator Munson's kind words and those that he sent to me — as well as many of the very kind messages that I received — it seems fitting to speak now rather than later. I've said a lot already, both the previous time and this time around.

Senator Munson has reminded us of his "expiry date" of July 14 — which is actually the birthday of one of my dearest friends, whom I've known since I was 11 years old. Her mother is in care, and we have been talking about end of life and her precious mother — but Senator Munson, I want to say how much I respect the work you have done on this bill, as well as on so many other issues throughout your very distinguished Senate career. We're so glad that you will continue to be with us a little bit longer.

If I may ask all honourable senators, if you're ready for the question, I would be ready as well, and maybe we can adopt this bill at third reading at this time.

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

Hon. Senators: Agreed.

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

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Galvez, for the second reading of Bill S-208, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today once again to lend my support to the tireless efforts of the Honourable Senator Kim Pate.

Bill S-208, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation aims to ensure that all Canadians, regardless of their past, have the opportunity to forge a brighter future for themselves and in turn our entire country.

As stated in clause 32.4 of the Canadian Human Rights Act, there is a strong Canadian principle that states

> . . . that all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability or conviction for an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

Under Bill S-208, under paragraphs 4(1)(*a*) and 4(1)(*b*), prisoners would be entitled to record suspensions after

> (a) five years, in the case of an offence that is prosecuted by indictment or is a service offence for which the person was punished by a fine of more than $5,000, detention for more than six months, dismissal from Her Majesty's service, imprisonment for more than six months or a punishment that is greater than imprisonment for less than two years in the scale of punishments set out in subsection 139(1) of the National Defence Act; or
>
> (b), two years, in the case of an offence that is punishable on summary conviction or is a service offence other than a service offence referred to in paragraph 5 (a).

Honourable senators, I ask you to imagine for just a moment there was a piece of paper with every mistake you had made that was easily accessible to members of your community, which was a mandatory reading exercise for every one of your potential employers and for each and every teacher at the school your child attends. Further, imagine that it is routinely required to be revisited and reviewed prior to you being approved or denied a loan.

This is not an existence that prisoners have to imagine, nor is it exaggerated. It is the daily lived reality of virtually every Canadian who was once a prisoner, long after they have completed their sentence.

Indeed, many of us will know one question that is almost always present on employment and even medical forms, as well as part of prerequisite travel documentation is "Do you have a criminal record?" or even "Have you ever been convicted of a crime?"

No matter how heinous or egregious a crime is deemed by society, our collective social agreement is that the punishment for it is having to spend time in prison — a traumatizing and dehumanizing institutional environment that enforces exclusion and absolute isolation.

Before the COVID-19 challenges, I went with Senator Kim Pate to visit some prisons. I was taken aback by the terrible conditions that exist for prisoners. It has absolutely convinced me since then that they have paid their price when they go to prison. When they come out, they need another chance.

The punishment is justified through the perspective of forced rehabilitation. In fact, one of the primary founding principles of imprisonment was to re-educate a person so that they could one day rejoin their community in a more productive and healthy way.

The negative impacts of criminal records are immense. They are in direct contrast with the notion of being able to successfully rejoin society.

As the Criminal Records Act currently stands, record suspensions can be restrictively expensive and are hard fought for — if they are granted — while pardons have become immensely difficult to attain, regardless of a person's particular sentence.

Honourable senators, the notion of applying a more lenient approach to past offences is not unprecedented. On the contrary, when the marijuana legislation became a Canadian reality, so did an amendment to the Criminal Records Act, an expedited process for record suspensions for simple possession of cannabis.

• (1710)

This amendment explicitly stated the enactment amends the Criminal Records Act to, among other things, allow persons who have been convicted under the Controlled Drugs and Substances Act, the Narcotic Control Act and the National Defence Act only of simple possession of cannabis offences committed before October 17, 2018, to apply for a record suspension without being subject to the record required by the Criminal Records Act for other offences, or to the fee that is otherwise payable in applying for a suspension.

It is important for us to understand the context behind this new-found social acceptance of the crime of marijuana possession only. With clever campaign quips and accompanying legislative changes, marijuana was federally decriminalized in Canada. This shift in social acceptance, underpinned by empathetic and compassionate understanding, gave way to less punitive and more rehabilitative approaches to punishment for this crime. However, today criminal records associated with virtually all criminal offences continue to act as an X-mark on the lives — and indeed perceived value — of every person who has ever been criminalized.

Honourable senators, by now we know all too well about the disproportionate representation of racialized people in prisons across Canada's provinces and territories — namely Black and Indigenous women, men and children.

This is clearly illustrated in my booklet *The Invisible Visible Minority*, specifically the section on institutionalization. In prisons and jails across the country, Black people are overrepresented by 300% versus their population, and for Indigenous people that number jumps to 500%.

Between 2015 and 2016, Black people accounted for 10% of Canada's prisoners. Further, between 2018 and 2019, Indigenous people represented 28% of the country's total prison population.

The Office of the Correctional Investigator echoed these concerns in its 2018-19 annual report, which highlighted that Indigenous women accounted for 56% of women designated maximum security risks and 31% of the minimum security population.

These disproportionate numbers of racialized people who are in prison, and the lifelong and far-reaching impacts of having a criminal record, further fuel the vicious cycle that is systemic racism.

Honourable senators, the irreparable damage that criminal records impose on prisoners lasts long after they endure the traumas of imprisonment. Prisoners are not asking for some grand mercy. They are simply asking for a chance to prove themselves and to demonstrate that they, too, have value and are worthy of a prosperous future.

In this respect, I ask you all to pass Bill S-208. Senators, at this point I would like to thank Senator Pate. Senator Pate, with your presence in the Senate you have done a tremendous job to educate we senators on the terrible situations in prison, and you never stop working on these issues. For that, I want to thank you.

I also want to take this opportunity to say to Senator Yonah Martin, this is a very difficult time for you, and I know I speak for all senators when I say to you we pray that your mother's soul rests in peace and that you and your family get the strength and courage to get through this very difficult period.

(On motion of Senator Duncan, debate adjourned.)

[Senator Jaffer]

[*Translation*]

CANADA LABOUR CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Pierre J. Dalphond moved second reading of Bill S-217, An Act to amend the Canada Labour Code (successive contracts for services).

He said: Honourable senators, I'd like to take a few minutes to speak today at second reading stage of Bill S-217, a very short bill with just one provision that seeks to amend section 47.3 of the Canada Labour Code to provide airport workers with wage protection in the case of what is known as contract flipping.

[*English*]

I will begin with a review of the context that led to the tabling of this bill. The outsourcing of work to third parties is common practice at Canadian airports. The process starts with the request for proposal, or RFP, issued by the airport authority for the performance of certain work, such as airfield maintenance, mechanical work, baggage handling, pre-board security screening, plumbing, fuelling, security and customer service on and off board. The service contract is then awarded to the best bidder, usually for a period of three years.

At the end of the contract, the airport authority may choose not to extend it regardless of the quality of the services provided by the workers. The airport authority will then go through another RFP process and award the contract to a different contractor, with possible savings or more benefits for the airport, but potentially made on the back of the workers. This practice is commonly referred to as "contract flipping," and it is the source of uncertainty for many airport workers.

When a contract is awarded to a new contractor, employees of the previous contractor are often laid off or rehired by the new contractor in order to retain knowledge and expertise and avoid disruption of service. Under federal law, since there is no contractual relationship between the two contractors, any collective agreement that may exist is not binding on the new contractor. As a result, workers that were previously unionized lose their union representation as well as any vested rights, including pay, seniority and benefits. The effect of contract flipping is that workers are often rehired by the new contractor to perform the same task but at the lower wage and with fewer benefits than they were used to receiving from the previous contractor.

[*Translation*]

I was made aware of the abusive practice of contract flipping in 2019, when over a hundred workers responsible for fuelling aircraft at the Pierre Elliott Trudeau International Airport lost their job when a new subcontractor replaced Swissport International Ltd. — Fuelling Services. The services were then provided on an ongoing basis by another new subcontractor, Trans-Sol Aviation Service, or TSAS, which is now the second-largest non-unionized employer to provide services at the Montreal airport.

Travellers did not experience any interruption in services as a result of this contract flipping, but it was all done at the expense of unionized Swissport employees, who had to collect employment insurance or who were rehired by the new subcontractor with working conditions inferior to those they had before.

The abusive practice of contract flipping is becoming increasingly common in the airline industry. This means that workers who had acquired benefits over time have had those benefits taken away and their pay cut even though they are doing the same work. That can have a significant impact on them and their families because they still have to maintain their standard of living even though they aren't earning the same income.

• (1720)

[*English*]

Unfortunately, existing section 47.3 of the Canada Labour Code has a very narrow application. Only employees who provide pre-boarding security screening services may benefit from its protection, which is limited to salaries. The provisions to provide for equal remuneration were added to the code when the Canadian Air Transport Security Authority was created and given the mandate to take actions — either directly or through the hiring of contractors — for the screening of travellers. The protection was added to ensure the specialized screening workers do not fall below their existing wage level and leave the airport, resulting in a loss of expertise and personnel, regardless of which contractor is put in charge of the screening process.

There have been multiple proposals to expand the scope of section 47.1 of the Labour Code to go beyond the employees affected through the boarding security services to include all other airport service employees working for third-party contractors.

Bill S-217 aims to do that. The bill will expand the protection to all the employees working in airports, including in plumbing, mechanical work, baggage handling and crew scheduling. The provisions clarify that the list of services in the bill is not meant to be exhaustive or limited.

I tabled Bill S-217 last fall with the hope that it would eventually lead to regulatory changes that will expand the scope of the equal remuneration provisions under section 47.3, since the government has the power by order-in-council to expand the protection.

Two weeks ago, when Budget 2021 was tabled, my hope was more than fulfilled. The government announced its intentions to introduce legislation to expand the scope of the equal remuneration protections to more employees, noting that:

> This would ensure that, when a service contract changes hands, affected employees are not paid less, if they are laid off and rehired to do the same work they were doing before.

I'm happy to report that the government has introduced such legislative changes in Bill C-30, the budget implementation act. I dare say that the budget implementation act has greater chances of passing than my Bill S-217. This is therefore the first and last time you will hear me talk about this bill. In a matter of weeks, I hope Bill S-217 will become moot, and I am glad for it.

[*Translation*]

That said, even though the wage protection proposed in Bill C-30 is a step in the right direction to mitigate the negative consequences of contract flipping, there are other provisions that could be added to the Canada Labour Code to protect not only wages, but also job security and benefits gained through collective bargaining. I will continue to look at this issue, and I hope the government will do the same in collaboration with the unions.

Thank you, *meegwetch*.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE

Hon. Pierre-Hugues Boisvenu moved second reading of Bill S-231, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders).

He said: Honourable senators, I rise today at second reading of Bill S-231, An Act to amend the Criminal Code and to make consequential amendments to another Act with regard to interim release and domestic violence recognizance orders.

I want to begin my speech by honouring the memories of the 10 women tragically murdered in a context of domestic violence in recent weeks in Quebec.

Her name was Elisapee Angma, and she was killed on February 5, in Kuujjuaq.

Her name was Marly Edouard, and she was killed on February 21, in Laval.

Her name was Nancy Roy, and she was killed on February 23, in St-Hyacinthe.

Their names were Sylvie Bisson and Myriam Dallaire, and they were killed on March 1, in Sainte-Sophie.

Her name was Carolyne Labonté, and she was killed on March 18, in Notre-Dame-des-Monts.

Her name was Nadège Jolicœur, and she was killed on March 19, in St-Léonard.

Her name was Rebekah Harry, and she was killed on March 23, in Montreal.

Her name was Kataluk Paningayak-Naluiyuk, and she was killed on March 25, in Ivujivik.

Her name was Dyann Serafica-Donaire, and she was killed on April 16, in Mercier.

In 2020, 160 women were murdered in Canada, 60% of whom were killed by an intimate partner.

Honourable senators, it is therefore with strong emotions and a sense of hope for all victims of spousal and family violence that I stand before you today to speak to you about Bill S-231.

This bill is incredibly important to me, given that I have been fighting tooth and nail for two years now to ensure that it moves forward.

As you know, since the death of my daughter Julie in 2002, I have been deeply committed to fighting violence against women in all its forms.

• (1730)

Unfortunately, according to the available data, crimes against people mainly affect women. When we talk about domestic violence, women are overrepresented. Every year, nearly eight out of 10 murder victims in Canada are women.

Over the past two years, I have had the opportunity to meet with hundreds of women around the country from various backgrounds. With pain and dignity, they openly shared with me their stories and testimony about the violence they had to endure for too many years. They shared very emotional testimony that was sometimes hard to listen to and often sickening.

These women survived attempted murder, aggravated assault, sexual assault and psychological violence. These types of things happened repeatedly over the many years their ordeal lasted. These women experienced some very scary moments. Most of them still bear the scars of that violence. During my consultations, most victims clearly indicated that the justice system is not there for them when they have the courage to report their abuser.

Most of them take refuge in shelters or find themselves in precarious situations where getting back to life in society is often very complicated. They're often left on their own in our obsolete and ineffective justice system, in which they have no confidence. They're not guaranteed any protection when they step outside their prison of silence. Some of them have paid for it with their lives. I want to take this opportunity today to thank these women, to whom I gave a voice so they could write a bill to help women who are victims of domestic violence.

