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The Honourable GEORGE J. FUREY,
Speaker

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Debates Services: Josée Boisvert, National Press Building, Room 831, Tel. 613-219-3775
Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002

THE SENATE

Wednesday, May 26, 2021

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

[Translation]

Prayers.

THE LATE JOHN GOMERY, Q.C.

SENATORS' STATEMENTS

ASIAN HERITAGE MONTH

Hon. Victor Oh: Honourable senators, I rise again today to speak about Asian Heritage Month. In particular, I would like to recognize the valuable contributions made by Mr. Henry Lee, the Honorary Consul of the Honorary Consulate of Malaysia in Toronto.

Mr. Lee is a respected diplomat, business consultant and active community member in the Greater Toronto Area.

Mr. Lee came to Toronto in 1978 as the consul for Malaysia and moved back to Canada 10 years later. He worked to build strong business relationships between Canada and Southeast Asia that supported new trade and investments, creating new job opportunities and economic growth.

Mr. Lee is the founding chairman of the Malaysian Association of Canada, ambassador of the Chinese Cultural Centre of Greater Toronto, adviser and former president of the Canadian Multicultural Council — Asians in Ontario and holds memberships in various organizations.

Mr. Lee has conducted fundraising for multiple causes, including global natural disaster relief efforts and funding for hospitals and youth groups. In fact, he was recently awarded the Ambassador for Peace Award by the Universal Peace Federation and the Deeds Speak award from the York Regional Police for his efforts in fostering diversity and peace in his community.

At the beginning of the COVID-19 pandemic last year, Mr. Lee and the Canadian Multicultural Council took immediate action to raise and donate funds for Canadian families in need and procure personal protective equipment for vulnerable seniors.

Recently, he has been involved in combatting the recent surge in anti-Asian racism through education and awareness that promotes tolerance, mutual respect and inclusiveness.

Honourable senators, please join me in recognizing Mr. Henry Lee today for his efforts in promoting peace and upholding the Canadian values of multiculturalism and diversity.

Thank you. *Xie xie.*

Some Hon. Senators: Hear, hear.

Hon. Jean-Guy Dagenais: Honourable senators, I would like to take a few moments today to pay tribute to Justice John Gomery, who passed away on May 18 at the age of 88.

John Gomery was an unassuming Superior Court justice whose place in the history books was assured in 2004 when Prime Minister Paul Martin appointed him to head an inquiry known as the Gomery commission into the so-called sponsorship scandal and political parties' use of public funds at the time.

Over a 10-month period, Justice Gomery heard from more than 180 witnesses, who became, in a sense, television stars for a time. The lead role was played by Commissioner John Gomery himself though, the epitome of honesty and what can be described as legendary patience. That's what it took to coax the truth out of some of the witnesses from both the corporate and the political sides of the story.

Indeed, many of these witnesses stood out for their lack of collaboration and obvious lack of transparency about their role in the whole affair.

Thanks to all the testimony, not to mention 28 million documents and 30,000 pages of hearing transcripts, Justice Gomery was able to produce a compelling report on the misappropriation of \$332 million provided to the sponsorship program. His preliminary report, published in November 2005, left no doubt as to the misuse of public funds by advertising agencies.

For the benefit of those who may not remember, the Gomery report was 1088 pages long — a mammoth document indeed. It was a monumental task for someone who had made it his mission to denounce the people behind the scandal while remaining within his mandate, which prevented him from drawing conclusions about criminal activities. Despite his legendary kindness and his polite smile, Justice Gomery was certainly disgusted by the corruption exposed throughout the 10 months of the commission's inquiry.

Canadians have him to thank for public awareness of this matter and for the important and necessary legislative changes that were brought in to finally bring to an end the murky political financing practices of the time.

On behalf of all Quebecers and Canadians, I want to thank John Gomery for his work, and I sincerely hope that the Government of Canada will honour him with the tribute he deserves as soon as possible, although I am not clinging to that hope.

Thank you.

Hon. Senators: Hear, hear!

[English]

WOMEN OF COLOR ADVANCING PEACE, SECURITY, AND CONFLICT TRANSFORMATION

Hon. Mobina S. B. Jaffer: Honourable senators, I had the honour to attend the launch of Canada's chapter of Women of Colour Advancing Peace, Security, and Conflict Transformation, or WCAPS.

WCAPS is the brainchild of the amazing Ambassador Bonnie Jenkins, the Under Secretary for Arms Control and International Security in the United States. She wanted to make sure all women are included in peace building.

The launch of the chapter was through the hard work of Iffat Rahman, a Canadian diplomat, and Esra Bengizi.

As a former envoy to Sudan, I continue to work on these issues as Chair of International Civil Society Action Network with Sanam Anderlini. I was thrilled that Iffat and Esra launched the Canadian WCAPS.

The event was opened by Canada's first Ambassador for Women, Peace and Security, Ambassador Jacqueline O'Neill, a woman I greatly admire. Ambassador O'Neill reminded us all that: "It is not truly 'Women, Peace and Security' if it's not inclusive."

• (1410)

Further, she spoke about how WCAPS chapter:

... came from [the] community level, women with diverse backgrounds and identities and abilities who experienced the horrors of war — in countries around the world — and wanted to have more say in decisions that affected their own lives.

Caitlyn Kasper, an Anishinaabe woman of Aboriginal Legal Services, spoke about the importance of acknowledging and working to dismantle all forms of systemic racism, both at home and abroad.

In Canada, Ketty Nivyabandi — the Secretary General of Amnesty International Canada, a refugee from Burundi — encountered realities of racialization and now is known as "the Black woman." Ketty emphasized the need to understand the effects of racist structures in our modern world.

Yasmin Ullah works tirelessly to relate to us Canadians, the realities of the Rohingya people and especially of the women.

Ambassador O'Neill in a closing statement stated:

It's just so clear that we can't be effective, we can't truly have transformative approaches to power and to women, peace and security if we are not anti-racist, if we are not

decolonizing our aid. WCAPS has shone a light on this and I cannot wait to see — and hopefully be part of — the changes you're going to lead here too.

Thank you, honourable senators.

THE INTERSECTION OF ART WITH TOURISM AND SPORT

Hon. Patricia Bovey: Honourable senators, this time of year proffers many special days and weeks heralding key events and aspects of the lives of Canadians and indeed those worldwide.

This week's Tourism Week and last week's International Museum Day are no exception. Being inextricably intertwined, it is fitting these are celebrated in the same months. For the arts to be healthy, tourism must be healthy and vice versa. Post-pandemic recovery for both will be complex and I am sure will feel like veritable swings and roundabouts.

Now is the time to look ahead. What do we want society to look like? How do we as Canadians want to partake in our favoured and perhaps new activities? How do we want to take our place globally? I've already spoken of Canada's role in the forthcoming Pan African Heritage World Museum.

Today I am delighted to tell you that in 2023, one of the most exciting global sporting and cultural events will be held in my province, Manitoba, July 28 to August 6 — the World Police & Fire Games, one of the largest sporting events in the world, second only in size to the Olympics. Linking the globe, drawing tourists into our midst once again, it will honour excellence, the height of sportsmanship, collegiality and community and national pride; a wonderful celebration of the world's front-line workers when the pandemic will be behind us.

These biennial games feature more than 70 countries, with over 10,000 athletes taking part, many accompanied by family and friends, making this sports and cultural phenomenon the biggest event in Manitoba's history. Over 100 languages are spoken every day in Winnipeg, so what better place in North America to serve as host? Global attention will showcase Manitoba's world-class sporting venues, accommodating over 60 different sports.

I am sure in your sleep that you cite the UNESCO conventions deeming that the arts must be part of all international games, the coming together of the essential aspects of humanity and community, sport and the arts.

The arts component of the games is now in discussion. Winnipeg's arts sector, a national hub of creativity and diversity, will enrich the events. No one knows how to host an event and party better than Winnipeg, just as we did for the two Pan American Games in 1967 and 1999.

The world will see first-hand our cultural masterpieces, including the Winnipeg Art Gallery's newly opened Inuit Art Centre, Quamajuq; the Canadian Museum for Human Rights; Assiniboine Park's Journey to Churchill; and Folklorama. Everyone will receive a warm, friendly Manitoba welcome. I applaud all involved. Thank you.