When I tabled my bill in this chamber on March 30, I held a press conference with two women who were victims of domestic violence. One of them, Diane Tremblay, whom I salute for her courage, appeared before the Standing Committee on Legal and Constitutional Affairs. She provided moving testimony. I would like to read an excerpt that describes a situation where her life was threatened. This quote could have come from many other women. She said, and I quote:

> My abuser said, "Come with me. I have a surprise for you." I told him that I wasn't interested, but he insisted, as usual. . . .
>
> We then took Chemin de la Montagne, in Hull, which leads to a very wooded country road. We went to the end of the road near a golf course. He was trying to confuse me so that I wouldn't know where we were, but I was looking at everything. He was doing everything he could to make me feel lost and to terrorize me even more.
>
> He ordered me to give him my cell phone, which I did. He said, "You won't have your cell phone, so your children won't be able to reach you or bother me, especially not Julien." We drove around the school to the back, to a large parking lot. He parked the car right next to a wooded area. He took off my glasses and started kissing me. I had no choice but to let him. I knew that if I didn't do what he wanted, my life would certainly be in even more danger. This feeling is very strong.
>
> Unfortunately for me, I was raped again. My crying and my screaming were stifled by fear and shame.

This event that Ms. Tremblay described in her testimony was just one of the many she experienced over the course of four long years between 2003 and 2007, during which she experienced a number of sexual assaults and murder attempts, most often in front of her two children. What struck me most in her story was that in those four years, Ms. Tremblay reported several instances to the police but was not protected from her dangerous abuser.

I have heard hundreds of stories like this one. Hundreds of stories in which the justice system failed to be there for women who were often risking their lives to reach out for help.

When I had the idea of introducing a bill to combat domestic violence, I gave myself the objective of basing this bill on these women's testimony. As I have said many times, they were the ones holding my pencil. I listened to them in drafting this legislation. I know how important it is to be heard, as a father of a young woman who was murdered. I know that victims and their loved ones are in the best position to educate the legislator on what needs to be done to effectively amend and improve the existing legislation.

When drafting this bill, I also spoke with several panels of stakeholders, most of them from shelters for abused women. I'd like to highlight the tremendous work done every day by these advocates, who are often victims themselves and who dedicate their lives to these shelters in the hope of saving the women who find themselves in danger and who have no choice but to hide to escape their partner's violence and save their lives.

Women's shelters were set up to help women and their children fleeing violence. Unfortunately, these centres often tend to serve as a substitute for the justice system, which is often ineffective when it comes to protecting these women. It isn't right that a woman who is a victim of domestic violence should

have to hide, abandon her home, move with her children, leave her job and leave everything behind to flee her abuser's violence and protect her life.

I'd like to quote from the brief submitted by Elizabeth Sheehy, professor emeritus of law at the University of Ottawa, when she appeared before the committee in the context of its study of Bill C-75. In it, she said, and I quote:

> We see very few convictions for VAW in the criminal courts, for the reasons we are familiar with: women do not report for many good reasons; women's reports are not properly investigated or pursued; women withdraw from prosecution; men's excuses and defences prevail.

I want to take a few minutes to provide some statistics that I think are very important in helping you understand how urgent the domestic violence issue is in Canada. In its 2019 report, Statistics Canada painted a rather worrisome picture of the evolution of domestic violence in Canada. Intimate partner violence represented 30% of all police-reported violent crime. It is also important to note that that rate is constantly increasing. Police-reported intimate partner violence increased by 2% compared to the previous year, reaching the highest rate recorded since 2012.

Between 2008 and 2018, in six out of every 10 cases of spousal homicide, police were aware of the abuser's history of family violence. Of the 10 women murdered in Quebec since the beginning of the pandemic, nine of them had reported incidents of violence to the police. Of the 945 homicides that occurred during that same period in Canada, 747 involved female victims.

If we look only at the category of girls and young women, in other words, girls under 11 and young women between 11 and 24 years of age, violence perpetrated against them is caused by a family member or a spouse 60% of the time. When we talk about homicide of girls and young women, 70% of these homicides are committed by a family member or a spouse. Even worse, in 50% of these spousal homicides, the perpetrators were repeat offenders already convicted by the justice system for similar acts.

According to another report, this one from the Canadian Femicide Observatory for Justice and Accountability, there were 118 female deaths in 2019, 51% of which were attributed to intimate partner violence.

As you can see, there's no shortage of statistics to show the extent of this scourge in a country as developed as ours and the ineffectiveness of our justice system in reducing the number of incidents. These violent acts and homicides are on the rise in Canada and are largely related to our justice system's weak and ineffectual response to the problem. Looking at the statistics on reporting since 2015, 70% of victims of domestic violence have never spoken with the police about their experience. I understand why they're afraid to do that considering the fact that, in 49% of cases, the harshest sentencing imposed on abusers amounts to probation and less than a third of these sentences result in prison time on the weekends, but often those aren't served.

• (1740)

Worse yet, 85% of domestic violence cases result in a prison sentence of less than six months. The majority of offenders are released between a sixth and half of their sentence, which means that most offenders are released without getting help or taking part in a support program. Often they leave prison even more dangerous and angrier toward their former partner than they were before.

Often, offenders serving a prison sentence for domestic assault are the hardest cases. Take for example the case of Ms. Tremblay, which is representative of hundreds of women who contributed to drafting this bill. Her abuser, who repeatedly committed aggravated assault and sexual assault, got under two years probation for rapes, attempted murders and aggravated assaults committed over a four-year period.

Let's take Quebec, for example. Last year, the province reported 16,664 cases of domestic violence charges, compared to 11,549 in 2015. A fairly significant increase is also apparent in the number of complaints, which, since 2015, increased by 45%, despite the fact that only 5% of women report their abuser in Quebec. In 2018-19, according to men's help networks, 7,450 men displayed violent behaviour against women or family members.

In light of the picture these statistics draw, the Senate of Canada must understand that family violence is a national priority and that the only way to fix it is to think of ways to reform the judicial system in a way that would make it tougher on these criminals who destroy the lives of their spouses and children.

To achieve this, the responsibility falls to us, the legislators, to reform the judicial system because Canadians, especially Canadian women, have given us the power to change the laws in their name, in their interest and for their safety. It is now up to us to act, thanks to this bill that was made for women, by women.

I've had the opportunity to speak to the media about this bill many times since it was introduced. The bill seeks to introduce into the Criminal Code new preventive and protective measures that would ensure victims of domestic violence are safe when they decide to file a complaint with the police or the justice system to end the violence they suffer daily. In speaking of domestic violence, the legislator's approach must be preventive first and foremost.

On this matter, I'd like to quote the opinion of Justice Locke of the Supreme Court of Canada in *Goodyear Tire & Rubber Co. of Canada*:

> The power to legislate in relation to criminal law is not restricted, in my opinion, to defining offences and providing penalties for their commission. The power of Parliament extends to legislation designed for the prevention of crime as well as to punishing crime.

My bill amends two sections of the Criminal Code. The first amendment involves the section of measures related to the appearance of an accused before a justice of the peace, more

specifically section 501, and section 515 of the Criminal Code on arrest and judicial interim release. I'm also seeking to amend the section on summary convictions, more specifically, section 810 of the Criminal Code on sureties to keep the peace.

To sum up, my bill amends two steps of the legal process. The first is when an accused is on interim release while awaiting trial and the second is when a judge orders that the defendant enter into a recognizance to keep the peace and be of good behaviour for a period of not more than 12 months, in order to protect someone who has reasonable grounds to fear for their safety.

These two steps are at the beginning of the legal process, after a victim files a complaint with police, makes a submission in court or is preparing for a trial. In the majority of the cases of spousal homicide in Quebec in recent weeks, the women had already reported the domestic violence to the authorities. They all died because they were courageous enough to report.

When victims decide to seek justice, they automatically become vulnerable to their spouses. If that spouse is not incarcerated and is on interim release, there is a significantly higher likelihood of the violence escalating and resulting in death.

Furthermore, even if an accused agrees to sign an order or to comply with a justice's conditions, there is no way to guarantee the victim's safety. As I've often heard, an order is just a piece of paper. We know this because accused individuals so often violate these conditions with impunity.

I'd like to share these words from Éric Boudreault, whose daughter, Daphné Huard-Boudreault, was killed at the age of 18 by her former partner on March 22, 2017. This is from his testimony at the press conference. I quote:

> My big girl, Daphné, was killed by her ex-boyfriend. On that tragic day, numerous warning signs should have alerted the authorities. Despite several police officers responding to Daphné's call for help, despite the fact that the man who would go on to murder my daughter had committed numerous offences, that man left by taxi without even being questioned even though the officers involved knew how aggressive he was. Daphné was worried, so she went to the police station after her shift to explain the situation and get help or at least advice.

Everyone knows how the story ends. Daphné was murdered.

There are several factors that can explain the behaviours of a violent partner that scientific literature could explain better than I. One thing is certain, it's difficult to predict the behaviour of a violent partner when he's faced with a spouse who no longer accepts to live with the violence. When a victim decides to report their abuser, many things can go through the head of the violent partner. The loss of control of the situation can cause the accused to decide to assault his or her spouse, despite the existing charges brought against them, because, in the end, a person's conditions of release are not subject to any monitoring mechanism.

The purpose of my bill is to be proactive, to save as many lives as possible. Its sole objective is to prevent or stop any risk of violence that could lead to death.

Behind closed doors, it is often difficult for police officers to assess the urgency of the situation in a home, given the complexity of domestic violence. That's why it's necessary to implement a surveillance mechanism adapted to 2021, to provide a credible response to judicial instructions.

In drafting this legislation, I also drew on the expertise and advice of Canadian provinces. I reached out to nine provinces, including those with very high rates of violence. I worked with most of the justice ministers and public safety ministers in those provinces in order to tailor my bill to their realities. I can now count on the support of Quebec, Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick. Representatives of those provinces support this bill because the approach I'm advocating provides them with effective tools to address the scourge of domestic violence, including technical monitoring. I drew on examples of countries like France and Spain that have already adopted the use of electronic monitoring devices for offenders.

• (1750)

I would like to dwell on this crucial point of the bill for a few moments. In my bill, I want to add the option for judges to require offenders to wear an electronic monitoring device at every stage.

Initially, it would be up to the police. When the police arrest a person suspected of committing an offence related to domestic violence, they would have the option of releasing the accused pending the first appearance before a judge. At this stage, the police have the option of issuing a promise to appear with certain conditions. Henceforth, with the amendment of subsection 501(3) of the Criminal Code, the police will be able to include the wearing of an electronic monitoring device in these conditions, if they consider it necessary to protect the victim's life.

The police are the extension of our judicial system. They must be able to intervene effectively to protect victims from this form of violence in accordance with one of the principles of the Canadian Victims Bill of Rights, which is the right to protection.

Furthermore, the bill would add the wearing of an electronic monitoring device to the conditions for making an interim release order pending trial, which corresponds to section 515 of the Criminal Code.

When an accused makes their first appearance in court, the judge determines whether the case will go to trial. If the answer is yes and the judge decides to make an interim release order pending the trial, this bill would allow the judge to require the accused to wear an electronic monitoring device as part of the conditions of their release, if the judge determines that the victim's safety and life are at risk.

Lastly, I want to add the condition of wearing an electronic monitoring device to the new section 810 peace bond proposed in Bill S-231, which I will describe later in my speech. If a person has reasonable grounds to fear for their freedom, a judge may order the defendant to enter into a peace bond to prevent them from approaching the victim, which often happens with homicides committed in Canada. With this bill, the judge could require the peace bond and the wearing of the electronic monitoring device.

Electronic monitoring helps establish a safety perimeter between the victim and the abuser. In the event that the abuser breaks the safety perimeter, the victim and the authorities are immediately alerted. This gives the victim a chance to get to safety and allows authorities to intervene quickly to prevent a tragedy.

Some of you might say that this measure is costly, that it's not 100% reliable, or that it won't save everyone. I get that, but would you rather see reports on the news every morning about another murdered woman, or use modern technology to save as many lives as possible? To groups that help abused women and to me, the choice is clear. One life spared is more than enough to justify making someone wear an ankle bracelet. It is an effective and modern way to support the police and help judges make their decisions. Every case is unique. At least an electronic monitoring device allows us to monitor the accused. For their part, victims will feel safer, and, if conditions are violated, that is easy to prove in court.

Spain, for example, began fighting domestic violence in 1997 after a woman was burned alive by her partner. After passing laws in 1999, 2001, 2003 and 2004, Spain finally decided to introduce ankle bracelets in 2009. Spain's policy on this issue is the most advanced and the most practical. The number of lives saved thanks to electronic monitoring is considerable. There were 47 homicides in 2018 compared to 76 in 2008 when monitoring was introduced. Nine hundred women are now equipped with an alarm connected to an ankle bracelet, and there have been three murders in the past two or three years. Those results are conclusive.

I relied on the author Lorea Arenas Garcia, a well-known academic in Spain who has done extensive work on electronic monitoring and who showed us that Spain has an effective national strategy for combatting domestic violence.

The following are some of Ms. Garcia's observations, and I quote:

> There is a widespread perception among police officers and legal experts and within departments that this measure may be an effective tool for combatting violence against women. Public debate on electronic monitoring has focused on its ability to prevent deaths. Practitioners find this tool to be 100% effective, and feminist organizations and some media are calling for even broader use of electronic monitoring tools.

I would like to quote the opinion of Justice Harris of the Superior Court of Ontario in *Henry*:

> . . . electronic monitoring specifically deters a bailee from breaching bail and committing other offences. The monitoring will provide virtually conclusive evidence of a breach and powerful evidence to prosecute him or her for any offences committed. Presence can be proven by the electronic monitoring equipment. A rational self-interested accused will be aware of these facts.

France's National Assembly has passed legislation proposed by member Aurélien Pradié, which is similar to the one Spain passed in late 2019 introducing the ankle bracelets. Here is an emotional passage from the speech he gave to the French National Assembly, and I quote:

> Each tragedy illustrates the flaws in our legislative arsenal and in the organization of our judicial system.
>
> The flaws are known, but the possible solutions are also known. The lack of budgetary means for prevention and repression is also known.
>
> No politician, government official or legislator can make excuses and claim they are unaware. None of us can say that we need more time to think about solutions. The time has come for strong action. Not tomorrow, not the day after tomorrow, but today.
>
> This bill, which we have the honour of presenting to the National Assembly, certainly does not solve everything, but it can respond to the vital urgency, to the appeals of these women, of their loved ones . . . to protect women and keep them safe from being murdered by an intimate partner.
>
> Today we must answer those calls. Everyone here has a collective responsibility.