NEWFOUNDLAND AND LABRADOR

EXPRESSION OF THANKS

Hon. Thanh Hai Ngo: Honourable senators, I wanted to make this statement at an earlier opportunity but couldn't, as we weren't sitting the last two weeks.

Colleagues, I rise today to recognize the incredible show of solidarity and helping hand that was extended to Ontario by Newfoundland and Labrador's Premier, Andrew Furey, who swiftly sent two teams of health care workers. An initial team of nine health care professionals — three doctors, five nurses and a nurse practitioner, including Dr. Allison Furey, Premier Furey's wife — arrived in Toronto on April 27. This was followed by a second stream of support, composed of three doctors and four nurses, who headed to Brampton at the beginning of May.

As Ontario ICUs grappled with a third wave, pushing doctors and nurses to the brink of exhaustion, Premier Furey was the first to answer Premier Ford and his government's urgent call for help by sending these two contingents to alleviate the pressure on existing staff, and providing them with much-needed reprieve. Premier Furey's swift response speaks volumes about the much-celebrated warmth, generosity and kindness that are characteristic of the people of Newfoundland and Labrador.

We owe a debt of gratitude to our heroes on the front lines: essential workers, doctors and nurses in Ontario and across the country, who continue to work tirelessly and make incredible sacrifices. We also thank the provincial governments across Canada, which may be able to offer help by taking Premier Ford's request into consideration.

These turbulent and challenging times have taken a toll on all of us, but if we've learned anything from this pandemic, it's how important it is for Canadians to continue to be there for one another. Together, we will get through this.

Once again, my sincere and heartfelt thanks to Premier Furey, the people of Newfoundland and Labrador and their health care heroes for this truly Canadian act of courage, selflessness and solidarity with their brothers and sisters in Ontario. Thank you.

Some Hon. Senators: Hear, hear.

[Translation]

SECOND WORLD WAR

FORMAL APOLOGY TO ITALIAN CANADIANS

Hon. Tony Loffreda: Honourable senators, Canada is home to 1.6 million Canadians of Italian descent. For more than a century, thousands of Italians have chosen Canada as their new home. Italian Canadians have come from far and wide to contribute to Canada's cultural landscape and economic vitality.

Unfortunately, the history of our community is also tainted by an event that occurred during the Second World War.

[English]

It was June 10, 1940, in response to the news that Italy was joining Germany's war effort, when a resolution was adopted by the House of Commons and the Senate confirming our nation's support to France and the United Kingdom. That very same day, in an address to the nation, prime minister Mackenzie King declared war on Italy and stated that:

The Minister of Justice has authorized the Royal Canadian Mounted Police to take steps to intern all residents of Italian origin whose activities have given ground for the belief or reasonable suspicion that they might in time of war endanger the safety of the state or engage in activities prejudicial to the prosecution of the war.

Suddenly, 31,000 Italian Canadians became enemies of the state. Around 600 men were taken from their homes and sent to internment camps without due process. They had not committed a crime, and yet their civil liberties were suspended, and they found themselves imprisoned.

The suffering was far-reaching. Italian Canadians became subject to hostilities, violence and baseless discrimination. Many entrepreneurs lost business and revenues; others lost work and the ability to provide for their families.

Tomorrow the Prime Minister will issue a formal apology for the internment of Italian Canadians. This is welcome news and I thank the government for recognizing the consequences — emotional, physical and financial — of this policy. The internment camps have had an intergenerational impact on many families and individuals. The apology will help in our collective and individual healing. For some, it may not provide full closure, but I hope it will serve as a reminder of how mistakes from our past can shape our present and influence our future. Let this be a lesson for future generations and a call to action to always do better, be just and always abstain from and call out any form of discrimination.

• (1420)

Honourable senators, despite the hardships and injustices, Canadians of Italian descent are a resilient people and I am proud to be a member of the community. I hope senators will join me

on the eve of Italian Heritage Month in acknowledging the significance of this apology and in celebrating the countless contributions of Italian Canadians to our rich mosaic.

Grazie mille. Thank you.

[Translation]

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 1, 2021, at 2 p.m.