We, too, have a collective responsibility to act in the face of domestic and family violence, which affects too many women in Canada.

With more women speaking out in recent years, many countries are starting to take note of the severity of this issue. Canada does not fare well. We have a much smaller population than France, yet our rates of domestic violence per capita are similar.

Electronic monitoring is already used in Quebec for reasons other than domestic violence. At the federal level, under the Corrections and Conditional Release Act, the Correctional Service of Canada may require that an offender wear a monitoring device in order to monitor their compliance with a condition of a temporary absence, work release, parole, statutory release or long-term supervision that restricts their access to a person or a geographical area or requires them to be in a geographical area. These devices are also used by the Canada Border Services Agency for immigration cases in which someone might present a security or flight risk.

Getting back to my bill, one clause amends section 515 of the Criminal Code regarding judicial interim release. At this stage of the judicial process, the judge is not determining whether the individual is guilty or imposing a punishment. The judge is only determining whether the offender must be detained in accordance with section 515(10) of the Criminal Code, either where necessary to ensure the offender's attendance in court, to protect and maintain the safety of the public or to maintain confidence in the administration of justice.

• (1800)

The amendments to section 515 of the Criminal Code would make changes to several important provisions of the law, including the wearing of an electronic monitoring device, which I just mentioned. The first clause would ensure that the victim is consulted, can express their concerns and needs about their safety and security, and has the opportunity to speak to the interim release conditions to be imposed on the accused.

When a judge makes a decision about the conditions to be imposed on someone accused of an offence where violence was used, threatened or attempted against their intimate partner, they must consider the victim's opinion. The judge must make their decision with all the evidence in their possession. The goal is to put the victim back at the centre of the judicial process and recognize the role they play, in accordance with the right to participate enshrined in the Canadian Victims Bill of Rights. The victim is the first person concerned, so logically, they are the first person who should be consulted about a measure that affects their safety and their life.

I would like to remind senators that it is often already very difficult for victims to report —

The Hon. the Speaker: Excuse me, Senator Boisvenu. I'm sorry to have to interrupt you, but you will have the opportunity to continue your speech, for the balance of your time, when the sitting resumes.

[*English*]

Honourable senators, it is now six o'clock, and pursuant to rule 3-3(1) and the orders adopted on October 27, 2020, and December 17, 2020, I'm 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 Speaker: I hear a "suspend." The sitting is suspended until 7 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

The Hon. the Speaker pro tempore: Honourable senators, we seem to have a technical problem at Senator Boisvenu's end. If you agree, we will move to the next item, and when the issue —

Hon. Donald Neil Plett (Leader of the Opposition): Excuse me, but we do not agree with that, no, because he has 10 minutes left in his speech. It's not that he's starting his speech. I'm sorry, but we would like the technical difficulties corrected.

The Hon. the Speaker pro tempore: We will suspend for five minutes until we have Senator Boisvenu with us.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1910)

The Hon. the Speaker pro tempore: We have not resolved the technical issue with Senator Boisvenu. We will move on, and as soon as that issue with Senator Boisvenu is resolved, we will go back to him for the remainder of the 10 minutes in his speaking time.

• (1920)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. David M. Wells moved second reading of Bill C-218, An Act to amend the Criminal Code (sports betting).

He said: Honourable senators, I rise today to speak to Bill C-218, the Safe and Regulated Sports Betting Act, and to serve as the Senate sponsor.

I would like to thank Kevin Waugh, Member of Parliament for Saskatoon—Grasswood, for his leadership with this bill, which seeks to regulate sports betting in Canada, strengthen consumer protections to ensure the safety of those participating and bring revenues and tax dollars inside our borders to invest back into our communities.

Sports betting has been legal in Canada for over three decades; in fact, since 1985. Outside of horse racing, however, there is only one form of legal sports betting in Canada. It's called parlay bets. This type of betting requires an individual to bet on two or more games, and in order to receive a payout, each individual bet has to be correct. For example, if a bettor were to bet on the outcomes of an NHL game, an NFL game and an NBA game, these would be bundled together in one parlay and the bettor would only receive a payout if the outcomes of all three games are successfully wagered. The system of legal parlay betting generates approximately $500 million of annual betting expenditures in Canada.

Single-event sports betting is currently prohibited in Canada. This means that if a Canadian wanted to bet $10 on their favourite hockey team or any other sports team, that would be illegal. For Canadians who legally gamble, by law they must participate in more gambling than they may wish in being forced to bet on multiple games, where the odds are stacked against them, as it is more difficult to ever see a payout when betting on multiple games. Yet that is what Canadian law, as it stands now, mandates.

Given that single-event sports betting is not legal in Canada, it may be surprising to hear that Canadians are spending about $14 billion annually on this very product, which is 28 times what they're spending on legal, multi-match bets. This enormous industry of illegal activity has been made possible through both web-based offshore gambling sites and organized crime groups.

In 2019, Criminal Intelligence Service Canada, a federal agency, released its public report on organized crime, which provided an overview of the Canadian criminal landscape and the activities of organized crime groups that operate within it. It outlined that Canada's legal gaming market is controlled by organized crime groups, particularly outlaw motorcycle gangs and traditional mafia-structured organized crime groups. It goes on to explain that the criminal groups operating these gaming networks "often try to circumvent Canadian law by running their websites on offshore servers" and they use "violence, extortion and intimidation to further their criminal goals."

In terms of where the revenue is going, the report states that these groups use these illicit funds to finance other forms of criminality, such as drug smuggling and trafficking. Colleagues, it is not difficult to visualize the severity of harm that is possible with billions of dollars going into the wrong hands every single year.

Betting taking place through offshore sites and organized crime groups goes entirely unregulated. This puts Canadians at risk. Unsurprisingly, these groups have no interest in consumer protections or safeguards. There is no emphasis on problem gambling, addictions or mental health issues. In fact, the exacerbation of these issues is to their benefit.

The passage of this bill would allow for provincial governments to finally start regulating single-event sports betting. In 1985, the federal and provincial governments came to an agreement about how gaming would be managed, and it was agreed that the federal government would refrain from re-entering the field of gaming and betting and "ensure that the rights of the provinces in that field are not reduced or restricted." Since then, the provincial governments have developed and fine-tuned well-regulated, responsible gaming practices and frameworks, with strong operational controls and rules to ensure the integrity of the sports betting products offered and the safety of consumers participating.

In my province of Newfoundland and Labrador, this is done through a partnership with our Atlantic Canadian provincial partners under the auspices of the Atlantic Lottery Corporation, known as ALC, where profits are shared based on a proportional basis according to what is spent on lotteries in each province; 100% of ALC's profits stay in the region to help fund services essential to Atlantic Canadians, like health care, education and infrastructure.

Colleagues, if this bill passes, these stringent provincial regulations, frameworks and consumer protections would all apply to single-event sports betting, and the product would be brought safely into the well-regulated light of day.

The regulations that would be put in place around single-event sports betting are significant, tangible and desperately needed. Some examples are age and identity verification to ensure minors cannot participate; information and data sharing between sports organizations, sports book operators, gaming regulators and law enforcement to protect the integrity of matches and prevent match fixing; prohibition on players, coaches and officials from wagering on sports; standards for advertising, marketing and the offering of odds; access to responsible gambling tools and self-exclusion options, such as weekly deposit limits, wager limits, session time limits, 24-hour take-a-break or even self-exclude, whereby they can voluntarily prohibit themselves from online play for 6, 12, 24 or 36 months.

In addition, colleagues, the Atlantic Lottery Corporation has launched an industry-leading online responsible gaming tool called the PlayWise rating. This tool provides players with a confidential personal play rating at the behavioural level to help them understand their play and how it is evolving over time. These safeguards are necessary to protect Canadians; however, they can only be implemented once single-event sports betting is no longer prohibited by the Criminal Code.

It's also important to note that our provincial governments have been seeking this for more than a decade. The first provincial government request for this change was in 2009, and support has only grown since. The provincial governments stand in support of this bill, and just recently, Ontario's Attorney General and Minister of Finance co-signed a letter to the Senate expressing the Province of Ontario's support for:

> . . . the timely passage of Bill C-218 to help provinces in their efforts to provide legitimate and competitive gaming markets that protect Canadian consumers.

The letter states the provincial government's belief that:

> . . . broader legislation, with a robust regulatory framework, will create a safe online gaming environment that is responsive to consumer choice while providing responsible gaming and consumer protection measures.

I've received a similar letter from the Atlantic Lottery Corporation, again, representing the four Atlantic provinces.

Currently, due to the underground nature of single-event sports betting operations, no taxes are being collected on this product, despite the $14 billion being spent annually by Canadians. This results in a situation in which Canadians are completely unprotected. They are first placing bets through systems that are easy to access but entirely unregulated. No consumer protections in place and the absence of tax revenues results in an underinvestment in programming that will provide support with problem gambling, addiction and mental health challenges.

In February, PricewaterhouseCoopers conducted a study on the potential economic impacts of this bill if it were to pass. It concluded that, in a high-growth scenario, sports betting revenues would increase by 900% within two years, from

$241.7 million to over $2.4 billion. This rise in legal and taxable earnings would result in an associated increase in Canada's total annual tax revenue of $509.5 million in addition to the regular gaming profits that are distributed to provincial treasuries. Colleagues, imagine the impact of these revenues every single year.

• (1930)

The increased revenues could also be directed towards addiction research, youth sports programming, health care and education.

The economic impacts of this bill would extend even beyond the increase in tax revenue and the investments in communities that would become possible. The PricewaterhouseCoopers report also found that within two years, almost 2,700 additional jobs would be created across Canada. This complements research from the Canadian Gaming Association, which shows that the average salary within Canada's gaming industry is over $65,000 a year.

It is clear, colleagues, that this bill seeks to dry up revenue streams going to organized crime and operators of the offshore sites and redirect these streams to Canadians.

Many of Canada's Indigenous communities have been calling for loosened restrictions on single-event sports betting. Just as this bill was coming to the Senate, the Saskatchewan Indian Gaming Authority, also known as SIGA, sent a letter to the Senate in support of the bill. SIGA is a non-profit organization that contributes 100% of its net income back to surrounding communities: namely, Saskatchewan's First Nations, the Province of Saskatchewan and community development corporations. Through the operation of legal casinos, the organization has created employment for 1,800 individuals of which 65% are First Nations. SIGA's letter states that only one tool that will greatly help the gaming industry recover going forward is the approval of single-event wagering. It continues in their letter:

> SIGA Casinos, like other operators in Canada make significant contributions to the economy and we simply want the opportunity to compete and offer a product demanded by our customers. We currently see the unregulated grey market conducting business in our province with no benefit back to our stakeholders.

The letter also touches on the importance of consumer protections by stating:

> Approving single event also protects the interests of our customers. We are always make sure our customers are well informed on the games we offer and the integrity of the games is protected. As a legal operator we are held to high standards of accountability in areas such as industry regulation, responsible gaming and the processing of financial transactions.

It is clear, colleagues, that they simply want a level playing field.

We must also consider how Canada's prohibition on single-event sports betting is affecting our border communities. In 2018, the U.S. Supreme Court overturned a 1992 federal law in the U.S. that prohibited sports betting, and it is now up to individual states to decide whether to legalize it. At this point, almost every U.S. state has either legalized single-event sports betting or has active legislation seeking to do so. The list includes most of our border state neighbours. New York, Michigan, Montana and Pennsylvania have all legalized single-sport betting. This threatens border communities like Niagara Falls, Windsor and others as tourists and locals opt to go across the border to participate in legal gaming and betting. It was one thing when the main alternative to Canada's legal gaming industry was the black market, but now, for many communities, an alternative that offers single-event sport betting is as simple as a 15-minute drive away.

Honourable senators, there is a reason this bill has widespread support from credible stakeholders. In 2020, the NBA, NHL, MLB, MLS and CFL put out a joint statement in support of Canada making this change, which stated:

> Regulating single-game betting would allow for strong consumer protections as well as safeguards to further protect the integrity of sports.

This has been supported by provincial governments, labour groups such as Unifor and the Canadian Labour Congress, business organizations such as the Canadian Chamber of Commerce and numerous provincial and community chambers, law enforcement, mayors and other community leaders across the country, including provincial and regional lottery corporations, many Indigenous communities, the Responsible Gambling Council, the International Olympic Committee and the Canadian Olympic Committee. This broad support is indicative of the quality of this bill. The bottom line is that its passage would do much good for Canadians and for Canada.

I've discussed the numerous community groups, associations and individuals who are supportive of this bill. But I also think we have to ask ourselves, colleagues: Who would not want this bill to pass? Criminal organizations that are illegally and unethically profiting from Canadians with little or no regard for regulations, consumer protection, problem gambling or mental health would clearly not support this bill as it seeks to strip them of billions of dollars per year that they're using to fund other illegal activities. Offshore gambling sites operate outside the purview of Canadian law. They would not be supportive either. We must take this back from the black and grey markets and bring it into the light.

Honourable senators, this is a bill that we should all support. A vote against it would not be a vote against gambling, it would be a vote against increased safeguards, regulations and community programming. We have an opportunity to responsibly regulate gaming and gambling in Canada and ensure that Canadians already participating in single-event sports betting have supports and safeguards to do so safely. We also have an opportunity to ensure that hundreds of millions of dollars are being invested annually back into our communities. Thank you, colleagues.

The Hon. the Speaker pro tempore: Senator Batters, do you have a question?

Hon. Denise Batters: I do.

The Hon. the Speaker pro tempore: Senator Wells, would you take a question?

Senator Wells: I will, Your Honour.

Senator Batters: Thank you, Senator Wells. First of all, what is the current annual amount allocated by your province of Newfoundland to gambling addiction programs?

Senator Wells: Thank you for the question, Senator Batters. With regard to gambling addiction programs, I think there are two. I don't know the amount, but I know one is run directly through the Atlantic Lottery Corporation, which I mentioned was the lottery authority that the four Atlantic provinces use, and I know they have specific programs in place. I don't know the dollar figure. Also, I don't know the dollar figure that the Newfoundland and Labrador government spends on mental health and addictions, but I'm sure it is considerable as it's in the news frequently. It's a topic that I know our premier and previous governments have seen as very important. I don't know the number, Senator Batters, but I know there are programs.

Senator Batters: Yes, if you wouldn't mind finding out. I'm interested specifically in the current gambling addictions programs, because certainly there are widespread programs available through provincial governments for mental health, as there should be, and this is Mental Health Week, so I'm glad to see that. But I would be interested to know that if you could find out.

I'm also wondering — and I will certainly be taking a look at it — whether the PricewaterhouseCoopers study that you referenced contains demographic information about the gamblers and projected gamblers under the major — I think you said 900% — expansion in gambling money spent under this proposed legalization.

Senator Wells: Thank you again, Senator Batters. I'll get the information that I'm not aware of, and I don't recall from the PricewaterhouseCoopers report. But I do know now that a child the age of 10 can do single-event sports betting on these illegal offshore sites because there is no regulation. If it's brought into the light in Canada under the regulatory authorities that each province has, and, in the case of Atlantic Canada, under their collective jurisdiction under the Atlantic lotto, there are third party verified age practices that they use, and it's 19 and up. Again, I don't know the demographics, but I know under a new regime with this law it would be better than the completely unregulated system that's in place now.

Hon. Ratna Omidvar: Senator Wells, would you take a question, please?

Senator Wells: Certainly, Senator Omidvar.

Senator Omidvar: Thank you very much for your clarification of the context. I'm curious to know what the policy rationale was for the prevention of single-event sports betting, or do we just find ourselves in an accidental muddle here?

Senator Wells: Thank you, Senator Omidvar. Here's what happened as far as I can put together in my research: in 1985, when gambling came in, there was great concern about match-fixing. This three-bet or two-bet or multi-bet rule was brought in because it's harder to have success in match-fixing one match and having the success of all three bets, I think, that you have to make. So it limited or inhibited that. And that's fair enough.

The other significant thing that came into play, Senator Omidvar, was the internet, which came around the early 1990s. I recall a rudimentary internet around 1994. Of course, the high-profile, high-stakes and slick gambling sites didn't come about until much later, and that exacerbated the problem.

• (1940)

That leads us to where we are today. This bill and bills very similar to this have been introduced in the past, including during my time here in the Senate. For various reasons, much of them to do with time but some to do with not completely understanding the bill itself — those essentially stopped the process.

I think we now have a greater understanding of the controls that can be put in place and of the amount of money being lost by Canadians by sending money outside of Canada through criminal organizations and offshore sites. We have a greater understanding now. But it was initially to stop match-fixing. Thank you.

[*Translation*]

Hon. Éric Forest: Would Senator Wells agree to answer another question?

[*English*]

Senator Wells: I will, Senator Forest.

[*Translation*]

Senator Forest: You made reference to Bill C-290, which was introduced a few years ago. At the time, the National Hockey League was against the bill and you're telling us — and I trust you entirely on this matter — that they're more supportive of the bill today, like the other major professional sports leagues. How do you explain the NHL's change in direction after it feared that the bill would lead to fraudulent behaviour in terms of the outcome of the games?

[*English*]

Senator Wells: Thank you for your question, Senator Forest.

We had discussions with groups that represented the major-league sports. They see this now as a greater way to reach out to the customers they have. If it's done in a regulated way, that concern they had is eliminated, because they don't have that concern now.

You will know that there were discussions a number of years ago around the whole idea of having an NHL team in Las Vegas because of the association with gambling. Times have changed. That's not an issue. Las Vegas has a hockey team, and it is welcomed widely. People appear to not associate it with gambling.

The group message that we heard from the NBA, Major League Soccer, the NHL and MLB — they got together to put their message into the Senate, to the sponsor of the bill here in the Senate and the sponsor in the other place — that they are now in favour of this because of the regulation, the greater outreach and the protections. Also, it happens anyway, and it's better if it happens in a regulated environment than in an unregulated environment.

[*Translation*]

Senator Forest: Thank you very much for the explanation. I don't have any other questions.

[*English*]

Hon. Mary Jane McCallum: Senator Wells, will you take a question?

Senator Wells: Certainly, Senator McCallum.

Senator McCallum: The Mohawks of Kahnawake have, for more than two decades, asserted their inherent jurisdiction to conduct, facilitate and regulate gaming and gaming-related activities within and from the Mohawk territory of Kahnawake. This jurisdiction has been recognized globally and never been challenged. The Mohawks of Kahnawake currently exercise this right by conducted, facilitating and regulating both land-based and online gaming.

More important, sports interaction is a vital source of job creation in their community, and the profits have done significant good, including during the COVID-19 pandemic. Chief Deer said that Bill C-218, as currently constructed, simply does not reflect the Mohawks of Kahnawake's right and threatens the continued economic resilience of their community, including their ability to recover from the economic damage of COVID-19.

How will this bill impact the Mohawk jurisdiction over their right to gaming?

Senator Wells: Thank you for your question, Senator McCallum. I read the press release from the Kahnawake band; I read it with great interest.

It was asking for them to maintain what they currently have. I don't think that changes under this legislation. In fact, it levels the playing field so that every band, every province and every organization that regulates gambling in Canada has the same opportunity as the Mohawks have. I don't think this in any way diminishes from an unfair playing field aspect; in fact, this levels the playing field.

I read the letter, and I recognize some people are not going to be for this bill. However, overwhelmingly, I heard from people who are for this bill for the reasons I outlined in my speech.

Senator McCallum: Senator Wells, I wonder if it would be possible for you to meet with Chief Deer and that Mohawk nation to discuss this.

Senator Wells: Senator McCallum, I'd be happy to meet with the chief. I would also encourage the chief to appear at whatever committee the Senate decides to send this bill to, where they can present their ideas to the wider audience of the committee.

(On motion of Senator White, debate adjourned.)

[*Translation*]

The Hon. the Speaker pro tempore: Honourable colleagues, we will come back to Senator Boisvenu.

Senator Boisvenu, you may continue your speech. You had 10 minutes and 44 seconds remaining.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Seidman, for the second reading of Bill S-231, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders).

Hon. Pierre-Hugues Boisvenu: The goal was to make victims the focus of the judicial process and recognize the role that they play in it by taking a much more proactive approach with them.

I would like to remind senators that it is often already difficult enough for victims to report their situation to the police. It is therefore essential to guarantee their safety and listen to their needs when they decide to take that step.

This amendment is in keeping with the directives of Crown prosecutors found in the *Public Prosecution Service of Canada Deskbook*. It says, and I quote:

> Crown counsel should be aware of the interest of victims and witnesses in the release of the accused on bail, particularly in situations where the conduct reflected in the charges may imply a potential threat to the victim or witness.

What is more, as I mentioned earlier, I want to include new release conditions under section 515. If there is a risk of violence or death, I think that the current conditions that a judge can impose under section 515 are much too weak to prevent an offender from committing a violent crime. As I explained earlier, I want to include the wearing of an electronic bracelet in the interim release conditions.

The second condition I wish to add will give the judge the option of ordering province-approved addiction treatment or treatment for family violence under the court's supervision. This is new, but not necessarily new to the Criminal Code. Each case is different, and we must give judges the necessary discretion to decide whether the accused needs treatment for a violence problem for the sole purpose of ensuring the safety of the victim and of a future spouse, should the person enter into a relationship with a new spouse.

• (1950)

With regard to drug addiction, I relied on testimony received during my long consultations. Helping these people fight their addictions will reduce the risk of violent behaviour and of reoffending. In Canada, there are already therapies used in cases of driving under the influence. Since this solution is already helping some people, why not apply it to cases of domestic violence?

I spoke with victims who said that, in their own cases, therapy would have helped better control the violent behaviours of their abusers. Provinces know this and increasingly support organizations that offer these types of treatment to violent men. However, I understand that we need to do more. There are offenders who are aware of their problems and who know that the only way to avoid committing an irreparable act is through therapy.

Another proposal in the bill has to do with providing a copy of the order. The justice must first verify that the intimate partner of the accused has been informed of their right to request a copy of the interim release order, which includes the conditions set out in subsection 515(14) of the Criminal Code. This amendment would uphold the principles of the Canadian Victims Bill of Rights with respect to the right to information, so the right to be informed of the accused's conditions of release. The act already stipulates that the victim may be provided this information upon request.

However, based on the testimony I heard, I think the nuance here is that victims are often not made aware of their rights and, as a result, are left to their own devices in a process that is difficult to understand, when they are already in a complex and difficult situation themselves. This point would address one of the recommendations made by the Federal Ombudsman for Victims of Crime. In his document entitled *A Cornerstone for Change*, dated May 13, 2014, the ombudsman highlights a weakness in the Canadian Victims Bill of Rights, and I quote:

> . . . the Bill does not assign specific responsibilities to agencies within [the] criminal justice system to automatically inform victims of the rights to which they are entitled.

The ombudsman proposed the following:

> That victims are automatically provided, at the time of the crime, clear information about their rights under the Victims Bill of Rights, including what information they are entitled to receive and who is responsible for providing it and at what point.

I would now like to talk about another point in my bill that I view as an extremely important concept. I would like to fix a persistent flaw in Bill C-75 by imposing the reverse onus for offenders seeking temporary release who are facing domestic abuse charges and have previously been discharged for similar offences.

I do not consider a discharge to be synonymous with less serious. In my view, domestic violence, in all its forms, is always serious. If a person who has been discharged in the past is charged with domestic abuse again, he or she would have to prove — this time — that there are no grounds for his or her detention, as would individuals who have never received a discharge. This is only fair to the victims, because the victims do not get this second chance.

In early December 2018, Christine St-Onge was killed by her boyfriend on a trip to Mexico. Mexican authorities searched for several days, finally finding her body near the hotel where the couple had stayed. On December 5, 2018, after a hasty return to Canada, Christine St-Onge's partner, Pierre Bergeron, committed suicide. The investigation formally identified Pierre Bergeron as the chief suspect in her death. People who knew Ms. St-Onge described Pierre Bergeron as a violent and manipulative man. He had caused her to become estranged from her sister, her friends and her children.

Nancy Morel, Pierre Bergeron's ex-spouse, described him as an extremely possessive, violent and jealous man. Nancy Morel had decided to report him to the police to protect herself from his behaviour. Pierre Bergeron pleaded guilty to charges of assault and, believe it or not, was granted a discharge. On May 8, 2019, Christine St-Onge's sister, Annie St-Onge, appeared before the Standing Committee on Legal and Constitutional Affairs, where she said, and I quote:

> In the weeks that followed that tragic event, we learned that Mr. Bergeron had had a history of spousal abuse. A former spouse opened up to the media and said that a spousal abuse complaint had been filed against him with the police. As Mr. Bergeron was well-to-do and a narcissistic person, he defended himself with the help of his lawyers. He was granted an absolute discharge in exchange for a donation to an organization that provides assistance to battered women.

— How ironic. —

> What hypocrisy! There was no information in his file concerning assault or careless use of a firearm. The woman had to fight to be heard and to recover her property. It appears that Mr. Bergeron then filed a motion to overturn the verdict.

A conditional or absolute discharge is sort of like a second chance that is given to a person who acknowledges being found guilty of a serious offence. Based on the evidence at hand, the judge has to assess the gravity of the offence, the circumstances surrounding the offence, the state of mind of the accused and their risk of reoffending, as well as their genuine desire to not reoffend. The decision to grant a discharge is not taken lightly by a court. It must weigh the facts, the gravity and the risk of reoffending.

In the case of domestic violence, I think it is unfair that the reverse onus does not apply to cases where the accused has already received a conditional or absolute discharge. It is basically like giving a second chance to a person who, according to the evidence, is accused of a similar offence and has no obligation to demonstrate the grounds for their release. As I mentioned earlier, the process for granting a discharge is not an easy one and, as a result, if the judge was, for various reasons, unable to properly assess the accused's risk of reoffending, then the accused should potentially be considered a repeat offender in their own right and judged as such.

That last point concludes the first set of amendments to the Criminal Code that I am proposing with this bill. Society is very judgmental toward victims of domestic violence, but those who have never experienced domestic violence cannot understand the control that one person may have over another in such a context.

Honourable senators, it is up to us as legislators to give victims more guarantees so that they can have confidence in our justice system, which needs to be more responsive to victims and be more effective.

The second element of my bill concerns peace bonds under section 810 of the Criminal Code, "sureties to keep the peace." A judge can order the accused to sign a peace bond, and the individual must agree to comply with the conditions set out in this bond.

In Canada, section 810 of the Criminal Code is a general instrument of preventive justice, and it creates a source of criminal liability even if no offence has been committed. Breaching any of the conditions imposed in the peace bond can result in the defendant being charged under section 811 of the Criminal Code and, if convicted, being sentenced to a maximum of four years in prison.

In November 2020, a report was presented by the Université du Québec à Montréal on section 810 of the Criminal Code. The report was the result of a partnership between the Regroupement des —

The Hon. the Speaker pro tempore: Senator Boisvenu, I'm sorry, but your time has expired.

(On motion of Senator Duncan, debate adjourned.)

[*English*]

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report (interim) of the Standing Committee on Ethics and Conflict of Interest for Senators, entitled *Consideration of matters relating to the Ethics and Conflict of Interest Code for Senators*, presented in the Senate on April 20, 2021.

Hon. Judith G. Seidman moved the adoption of the report.