INVESTMENT CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Thanh Hai Ngo introduced Bill S-234, An Act to amend the Investment Canada Act (mandatory national security review of investments by foreign state-owned enterprises).

(Bill read first time.)

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

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

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

WINTER MEETING OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, FEBRUARY 24-26, 2021—REPORT TABLED

Hon. Tony Loffreda: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Organization for Security and Co-operation in Europe Parliamentary Assembly's Twentieth Winter Meeting, held by videoconference, from February 24 to 26, 2021.

QUESTION PERIOD

INTERNATIONAL TRADE

CANADA-UNITED STATES-MEXICO AGREEMENT

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, the Leader of the Government will be happy because he indicated yesterday he was getting tired of talking about and answering my questions around vaccines. So I will give him a break for a day. My question will be about the Canada-United States-Mexico Agreement, or CUSMA.

Yesterday, the United States trade representative announced that the U.S. had requested a dispute settlement panel under the new NAFTA — the first such panel since the CUSMA entered into force. Through this panel, the U.S. is targeting Canada's dairy sector, specifically our tariff rate quotas, or TRQs, on 14 different dairy products.

Leader, I raised the allocation of TRQs with you earlier this month and, like my answers — or lack of answers — on vaccines, I have not received an answer on this.

Dairy Farmers of Canada have said they believe that Canada's allocation of its TRQs is consistent with the terms of CUSMA. Senator Gold, given all the concessions they've made in recent years, what assurances will you give our dairy farmers that your government will fight for them in this trade action brought by the United States?

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

I am pleased to answer that Canadians, dairy farmers and the industry can be assured that the government will continue to fight for them. Canada has successfully defended its approach to this industry through a series of trade negotiations and will continue to do so. Canada will continue to work and prosecute our interests diligently through the dispute resolution mechanisms that are available to us under CUSMA, as we have done in the past.

Senator Plett: Surprise, surprise — the answer is little different from when I ask about vaccines.

Dairy farmers can see many areas lately where the U.S. has taken positions against Canada's best interests and our government, leader, is missing in action. The Keystone XL permit was revoked and the Trudeau government barely uttered a word about it. Line 5 is in danger, yet the Trudeau government waited until the last possible day to defend it in court. We don't have an exemption to the new Buy American provisions. And the list goes on.

Leader, given all this, our dairy farmers have a right to be concerned. They have a right to know when, leader. They are also still waiting for details on the promised CUSMA compensation.

Why should dairy farmers think the Trudeau government will defend their interests, as you say they will, in CUSMA when they and all Canadians have been let down in these and other areas? What assurances do our dairy farmers have other than you just simply saying, “We love you all”? Give us some answers, leader.

Senator Gold: Thank you for your question.

Actions speak louder than words. The Government of Canada has successfully defended our supply management approach against very sustained criticisms and attacks from many quarters. Canada continues to be successful in its efforts to defend Canadian interests.

Not every action that Canada takes in these complex relationships, especially with our most important trading partner, are necessarily made in public. Canadians and dairy farmers can rest assured that the Canadian government is seized with the issue and is working hard to defend our interests.

HEALTH

COVID-19 VACCINE ACCESS

Hon. Salma Ataullahjan: Honourable senators, I hate to be the bearer of bad news, but today I will be asking about vaccines.

Last week, the Public Health Agency of Canada said that those returning to Canada from the U.S. may be exempted from quarantine if they travelled there for a COVID-19 vaccination. The next day, the agency reversed itself saying that quarantine exemptions are not meant for those receiving vaccinations and even claimed that “. . . COVID-19 vaccines are widely available in Canada.”

Ontarians who live along the border with the United States have been left upset and disappointed by these mixed messages from the federal government. The Mayor of Windsor is furious and has said:

This makes absolutely no sense, and it’s an active effort by our federal government to thwart the acceleration of vaccination of Canadians.

Senator Gold, what is the Trudeau government doing to help ensure Canadians can somehow access these vaccines from their neighbours in the United States?

• (1430)

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The Government of Canada understands the concerns that all Canadians have as they await further doses. The Government of Canada has worked hard to supply provinces and territories with increasing supplies of vaccines. At the same time, the Government of Canada has a responsibility to ensure that those who return from abroad or from the United States are subject to appropriate rules to safeguard the health and safety of Canadians.