She said: Honourable senators, I rise today on behalf of the Standing Senate Committee on Ethics and Conflict of Interest for Senators to speak to its second report. This report proposes amendments to the *Ethics and Conflict of Interest Code for Senators* in light of the new *Senate Harassment and Violence Prevention Policy*.

• (2000)

On February 16, 2021, CIBA tabled its fourth report. This report informed the Senate that a new harassment policy had been adopted by that committee. On March 30, 2021, the Senate adopted a motion to repeal the 2009 *Policy on the Prevention and Resolution of Harassment in the Senate Workplace* as well as the 2019 interim process for the handling of harassment complaints.

Given the imminent implementation of the new policy, our committee examined whether amendments to the code were advisable in light of the policy.

Right at the outset, I would like to explain and clarify the role and mandate of our committee. Under the *Rules of the Senate*, the Ethics Committee is authorized to address, on its own initiative, all matters relating to the code.

With respect to the new policy, however, our committee has no authority to determine or modify its content. The policy is within the exclusive purview of CIBA and thus beyond the mandate of the Ethics Committee. As such, this report concerns only the alignment between the new policy and the *Ethics and Conflict of Interest Code for Senators*.

Some senators have expressed concerns that the process provided under the policy to deal with harassment and violence does not extend to parliamentary proceedings because they are subject to parliamentary privilege. However, this implies that no recourse exists for misconduct that occurs during proceedings.

Let me remind senators of the mechanisms that currently exist to deal with inappropriate conduct in the chamber or during committee meetings. These include points of order and questions of privilege. In accordance with the *Rules of the Senate* and long-standing parliamentary procedure, senators may bring conduct that constitutes harassment and violence, and that occurs in the course of the Senate or Senate committee proceedings, to the attention of the Speaker of the Senate or the committee chair as the case may be.

The Senate and its committees, subject to the Senate's authority, have the exclusive authority to regulate their own proceedings. If the Senate eventually adopts amendments to its rules regarding the harassment and violence that occurs during proceedings, our committee will then consider whether related amendments to the code are necessary.

Within the specific mandate of our committee, we believe amendments are necessary to align the code with the new policy.

In reaching this conclusion, our committee met in February to examine how the policy interacts with the code, and in March to discuss potential code amendments. Our committee also met with the Senate Ethics Officer, the SEO, to hear his views on the proposed amendments. His assistance was crucial in ensuring

that any proposed amendment is consistent with his role and responsibilities under the code and the Parliament of Canada Act. It was also important to ensure his understanding of the proposed process under the code in matters related to harassment and violence.

Before considering potential amendments to the code, our committee examined the adequacy of the current process for cases involving a senator's conduct that constitutes harassment and violence. We determined that the current approach under the code would be partly duplicative of and misaligned with the process under the policy.

Our committee noted that the current provisions of the code require that the SEO, when seized of an issue, first conduct a preliminary review and then, if warranted, an inquiry. This can take time and involves procedural requirements, such as notices to parties and interviews under oath.

Indeed, our committee was informed by the 2019 Meredith inquiry, wherein there were delays in the completion of the SEO's inquiry caused in part by a need to re-interview persons who previously participated in an independent investigation concerning allegations of harassment. We sought to avoid similar issues arising in the future.

Further, our committee considered observations made by the SEO as part of the Meredith inquiry report wherein he clarified that his role should not usurp the role of the Senate as the employer in interpreting and applying Senate policies, and that he should not act under the code unless an allegation of harassment and violence has been substantiated by the Senate.

In addition to these considerations, our committee was guided by five key principles in its deliberations.

First, our committee is mindful of the realities of the workplace harassment resolution processes. It is important that any process under the code should seek to minimize any further impacts on a person who experienced violence and harassment.

Second, we considered the confidentiality and privacy of the parties as required under the policy and the applicable statutes. Amendments to the code should also safeguard the confidentiality of those involved. This would not, however, prevent the disclosure of certain information that is sometimes required, such as the name of a senator in a report brought to the Senate for decision.

Third, our committee was conscious of the importance of timeliness in matters related to harassment and violence. We also noted the six-month time limit provided by the policy for the completion of the resolution process. Thus, we believed that certain procedural requirements under the code should be modified when the SEO is provided with a report from an independent expert investigator under the new policy.

Fourth, our committee was mindful of the SEO's limitations in investigating cases of harassment and violence. Applicable federal regulations require investigators to possess relevant knowledge, training and experience regarding harassment and violence in the workplace, something the SEO does not inherently possess. We believe that it is preferable to defer to the work of investigators who are experts in this area.

Finally, we noted that context is important and the circumstances of any two cases may be quite different. Accordingly, any amendments to the code should provide our committee with the flexibility necessary to fulfill its obligations and respond to different situations as they arise.

In light of these principles and to align with the requirements of the policy, our committee proposes to amend the code by adding new provisions that would apply specifically to a senator's conduct that may constitute harassment and violence. For clarity, this new code process is only engaged if the SEO receives a final investigation report as a result of an investigation under the policy.

I will now provide an example of how our committee sees the sequence of events with the proposed code amendments.

If senator X is the subject of an investigation under the policy, the final investigation report would go to the SEO. Under our proposed amendments, the SEO would provide it to the Ethics Committee as soon as possible. The SEO would take no additional action at that time. He would neither conduct a preliminary review nor an inquiry. However, the Ethics Committee could ask the SEO for recommendations in respect of potential remedial, corrective or disciplinary measures. With or without the SEO's recommendations, the Ethics Committee may recommend sanctions to the Senate in a public report that would name the senator. Or the Ethics Committee might refer the matter to CIBA or its subcommittee confidentially for remedial or corrective measures such as additional training.

The proposed amendments mean the SEO would only provide the Ethics Committee with the report of the investigator and, if necessary, a recommendation. The Ethics Committee considers whether the recommendations are appropriate to the Senate or CIBA. Neither the Ethics Committee nor the SEO would conduct their own investigations nor would they serve as any sort of appeal mechanism.

Now that I've explained the steps of the process, I would like to turn your attention to the specifics of the new provisions we are recommending.

First, our committee recommends that the code provide a new rule of conduct section 7.3 stating: "A senator shall refrain from engaging in conduct that constitutes harassment and violence."

We believe it is important that the code includes a provision that directly addresses harassment and violence.

Second, we recommend adding a new provision to deem a finding of an investigation report that a senator engaged in harassment and violence to be a breach of section 7.3. Thus, by engaging in conduct that an independent expert investigator determines to be harassment and violence under the policy, a senator breaches their obligations under the code. This amendment recognizes and respects the expertise of the

independent investigator. It also seeks to minimize the risk of further victimization by precluding the SEO from conducting an additional investigation.

Third, we propose a new section to require that the SEO provide the final investigation report under the policy to our committee as soon as possible without conducting a preliminary review or an inquiry. The committee is authorized to direct the SEO to provide recommendations regarding remedial, corrective or disciplinary measures in relation to a breach of the new section 7.3.

• (2010)

These amendments would streamline the process under the code when the SEO has received a report resulting from the policy, avoid redundant procedures that would already have been undertaken by the investigator and facilitate meeting the six-month time limit provided by the policy for the completion of the resolution process.

Four, we recommend a new section to require that the committee redact information that could identify parties involved in a resolution process unless their consent is obtained.

It is important to note that these changes do not compromise procedural fairness for any participant in a resolution process because the policy already establishes that all parties would receive the investigator's final report at the same time. As for our committee, we would be provided a copy of the same report, on a confidential basis, as soon as it is received by the SEO.

It should also be noted that the obligation to preserve the confidentiality of the parties will not prevent the Ethics Committee from disclosing certain information when required by the code, such as in our committee's reports to the Senate recommending disciplinary measures to a senator.

As well, extraordinarily, the process would prevent any suspension of work on the part of the SEO in relation to an investigator's report because there is potential criminal activity or because the senator ceases to serve. Our committee felt it was important to minimize delays and ensure the speedy resolution of the process such that the committee will always receive the final investigator's report under the policy as soon as possible.

These proposed amendments are the result of careful examination and deliberation by our committee. If this report is adopted, the code would provide a streamlined mechanism for the SEO and the Ethics Committee for dealing with harassment and violence that aligns with the new policy.

Our committee therefore recommends that the amendments come into force either upon the adoption of this report, provided that the policy is in force, or upon the coming into force of the policy.

[Senator Seidman]

Honourable senators, I would like to conclude with a reminder that the code is an evolving document. From time to time, amendments are necessary to ensure that its provisions are both current and free of ambiguity and to enhance public confidence in the Senate and senators.

Our committee believes that these recommendations reflect the Senate's desire for the code to keep pace with the contemporary needs and realities of the institution. They would also ensure that the Senate's regime for addressing certain types of misconduct is clear and consistent.

By adopting these recommendations, the Senate would once again reassert its commitment to holding senators to the highest standards of conduct through a process that responds to the changing needs of the Senate.

Hon. Marilou McPhedran: Senator Seidman, would you take a question on the report?

Senator Seidman: Yes, I will. Of course.

Senator McPhedran: Thank you. I have a particular question, but before I get to that I would like to say thank you for all of the hard work that was clearly put into this to align it with the new policy. I think we will, indeed, see a streamlining.

My question relates to 52.7(1). It's fairly short, and I think in order for my question to be clear I'll just read that section.

> The Committee shall not table an ***investigation report*** or a recommendation from the Senate Ethics Officer in the Senate but may, subject to subsection (2), append these documents to or cite from them in a Committee report to the Senate that contains a recommendation for a disciplinary or other measure.

Could you please help me and perhaps other senators understand the distinction made in 52.7 (1) with (2)? It appears to focus on protecting privacy rights of complainants, but I would appreciate a bit more of an explanation on them. If you're going to be appending documents, what is the purpose of the distinction between tabling the investigation report as against —

The Hon. the Speaker pro tempore: I'm sorry, Senator McPhedran, but the time has expired. We must move on.

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Deacon (*Ontario*), for the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Pate:
>
> That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:
>
> (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;
>
> (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
>
> (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
>
> (d) the accessibility of retraining and skills development programs for workers;
>
> That, in conducting this evaluation, the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and Indigenous workers; and
>
> That the committee submit its final report on this study to the Senate no later than September 30, 2022.

Hon. Lucie Moncion: Honourable senators, I rise today to support Senator Lankin's motion to authorize the Standing Senate Committee on Social Affairs, Science and Technology to study the future of workers.

I believe that the subject should be studied in depth in committee, not because it is a new phenomenon, but because the precarious nature of work, in the context of the significant growth of the gig economy, gives rise to important questions. The context of work is constantly evolving, and it is imperative that we study the changes that are happening so we can adjust our acts and regulations accordingly.

[*English*]

Many of my colleagues have eloquently explained why it is important to conduct a Senate study on the gig economy and precarious work, so I will not take any additional time to address the necessity and merit of carrying out such a study. However, I would like to highlight two related points that I believe should be considered by committee members as part of this study. The first involves the heterogeneous nature of the gig economy, and the second has to do with the legal classification of workers.

Before I continue, I would like to clarify one thing: it is important to distinguish between precarious work and the gig economy. These two concepts are not synonymous or interchangeable. Jobs can be precarious in a number of sectors; insecurity is not unique to the gig economy. Precarious work is also present in classic employment settings.

[*Translation*]

Paragraph (c) of the motion seeks to study the negative effects of precarious work and the gig economy on benefits, pensions and other government services relating to employment. In studying this very important aspect, I would like the committee to also take a look at the benefits that some self-employed workers could earn. Some workers are able to earn income because of the freedoms afforded by the legal status of being self-employed. They cannot, or are unwilling to, join the workforce in the classic sense, for a variety of reasons.

For some, this lifestyle is a choice that allows them to find an ideal work-life balance that lets them earn an income suited to their needs. This distinction between precarious work and the gig economy should therefore be part of the analysis of the committee's study.

[*English*]

However, there is certainly a part of the gig economy that constitutes precarious work and it should, of course, be considered by the committee. The real concern is when individuals have no choice but to turn to precarious work, whether in the gig economy or in a classic employment setting. The concept of choice is important, and the underlying reasons for having no choice should be considered during the committee's study.

• (2020)

[*Translation*]

It is therefore important, as part of this study, to take into consideration the heterogeneity of the gig economy and to pay particular attention to precarious work in all work environments. For example, is precarious work more or less present in rural environments, and to what extent? What role does this economy play in remote areas compared to urban centres? How does it affect official language minority communities, Indigenous people and other minorities?

The second point I want to raise and that is worthy of being studied in committee has to do with the legal classification of workers. There are a number of cases in which the classification of workers may not be appropriate. A number of workers in the gig economy are legally considered self-employed workers, even though their job is actually closer to that of a traditional employer-employee relationship. Companies benefit in many ways by classifying these workers as self-employed workers instead of employees, but the workers lose out on basic rights and legal protections. The laws and regulations will have to be

adjusted to reflect this new reality, and the committee's study will help better identify these legal loopholes that allow some businesses to take advantage of workers. Employment laws and regulations must serve to create equitable employer-employee relationships. That is essential.

There's no doubt that the pandemic has made workers and the gig economy more precarious. This study was relevant before the pandemic, but it is even more essential now to ensure an equitable economic recovery for Canadian workers. We must take this opportunity to give these workers a promising and prosperous future. Esteemed colleagues, I urge you to vote in favour of this motion.

Thank you for your attention.

(On motion of Senator Martin, debate adjourned.)

[*English*]

LONG-TERM CARE SYSTEM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Seidman, calling the attention of the Senate to weaknesses within Canada's long-term care system, which have been exposed by the COVID-19 pandemic.

Hon. Marty Deacon: Honourable senators, as I listened to senators today, there is a theme that continues to jump off the page for me. That is serious, complex, national issues that senators are deeply passionate about. I believe that in each of these, we as senators can be the change at this moment.

I rise this evening to add my perspective to support the inquiry on long-term care. I want to begin by thanking Senator Seidman for bringing this important inquiry forward and for her continued advocacy in this area. I would like to thank as well those who have already spoken to this important issue. Your speeches have informed my thinking, and I hope to offer you the same degree of insight you have provided to me.

Colleagues, this is a matter that has kept me up at night on many occasions. While the pandemic has laid bare the issues that face our long-term care system, the fact is that it's been in crisis for some time now. It's been a hard year, and we have been forced to confront some hard questions about a topic most are uncomfortable with, that being the end of life. The current pandemic has, of course, focused our thinking on this, but our discussions around MAID as well have caused us all to reflect on what dying with dignity should look like.

Our discussions on these matters also turned my attention to hospice care, a crucial aspect of how we approach the end of life. Hospices are some of the only health care services that must fundraise for direct clinical care costs, including nurses and personal care workers who hold the hands of your loved one. I met with Hospice Care Ottawa, who told me that financial strain has made it impossible to open new hospice beds to serve their community. This makes no sense to me. The evidence is there: Hospices save our health care system money.

A residential hospice bed costs one third of an acute care hospital bed. It's been estimated that 21 hospice care beds save the health care system more than $4 million a year, and yet only 60% of our hospice care system is publicly funded. There is something wrong with the math on this one.

We see such gaps in our long-term care as well. Like many of you, I have had to navigate our long-term care system for a loved one who needed critical or long-term care. I have observed the passing of six parents over the past two decades, each and every one very differently. Sadly, my most recent loss of a parent ended up by trying to say goodbye this fall on an iPad, but she died as the IT person was preparing to connect us to say goodbye.

Each loss is a reminder of the work that must be done collectively and now. My experiences with long-term care homes in some instances were less than pleasant. That's not to say that all long-term care homes are bad or poorly run, of course. Some of you have told us about your good experiences, after all. But for such a critical piece in our system of care for the most vulnerable Canadians, I do not believe that the quality of care should come down to luck and circumstance. It should not depend on where you live or what you can afford. A minimum standard of care must be upheld so older Canadians who are unable to support themselves can rely on a degree of consistent and appropriate care anywhere in this fantastic country.

While most long-term care staff at all levels are doing the best they can with what they have, quite often that's just not enough. Many care staff have found themselves in a system that required them to work in multiple homes with low pay and long hours. It was this situation that left our seniors in these homes extremely vulnerable over this past year, a time when their safety mattered the most.

While long-term care homes proved vulnerable to varying degrees across the country, some of the most telling evidence provided to us arose from the situation in my home province of Ontario. Though it seems like a lifetime ago, it was only a year ago that the military was called in to assist in our long-term care crisis. What they found was horrifying. I have no doubt you all read the report, but much has happened since then, and we need to remember what they saw, what they felt and what they heard.

They reported used medical equipment like catheters not properly cleaned before their next use. There was fear on the part of staff to use critical supplies because they cost money. Residents were left with food they were unable to eat because they could not feed themselves and there were not enough staff to do it for them. Staff were so overworked that they were unable to tend to patients sufficiently, leaving them alone, isolated and immobilized in bed for days at a time.

This, of course, led to long-term care patients making up an immensely disproportionate percentage of COVID cases in the early going, with 8 in 10 deaths in the first wave coming from these long-term care homes. We've all heard the numbers but I fear we may have become numb to them. We must remember that these were individuals who lived long and full lives. They had family and friends who cared about them. They did not deserve to die alone, isolated and afraid.

Hindsight being what it is, it's easy to say much of this could have been avoided given what we know now about the virus. Perhaps we could have caught sick patients sooner and isolated them before they spread the disease. Maybe we could have gotten proper PPE for staff to protect them and their charges. But the sad fact is that we have been warned for years that catastrophe was looming and we chose to do little to address it.

• (2030)

On April 28, the Auditor General of Ontario released a report that investigated the provincial government's handing of the long-term care crisis. She highlighted three long-standing issues that led to the cascading disaster that unfolded. The first was that, as far back as 2003, after the SARS outbreak, an expert panel made several recommendations to prepare for the inevitable "next time." These were ignored by every government that followed. The second was that ongoing concerns — raised for well over a decade about systemic weaknesses in the sector — had not been addressed. Third, the sector's lack of integration with the health care sector did not enable long-term care homes to fully benefit from needed, life-saving expertise.

We have known of those issues for some time now. We chose to mostly ignore them, and we paid the price. We cannot afford to ignore this crisis any longer. At the very least, we must use this tragedy to spur us into action instead of waiting for the next catastrophe to unfold.

First and foremost, more beds are required for those requiring access to long-term care. This is a growing problem that will only get worse if we remain inert. According to Ontario's fiscal accountability officer, between 2011 and 2018, the number of LTC beds in Ontario increased by only 0.8%, while the number of people over the age of 75 grew by 20% in that same time. In 2017, it was reported that there was a shortage of 63,000 beds across Canada; a problem only set to grow as our population continues to age.

There is no doubt that the debate around long-term care leads to jurisdictional finger pointing, but there are several things that can be done at the federal level to encourage change. More money is needed, of course, to update and modernize existing facilities, but there are some outside-the-box ideas that merit further study as well.

Some of you were fortunate enough to join Professor Carolyn Hughes Tuohy for a discussion organized by Senator Boehm and Senator Seidman not long ago. In her paper, *Federalism as a Strength: A Path Toward Ending the Crisis in Long-Term Care*, she shared much with us. Like each of us, we know the problem; the time for talk is over. One suggestion she makes is a long-term care insurance benefit that could be attached to the CPP/QPP as a supplementary benefit to help with the costs of long-term care. A similar program exists in Germany, the Netherlands and Japan. International comparisons are worthwhile to see what we can learn and change to help us in the long run. Some of the jurisdictions I just mentioned take less of an institutionalized approach and instead encourage more independent living with supports.

Professor George Heckman from the University of Waterloo — my home — recently co-authored a paper calling for an entire reimagining of our long-term care system along these lines. This includes smaller, homelike settings that have been proven to lead to better health outcomes. Smaller, apartment-like homes also have the benefit of being less crowded, leaving far less risk of a virus like COVID-19 burning through an overcrowded ward of patients. He also calls for more training and supports for staff, as well as dedicated staff at various residences, rather than having them go from place to place. That means that we must invest in these staff, train them properly and ensure they are compensated fairly for this very important work.

It's now clearer than ever that our approach to long-term care needs a serious rethink. Money is needed, but if it is then spent to prop up what already exists, that's a path to failure and catastrophe all over again. There was absolutely no excuse for the scale of the tragedy that we witnessed, and it would be more shameful if we find ourselves here again.

I again thank Senator Seidman for beginning this very important conversation. I hope it is just a first step toward working to make meaningful change in a branch of our health care system that is in dire need of it. Senators, we need to be the game changers. Thank you.

(On motion of Senator Duncan, debate adjourned.)

LINK BETWEEN PROSPERITY AND IMMIGRATION

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Omidvar, calling the attention of the Senate to the link between Canada's past, present and future prosperity and its deep connection to immigration.

Hon. Yuen Pau Woo: Honourable senators, I'm pleased to add my support to this inquiry, and I thank Senator Omidvar for introducing it. I also thank the previous speakers on this inquiry who have covered a wide range of issues related to the question of immigration and Canadian prosperity.

There is no need to repeat the importance of immigration for Canada, both in historical terms and for our future success. While there are still pockets of our population who are anti-immigration, this opposition is largely based on nativist sentiment and stoked by xenophobia. This is not to say that immigration policy in Canada is without its flaws. There are many questions that need to be addressed, including levels, selection criteria, settlement and integration, which is why I support not only this inquiry but any follow-up action that might allow the Senate to play a catalytic role in future migration policy. I use the term migration rather than immigration because I believe Canada has entered a new phase in the global movement of peoples, and that future policy on people movements must account for both inflows and outflows.

It is a cliché that apart from our Indigenous population, Canada is a country of immigrants. Waves of migration over the last 150 years have added to Canada's population, from a mere 3.4 million in 1867 to about 38 million today. Since Confederation, we have received about 17 million immigrants, so the cliché is very much accurate. It was, in fact, Sir Wilfrid Laurier's belief in Canada's vastness, its boundless resources and irresistible magnetism for people around the world seeking a better life that led him to predict that "The twentieth century will belong to Canada." I'm not sure we owned the last century, but it was, in the global scheme of things, a pretty good 100 years for the country.

I believe a large part of that success was because of our openness to immigration. At a recent webinar organized by Senator Omidvar, we learned from Chief Statistician Anil Arora that immigration will account for the entirety of Canadian population growth within 10 years. If we are going to have another good 100 years, we will need to build on and improve not only how we attract talent to this country, but also how we build a globally minded citizenry and connect with Canadians abroad.

Honourable senators, there are an estimated 2.8 million Canadians living outside of Canada. That is more than the population of some provinces, which is why, back in 2009, the Asia Pacific Foundation of Canada labelled expatriate Canadians our "secret province." The pioneering work on Canadian expatriates was led by Professor Don Devoretz of Simon Fraser University, who sadly passed away earlier this year. Together with Kenny Zhang, he produced global estimates of Canadians abroad, as well as estimates for jurisdictions such as the United States and Hong Kong. Their research from over a decade ago has been the basis for all subsequent work on this issue.

• (2040)

The central insight from the work of the Asia Pacific Foundation of Canada is that Canadians abroad are not contingent liabilities on our national balance sheet, but are in fact a hidden asset for the country. The extent to which this asset can be unhidden depends on whether Canadians embrace their overseas compatriots in the same way we embrace newcomers to the country. It also depends on whether there are government policies that explicitly focus on connecting with Canadians abroad and incentivizing them to participate in Canadian society, economy and civic affairs.

In recent years there has been a growing interest in Canadians abroad, for two reasons. The first is media attention on Canadians in high-profile positions around the world. Think of Mark Carney at the Bank of England, Lindsay Miller at Dubai Design District, Stephen Toope as Vice-Chancellor of Cambridge University and Lisa Bate at B+H Asia.

John Stackhouse recently published a book highlighting some of these Canadians in high-flying positions around the world, but I would not place a lot of hope on name recognition of a few superstars for a sustained policy focus on Canadians abroad. If anything, this is an approach that is doomed to failure because it relies too heavily on one's perception of the individual, and gives the impression that Canada can benefit from sporadic contact with a few big names rather than a broad-based policy that taps into the much larger pool of talented Canadian expatriates around the world.

The second reason is that we passed a bill in 2018 that gave Canadians living abroad the right to vote regardless of how long they have been out of the country. Those of you who were here at the time will remember the debate on that bill, which was introduced to revoke a previous policy that denied voting rights to Canadians who had been living abroad for more than five years. The passing of that bill came in the wake of a legal challenge by Canadian expatriates who had lost their franchise, and they were vindicated by rulings in their favour all the way to the Ontario Superior Court, even prior to the introduction of the bill.

Having worked on this issue for many years, I have long wondered about our antipathy towards Canadians abroad. It is most profound in the case of Canadian immigrants who, after landing in the country, then choose to return to their native country or move to a third country to pursue their personal or professional interests.

We saw this in the evacuation of Canadians from Lebanon during the 2006 conflict, when there was much huffing and puffing over what was then termed "citizens of convenience." We also saw it through the 2000s in discussions about the hundreds of thousands of Canadians from Hong Kong who, after becoming Canadian citizens or landed immigrants, went back to the territory for family or work reasons. You may remember the odious term that was used at the time, describing them as

"foreigners with Canadian passports," or the equally repugnant headline in a 2006 *Maclean's* article entitled "Is it time to close Hotel Canada?"

There are, of course, legitimate questions around residency requirements and tax obligations of return migrants, as well as the nature and extent of consular services that are provided to Canadians living abroad. But the general tenor of policy discussions around Canadian expatriates, especially outside of the U.S. and Western Europe, is that this population of citizens is a liability for the country and that the goal of policy is to minimize the risk of that liability. In fact, the department in the Government of Canada that is responsible for Canadians abroad, Global Affairs, explicitly defines its role in terms of consular affairs rather than any sense of tapping into the potential benefits of Canadians abroad.

There was a time when governments of the day, Conservative and Liberal alike, had parliamentary secretaries responsible for Canadians abroad, but they invariably saw their jobs in terms of dealing with pesky Canadians who got into trouble overseas.

The fact that nearly 9% of our population lives outside of Canada points to the fact that there is a diaspora of Canadians in the loose sense of an overseas community with ties to the homeland. Think about the term of "Irish diaspora" or "Italian diaspora" or "Indian diaspora" and you will know what I mean. However, when politicians and media commentators talk about "the Canadian diaspora" or "diasporic Canadians" or "diaspora politics," they are not referring to Canadian abroad; rather, they are talking about immigrants to Canada, especially visible minorities like me, and defining us in terms of our connections to another country or to a non-Western ethnic group.

What does it say, colleagues, about our national psyche that the term "diaspora" is used to refer to minority Canadians living in Canada rather than Canadian citizens living outside the country?

I think the deeper reason for policy antipathy towards Canadians abroad stems from how Canadians see themselves in relation to the world. Echoing Laurier, there is a sense among many of us that we won the lottery by being born in this country or by having been selected as an immigrant to Canada. I don't disagree with this view. But it often comes with the rider that, having won the lottery, why would anyone choose to give it up by going abroad? This sentiment can border on the incredulous and sometimes even hostile. I have heard many times the view that there is something ignoble and disloyal about moving to another country after immigrating to Canada, even if it is for perfectly sensible professional or family reasons.

Our national psyche is built on the idea of Canada as a country of immigrants, which is a powerful and positive self-image. But it takes a turn into parochialism when we cannot appreciate the value of also being a country of emigrants. We tend to see immigration as a one-way ticket, with Canada as the final stop. Don't get me wrong; we need to do everything we can to help immigrants build successful lives in this country, so they are able to stay in the country. But why would we limit the definition of success only to what happens in this country? Can we not have a more expansive understanding of migration to include how our overseas citizens also contribute to the Canadian economy, society and civic affairs?

There is, of course, a paradox here that has to do with the difficulty that many immigrants face in getting jobs that are commensurate with their skills and experience. This is a problem that we seem to discuss year after year, with little progress to show. Is it any surprise that immigrants who come from dynamic economies and cannot find suitable work in Canada should choose to go back to those places to pursue professional opportunities? And if in fact they do so, wouldn't we be better off embracing them as part of a global asset for the country rather than writing them off as "foreigners with Canadian passports?"

I am not oblivious to the fact that some expatriate Canadians couldn't care two hoots about contributing to Canada. This is as true for the professional athlete or movie star who has made it big in Los Angeles as it is for the footloose Canadian business tycoon in London, Paris or Shanghai. It is, for that matter, also true of resident Canadians who don't care much beyond their narrow self-interest.

But the reality of attachment to Canada is that it works both ways. A Canada that is not interested in attaching to its overseas citizens will only foster a pool of overseas citizens who are not interested in attaching to Canada. That is why our current policy approach to Canadians abroad needs to evolve from one that focuses on consular services for citizens to one that is about cultivating substantive ties with the country.

A very positive step in this direction came with the change in our election law to allow Canadians to vote. Many of you who supported the bill did so on constitutional grounds, along the lines of the catchy slogan "A Canadian, is a Canadian, is a Canadian." I agree with that analysis, which was supported by court decisions ahead of the bill. However, I believe the more important long-term benefit of the bill is the signal we send to overseas Canadians that we want them to stay attached to the country.

The results from the 2019 election were encouraging: 34,144 Canadians from abroad voted in that election out of an international register of about 55,000 electors. Compare that with 2015 when there were only 11,000 overseas voters out of 16,000 registered and in 2011 with 6,000 voters out of a registered total of 11,000. These overseas voters are spread over many ridings, so it is highly unlikely they constitute a significant voter bloc in any given race. However, the aggregate number is not trivial, and it is likely to grow.

• (2050)

Political parties would do well to pay attention to this overseas constituency, and I was pleased to learn recently of the Conservative Party's efforts to court such voters. This effort is led by two eminent Canadians, John Baird and Nigel Wright, who unsurprisingly happen to be one-time expatriate Canadians.

Political engagement is only a small part of attachment to Canada and not necessarily even the most important part. The goal of a forward-looking policy on overseas Canadians should be to cultivate attachments across all domains of Canadian life,

including business, the arts, sports and recreation, research and education, philanthropy and more. Lest you think that it is a tall order to find overseas Canadians who want to engage in each of those domains, I can report there are numerous organizations of self-identified Canadians across the world that provide platforms for such activities. Take for example Network Canada in the U.K., C100 in Silicon Valley, MAPLE Business Council clubs across cities in the United States, The Friends of Canada in Germany and Canadian chambers of commerce around the world to name just a few.

Changing our national narrative from one that is focused exclusively on inbound migration to one that also embraces out-migration will have benefits that go beyond our relationship with overseas compatriots.

One of the fundamental reasons why immigrants have such a difficult time getting jobs commensurate with their qualifications and experience is that Canadian employers and the general public undervalue the international experience of immigrants. This is a paradox because we claim to want immigrants because of their skills and experience, and yet the first question that most newcomers stumble on when they apply for a job is, "What is your Canadian experience?" Here again the problem is the parochialism that is connected to our positive self-image as the best country in the world for immigrants. That parochialism often translates into the idea that the only job experience that counts is Canadian experience.

I believe a more balanced understanding of Canada both as an immigrant-receiving and an emigrant-sending country will help Canadians appreciate the importance of global knowledge, international work experience and cross-cultural savvy. It will place greater value on an education system that values international experience as an asset for a young person's career advancement rather than time wasted.

If we truly believe that Canada is the best country in the world, we should expect that most Canadians who spend time abroad will return; if we don't value the international experience of those who spend time abroad, why would they want to return?

As it stands, young Canadians are not as globally minded as their counterparts in many other countries. There is evidence from International Experience Canada — IEC — which is a youth mobility program that provides a path for Canadian citizens aged 18 to 35 to work and travel abroad. IEC operates through a series of bilateral and reciprocal work-permit agreements. As of July 2019, Canada had agreements with 31 countries. Although the program has reciprocal work-permit quotas, only 19,857 Canadians took part in the program in 2017 compared to 68,371 foreign nationals. A lot more foreign nationals are taking up the opportunity to come to Canada than Canadians taking up the opportunity to go abroad.

Colleagues, changing our mindset on Canadians abroad will take time, and it must start with deliberate public policy that is focused on the issue. I have long argued for an agency within the federal government that is dedicated to increasing the attachment of overseas Canadians to Canada, and which has the power to coordinate activities across different departments that touch on issues of attachment. The range of issues is large, including data collection, residency qualifications, taxation, social security and dual citizenship. For provincial governments, there are additional questions to do with medical insurance premiums, property tax and housing. Then there are a whole range of softer issues to promote attachment such as support for activities targeted at overseas Canadians, recognition awards, media outreach and political engagement.

It will take time to sort through all these issues and there will be difficult policy choices along the way. However, other countries with significant diaspora populations — for example: New Zealand, India, Ireland, Italy — have come up with policies and programs to foster attachment to their overseas citizens, and we should as well.

Not unlike the evolution in thinking about the meaning of Canada that came with the gradual awareness of the vastness of this country, recognition of Canadians abroad represents a new frontier in thinking about the future of this country. This is green-field territory for Canadian policy and an opportunity for the Senate of Canada to begin drawing the road map. Whether as part of a broader immigration study that comes out of this inquiry or as a stand-alone project, I hope we will seize the opportunity to make this mark. After all, with upwards of 3 million citizens living abroad, we are talking about a population that is larger than that of Saskatchewan, Manitoba, New Brunswick, P.E.I., Nova Scotia and Newfoundland and Labrador. Colleagues it's time to draw the curtain on the province of Canada in the world.

(On motion of Senator Martin, debate adjourned.)

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO AGRICULTURE AND FORESTRY WITHDRAWN

On Motion No. 50 by the Honourable Diane F. Griffin:

That the Standing Senate Committee on Agriculture and Forestry, in accordance with rule 12-7(10), be authorized to examine and report on such issues as may arise from time to time relating to agriculture and forestry; and

That the committee report to the Senate no later than December 15, 2021.

Hon. Diane F. Griffin: Honourable senators, pursuant to rule 5-10(2), I wish to advise the Senate that I am withdrawing the Notice of Motion No. 50 standing in my name.

(Notice of motion withdrawn.)

AUDIT AND OVERSIGHT

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. David M. Wells, pursuant to notice of December 1, 2020, moved:

> That, for the remainder of the current parliamentary session, the Standing Committee on Audit and Oversight have the power to meet even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO REFER PAPERS AND EVIDENCE FROM AUDIT SUBCOMMITTEE OF INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION OF THE FIRST SESSION OF THE FORTY-SECOND PARLIAMENT AND THE FIRST AND SECOND SESSIONS OF THE FORTY-THIRD PARLIAMENT

Hon. David M. Wells, pursuant to notice of December 1, 2020, moved:

> That the papers and documents received or produced by the Audit Subcommittee of the Standing Committee on Internal Economy, Budgets and Administration from the First Session of the Forty-second Parliament and the First and Second Sessions of the Forty-third Parliament, be referred to the Standing Committee on Audit and Oversight.

He said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE OF THE DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Howard Wetston, pursuant to notice of December 3, 2020, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system; and
>
> That the committee submit its final report no later than September 30, 2022, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

He said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (2100)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES AND REFER PAPERS AND EVIDENCE SINCE BEGINNING OF FIRST SESSION OF FORTY-SECOND PARLIAMENT

Hon. Dennis Glen Patterson, for Senator Christmas, pursuant to notice of December 8, 2020, moved:

> That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and any other subject concerning Aboriginal Peoples;
>
> That the documents received, evidence heard and business accomplished by the committee since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report no later than December 31, 2021, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

He said: Your Honour, on behalf of Senator Christmas, I move the adoption of the motion standing in his name, please.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 9 p.m., pursuant to the orders adopted by the Senate on October 27, 2020 and December 17, 2020, the Senate adjourned until 2 p.m., tomorrow*.)

THE SPEAKER

The Honourable George J. Furey

THE GOVERNMENT REPRESENTATIVE IN THE SENATE

The Honourable Marc Gold

THE LEADER OF THE OPPOSITION

The Honourable Donald Neil Plett

FACILITATOR OF THE INDEPENDENT SENATORS GROUP

The Honourable Yuen Pau Woo

THE LEADER OF THE CANADIAN SENATORS GROUP

The Honourable Scott Tannas

THE LEADER OF THE PROGRESSIVE SENATE GROUP

The Honourable Jane Cordy

OFFICERS OF THE SENATE

INTERIM CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Gérald Lafrenière

LAW CLERK AND PARLIAMENTARY COUNSEL

Philippe Hallée

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(May 1, 2021)

The Right Hon. Justin P. J. Trudeau	Prime Minister
The Hon. Chrystia Freeland	Minister of Finance Deputy Prime Minister
The Hon. Lawrence MacAulay	Minister of Veterans Affairs Associate Minister of National Defence
The Hon. Carolyn Bennett	Minister of Crown-Indigenous Relations
The Hon. Dominic LeBlanc	Minister of Intergovernmental Affairs President of the Queen's Privy Council for Canada
The Hon. Jean-Yves Duclos	President of the Treasury Board
The Hon. Marc Garneau	Minister of Foreign Affairs
The Hon. Marie-Claude Bibeau	Minister of Agriculture and Agri-Food
The Hon. Jim Carr	Special Representative for the Prairies
The Hon. Mélanie Joly	Minister of Economic Development Minister of Official Languages
The Hon. Diane Lebouthillier	Minister of National Revenue
The Hon. Catherine McKenna	Minister of Infrastructure and Communities
The Hon. Harjit S. Sajjan	Minister of National Defence
The Hon. Maryam Monsef	Minister of Rural Economic Development Minister for Women and Gender Equality
The Hon. Carla Qualtrough	Minister of Employment, Workforce Development and Disability Inclusion
The Hon. Patty Hajdu	Minister of Health
The Hon. Bardish Chagger	Minister of Diversity and Inclusion and Youth
The Hon. François-Philippe Champagne	Minister of Innovation, Science and Industry
The Hon. Karina Gould	Minister of International Development
The Hon. Ahmed Hussen	Minister of Families, Children and Social Development
The Hon. Seamus O'Regan	Minister of Natural Resources
The Hon. Pablo Rodriguez	Leader of the Government in the House of Commons
The Hon. Bill Blair	Minister of Public Safety and Emergency Preparedness
The Hon. Mary Ng	Minister of International Trade Minister of Small Business and Export Promotion
The Hon. Filomena Tassi	Minister of Labour
The Hon. Jonathan Wilkinson	Minister of Environment and Climate Change
The Hon. David Lametti	Minister of Justice Attorney General of Canada
The Hon. Bernadette Jordan	Minister of Fisheries, Oceans and the Canadian Coast Guard
The Hon. Joyce Murray	Minister of Digital Government
The Hon. Anita Anand	Minister of Public Services and Procurement
The Hon. Mona Fortier	Minister of Middle-Class Prosperity Associate Minister of Finance
The Hon. Steven Guilbeault	Minister of Canadian Heritage
The Hon. Marco Mendicino	Minister of Immigration, Refugees and Citizenship
The Hon. Marc Miller	Minister of Indigenous Services
The Hon. Deb Schulte	Minister of Seniors
The Hon. Dan Vandal	Minister of Northern Affairs
The Hon. Omar Alghabra	Minister of Transport

SENATORS OF CANADA

ACCORDING TO SENIORITY

(May 1, 2021)

Senator	Designation	Post Office Address
The Honourable		
George J. Furey, *Speaker*	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra M. Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Stephen Greene	Halifax - The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Yonah Martin	British Columbia	Vancouver, B.C.
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Ontario (Toronto)	Toronto, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas Black	Alberta	Canmore, Alta.
David M. Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.
Peter Harder, P.C.	Ottawa	Manotick, Ont.
Raymonde Gagné	Manitoba	Winnipeg, Man.
Frances Lankin, P.C.	Ontario	Restoule, Ont.
Ratna Omidvar	Ontario	Toronto, Ont.
Chantal Petitclerc	Grandville	Montreal, Que.
Yuen Pau Woo	British Columbia	North Vancouver, B.C.
Patricia Bovey	Manitoba	Winnipeg, Man.
René Cormier	New Brunswick	Caraquet, N.B.
Nancy J. Hartling	New Brunswick	Riverview, N.B.
Kim Pate	Ontario	Ottawa, Ont.
Tony Dean	Ontario	Toronto, Ont.
Diane F. Griffin	Prince Edward Island	Stratford, P.E.I.
Wanda Elaine Thomas Bernard	Nova Scotia (East Preston)	East Preston, N.S.
Sabi Marwah	Ontario	Toronto, Ont.
Howard Wetston	Ontario	Toronto, Ont.
Lucie Moncion	Ontario	North Bay, Ont.
Renée Dupuis	The Laurentides	Sainte-Pétronille, Que.
Marilou McPhedran	Manitoba	Winnipeg, Man.

Senator	Designation	Post Office Address
Gwen Boniface	Ontario	Orillia, Ont.
Éric Forest	Gulf	Rimouski, Que.
Marc Gold	Stadacona	Westmount, Que.
Marie-Françoise Mégie	Rougemont	Montreal, Que.
Raymonde Saint-Germain	De la Vallière	Quebec City, Que.
Dan Christmas	Nova Scotia	Membertou, N.S.
Rosa Galvez	Bedford	Lévis, Que.
David Richards	New Brunswick	Fredericton, N.B.
Mary Coyle	Nova Scotia	Antigonish, N.S.
Mary Jane McCallum	Manitoba	Winnipeg, Man.
Robert Black	Ontario	Centre Wellington, Ont.
Marty Deacon	Waterloo Region	Waterloo, Ont.
Yvonne Boyer	Ontario	Merrickville-Wolford, Ont.
Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate, Nfld. & Lab.
Pierre J. Dalphond	De Lorimier	Montreal, Que.
Donna Dasko	Ontario	Toronto, Ont.
Colin Deacon	Nova Scotia	Halifax, N.S.
Julie Miville-Dechêne	Inkerman	Mont-Royal, Que.
Bev Busson	British Columbia	North Okanagan Region, B.C.
Marty Klyne	Saskatchewan	White City, Sask.
Patti LaBoucane-Benson	Alberta	Spruce Grove, Alta.
Paula Simons	Alberta	Edmonton, Alta.
Peter M. Boehm	Ontario	Ottawa, Ont.
Josée Forest-Niesing	Ontario	Sudbury, Ont.
Brian Francis	Prince Edward Island	Rocky Point, P.E.I.
Margaret Dawn Anderson	Northwest Territories	Yellowknife, N.W.T.
Pat Duncan	Yukon	Whitehorse, Yukon
Rosemary Moodie	Ontario	Toronto, Ont.
Stan Kutcher	Nova Scotia	Halifax, N.S.
Tony Loffreda	Shawinegan	Montreal, Que.
Judith Keating	New Brunswick	Fredericton, N.B.
Brent Cotter	Saskatchewan	Saskatoon, Sask.

SENATORS OF CANADA

ALPHABETICAL LIST

(May 1, 2021)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Anderson, Margaret Dawn	Northwest Territories	Yellowknife, N.W.T.	Progressive Senate Group
Ataullahjan, Salma	Ontario (Toronto)	Toronto, Ont.	Conservative Party of Canada
Batters, Denise	Saskatchewan	Regina, Sask.	Conservative Party of Canada
Bellemare, Diane	Alma	Outremont, Que.	Independent Senators Group
Bernard, Wanda Elaine Thomas	Nova Scotia (East Preston)	East Preston, N.S.	Progressive Senate Group
Black, Douglas	Alberta	Canmore, Alta.	Canadian Senators Group
Black, Robert	Ontario	Centre Wellington, Ont.	Canadian Senators Group
Boehm, Peter M.	Ontario	Ottawa, Ont.	Independent Senators Group
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative Party of Canada
Boniface, Gwen	Ontario	Orillia, Ont.	Independent Senators Group
Bovey, Patricia	Manitoba	Winnipeg, Man.	Progressive Senate Group
Boyer, Yvonne	Ontario	Merrickville-Wolford, Ont.	Independent Senators Group
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Non-affiliated
Busson, Bev	British Columbia	North Okanagan Region, B.C.	Independent Senators Group
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Canadian Senators Group
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative Party of Canada
Christmas, Dan	Nova Scotia	Membertou, N.S.	Independent Senators Group
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Progressive Senate Group
Cormier, René	New Brunswick	Caraquet, N.B.	Independent Senators Group
Cotter, Brent	Saskatchewan	Saskatoon, Sask.	Independent Senators Group
Coyle, Mary	Nova Scotia	Antigonish, N.S.	Independent Senators Group
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Canadian Senators Group
Dalphond, Pierre J.	De Lorimier	Montreal, Que.	Progressive Senate Group
Dasko, Donna	Ontario	Toronto, Ont.	Independent Senators Group
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Progressive Senate Group
Deacon, Colin	Nova Scotia	Halifax, N.S.	Independent Senators Group
Deacon, Marty	Waterloo Region	Waterloo, Ont.	Independent Senators Group
Dean, Tony	Ontario	Toronto, Ont.	Independent Senators Group
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Canadian Senators Group
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent Senators Group
Duncan, Pat	Yukon	Whitehorse, Yukon	Independent Senators Group
Dupuis, Renée	The Laurentides	Sainte-Pétronille, Que.	Independent Senators Group
Forest, Éric	Gulf	Rimouski, Que.	Independent Senators Group
Forest-Niesing, Josée	Ontario	Sudbury, Ont.	Independent Senators Group
Francis, Brian	Prince Edward Island	Rocky Point, P.E.I.	Progressive Senate Group
Frum, Linda	Ontario	Toronto, Ont.	Conservative Party of Canada
Furey, George J., *Speaker*	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Non-affiliated
Gagné, Raymonde	Manitoba	Winnipeg, Man.	Non-affiliated
Galvez, Rosa	Bedford	Lévis, Que.	Independent Senators Group
Gold, Marc	Stadacona	Westmount, Que.	Non-affiliated
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Canadian Senators Group
Griffin, Diane F.	Prince Edward Island	Stratford, P.E.I.	Canadian Senators Group
Harder, Peter, P.C.	Ottawa	Manotick, Ont.	Progressive Senate Group
Hartling, Nancy J.	New Brunswick	Riverview, N.B.	Independent Senators Group
Housakos, Leo	Wellington	Laval, Que.	Conservative Party of Canada
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Independent Senators Group
Keating, Judith	New Brunswick	Fredericton, N.B.	Independent Senators Group
Klyne, Marty	Saskatchewan	White City, Sask.	Progressive Senate Group
Kutcher, Stan	Nova Scotia	Halifax, N.S.	Independent Senators Group
LaBoucane-Benson, Patti	Alberta	Spruce Grove, Alta.	Non-affiliated
Lankin, Frances	Ontario	Restoule, Ont.	Independent Senators Group
Loffreda, Tony	Shawinegan	Montreal, Que.	Independent Senators Group
Lovelace Nicholas, Sandra M.	New Brunswick	Tobique First Nations, N.B.	Progressive Senate Group
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative Party of Canada
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative Party of Canada
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab	Conservative Party of Canada
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative Party of Canada

Senator	Designation	Post Office Address	Political Affiliation
Marwah, Sabi	Ontario	Toronto, Ont.	Independent Senators Group
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Independent Senators Group
McCallum, Mary Jane	Manitoba	Winnipeg, Man.	Independent Senators Group
McPhedran, Marilou	Manitoba	Winnipeg, Man.	Independent Senators Group
Mégie, Marie-Françoise	Rougemont	Montreal, Que.	Independent Senators Group
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Progressive Senate Group
Miville-Dechêne, Julie	Inkerman	Mont-Royal, Que.	Independent Senators Group
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative Party of Canada
Moncion, Lucie	Ontario	North Bay, Ont.	Independent Senators Group
Moodie, Rosemary	Ontario	Toronto, Ont.	Independent Senators Group
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Progressive Senate Group
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative Party of Canada
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative Party of Canada
Omidvar, Ratna	Ontario	Toronto, Ont.	Independent Senators Group
Pate, Kim.	Ontario	Ottawa, Ont.	Independent Senators Group
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative Party of Canada
Petitclerc, Chantal	Grandville	Montreal, Que.	Independent Senators Group
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative Party of Canada
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative Party of Canada
Ravalia, Mohamed-Iqbal	Newfoundland and Labrador	Twillingate, Nfld. & Lab.	Independent Senators Group
Richards, David	New Brunswick	Fredericton, N.B.	Canadian Senators Group
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Independent Senators Group
Saint-Germain, Raymonde	De la Vallière	Quebec City, Que.	Independent Senators Group
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative Party of Canada
Simons, Paula.	Alberta	Edmonton, Alta.	Independent Senators Group
Smith, Larry W.	Saurel	Hudson, Que.	Conservative Party of Canada
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative Party of Canada
Tannas, Scott	Alberta	High River, Alta.	Canadian Senators Group
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Canadian Senators Group
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Canadian Senators Group
Wells, David M.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative Party of Canada
Wetston, Howard	Ontario	Toronto, Ont.	Independent Senators Group
White, Vernon	Ontario	Ottawa, Ont.	Canadian Senators Group
Woo, Yuen Pau	British Columbia	North Vancouver, B.C.	Independent Senators Group

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(May 1, 2021)

ONTARIO—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Jim Munson	Ottawa/Rideau Canal	Ottawa
2	Linda Frum	Ontario	Toronto
3	Salma Ataullahjan	Ontario (Toronto)	Toronto
4	Vernon White	Ontario	Ottawa
5	Thanh Hai Ngo	Ontario	Orleans
6	Victor Oh	Mississauga	Mississauga
7	Peter Harder, P.C.	Ottawa	Manotick
8	Frances Lankin, P.C.	Ontario	Restoule
9	Ratna Omidvar	Ontario	Toronto
10	Kim Pate	Ontario	Ottawa
11	Tony Dean	Ontario	Toronto
12	Sabi Marwah	Ontario	Toronto
13	Howard Wetston	Ontario	Toronto
14	Lucie Moncion	Ontario	North Bay
15	Gwen Boniface	Ontario	Orillia
16	Robert Black	Ontario	Centre Wellington
17	Marty Deacon	Waterloo Region	Waterloo
18	Yvonne Boyer	Ontario	Merrickville-Wolford
19	Donna Dasko	Ontario	Toronto
20	Peter M. Boehm	Ontario	Ottawa
21	Josée Forest-Niesing	Ontario	Sudbury
22	Rosemary Moodie	Ontario	Toronto
23			
24			

QUEBEC—24

	Senator	Designation	Post Office Address
	The Honourable		
1	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
2	Dennis Dawson	Lauzon	Ste-Foy
3	Patrick Brazeau	Repentigny	Maniwaki
4	Leo Housakos	Wellington	Laval
5	Claude Carignan, P.C.	Mille Isles	Saint-Eustache
6	Judith G. Seidman	De la Durantaye	Saint-Raphaël
7	Pierre-Hugues Boisvenu	La Salle	Sherbrooke
8	Larry W. Smith	Saurel	Hudson
9	Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
10	Jean-Guy Dagenais	Victoria	Blainville
11	Diane Bellemare	Alma	Outremont
12	Chantal Petitclerc	Grandville	Montreal
13	Renée Dupuis	The Laurentides	Sainte-Pétronille
14	Éric Forest	Gulf	Rimouski
15	Marc Gold	Stadacona	Westmount
16	Marie-Françoise Mégie	Rougemont	Montreal
17	Raymonde Saint-Germain	De la Vallière	Quebec City
18	Rosa Galvez	Bedford	Lévis
19	Pierre J. Dalphond	De Lorimier	Montreal
20	Julie Miville-Dechêne	Inkerman	Mont-Royal
21	Tony Loffreda	Shawinegan	Montreal
22			
23			
24			

NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Jane Cordy	Nova Scotia	Dartmouth
2	Terry M. Mercer	Northend Halifax	Caribou River
3	Stephen Greene	Halifax - The Citadel	Halifax
4	Michael L. MacDonald	Cape Breton	Dartmouth
5	Wanda Elaine Thomas Bernard	Nova Scotia (East Preston)	East Preston
6	Dan Christmas	Nova Scotia	Membertou
7	Mary Coyle	Nova Scotia	Antigonish
8	Colin Deacon	Nova Scotia	Halifax
9	Stan Kutcher	Nova Scotia	Halifax
10			

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	The Honourable		
1	Pierrette Ringuette	New Brunswick	Edmundston
2	Sandra M. Lovelace Nicholas	New Brunswick	Tobique First Nations
3	Percy Mockler	New Brunswick	St. Leonard
4	Carolyn Stewart Olsen	New Brunswick	Sackville
5	Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
6	René Cormier	New Brunswick	Caraquet
7	Nancy J. Hartling	New Brunswick	Riverview
8	David Richards	New Brunswick	Fredericton
9	Judith Keating	New Brunswick	Fredericton
10			

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	The Honourable		
1	Percy E. Downe	Charlottetown	Charlottetown
2	Michael Duffy	Prince Edward Island	Cavendish
3	Diane F. Griffin	Prince Edward Island	Stratford
4	Brian Francis	Prince Edward Island	Rocky Point

MANITOBA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Donald Neil Plett	Landmark	Landmark
2	Raymonde Gagné	Manitoba	Winnipeg
3	Patricia Bovey	Manitoba	Winnipeg
4	Marilou McPhedran	Manitoba	Winnipeg
5	Mary Jane McCallum	Manitoba	Winnipeg
6			

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Mobina S. B. Jaffer	British Columbia	North Vancouver
2	Larry W. Campbell	British Columbia	Vancouver
3	Yonah Martin	British Columbia	Vancouver
4	Yuen Pau Woo	British Columbia	North Vancouver
5	Bev Busson	British Columbia	North Okanagan Region
6			

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Pamela Wallin	Saskatchewan	Wadena
2	Denise Batters	Saskatchewan	Regina
3	Marty Klyne	Saskatchewan	White City
4	Brent Cotter	Saskatchewan	Saskatoon
5			
6			

ALBERTA—6

	Senator	Designation	Post Office Address
	The Honourable		
1	Douglas Black	Alberta	Canmore
2	Scott Tannas	Alberta	High River
3	Patti LaBoucane-Benson	Alberta	Spruce Grove
4	Paula Simons	Alberta	Edmonton
5			
6			

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	The Honourable		
1	George J. Furey, *Speaker*	Newfoundland and Labrador	St. John's
2	Elizabeth Marshall	Newfoundland and Labrador	Paradise
3	Fabian Manning	Newfoundland and Labrador	St. Bride's
4	David M. Wells	Newfoundland and Labrador	St. John's
5	Mohamed-Iqbal Ravalia	Newfoundland and Labrador	Twillingate
6			

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Margaret Dawn Anderson	Northwest Territories	Yellowknife

NUNAVUT—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

	Senator	Designation	Post Office Address
	The Honourable		
1	Pat Duncan	Yukon	Whitehorse

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Tuesday, May 4, 2021

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