Senator Ataullahjan: Senator Gold, as an Ontario senator, I am deeply disappointed that the Trudeau government has done nothing to either allow Canadians to receive these vaccines at the Windsor-Detroit border crossings or to bring these vaccines to Canada. The President and CEO of the Windsor Regional Hospital says there are tens of thousands of vaccines in Detroit which are set to expire this month and next month, which they want to make available for free to Canadians. He fears the federal government is ultimately concerned about how it would look if a lot of Canadians went across the border to be vaccinated in the U.S.

Leader, is that what’s stopping your government from solving this problem — the optics? Is that why your government flip-flopped and said that receiving a COVID-19 vaccine in the U.S. is not an essential medical service?

Senator Gold: To the best of my understanding, senator, the answer to your question is no. The position of the Canadian government is focused exclusively on the health and safety of Canadians. It works with its partners. The Canadian government is working with its American counterparts as well to secure additional vaccines for Canadian use.

ANTIMICROBIAL RESISTANT BACTERIA STRATEGY

Hon. Stan Kutcher: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, this pandemic has demonstrated that infectious diseases must be a primary public health concern. While we are focused on COVID-19, we must not ignore the necessity to act now to head off another looming crisis: that of antimicrobial-resistant, or AMR, bacteria — bacteria that current antibiotics are not able to treat. Yet, even with warnings from this chamber in a report from the Standing Senate Committee on Social Affairs, Science and Technology in 2014 and with the Auditor General’s report of 2015, Canada was then, and continues to be, unprepared. The Public Health Agency of Canada has apparently been working on a national AMR strategy for about four years now, yet we have not seen it.

Senator Gold, what is the status of that work and when will we see what has actually been done?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. As the honourable senator will know, there’s no single sector, much less single government, that can slow the growing problem of antimicrobial resistance on its own. Preserving the effectiveness of existing antimicrobial drugs requires collaboration, not only among governments and partners in health care but within the animal health domain, agri-food industry, academic world, professional associations and, indeed, the general public.

I have been advised that in recent years, through investment, innovation and partnerships, the Public Health Agency has increased its ability to provide evidence to guide the development of effective antimicrobial stewardship and infection prevention and control strategies. With regard to the status of the national strategy to which you referred, I do not have information but would be happy to make inquiries and report back to the chamber.

Senator Kutcher: Senator Gold, thank you for that — it is much appreciated. I look forward to getting that answer.

The pandemic has shown that we are unprepared in research into the development of and manufacturing of vaccines. We are in a similarly lacking state when it comes to novel antimicrobial agents, those drugs that we need to treat bacterial infections that current antibiotics are ineffective against. What exactly is Canada doing now to make sure we have the research, development and manufacturing capabilities to deal with upcoming pandemics caused by antimicrobial-resistant organisms?

Senator Gold: Thank you for your question. The pandemic indeed has illustrated some of the gaps in our ability in Canada to produce vaccines and highlighted, as it has in so many areas, the need for further investment in those areas. The government has made some investments in recent months in that area and will continue to work with its partners — the academic and scientific communities — to ensure that Canada is well positioned going forward.

INDUSTRY

FOREIGN INVESTMENT IN CANADIAN BUSINESSES

Hon. Tony Loffreda: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, earlier this year, we learned that new guidelines were issued under section 38 of the Investment Canada Act that would give greater consideration to national security concerns when foreign investors want to purchase a Canadian company. That is welcome news. Thank you.

However, I think the government could do more. What is the government doing to further protect our burgeoning high-tech sector and homegrown intellectual property? Is the government considering reviewing the Investment Canada Act to further reduce the purchase price of foreign transactions that would trigger a review and ministerial sign-off? Although these amounts were reviewed in February, they are still considerably high in the current context of this pandemic. I think this would be a fair next step because there is a troubling trend in Canada where promising high-tech start-ups are being taken over by foreign capital. There is ample evidence that big tech companies with billions of dollars in capital are eager to swoop in and purchase Canadian companies with new technology, many of which may be in dire need right now due to the pandemic. Especially with the health care sector and health care investments we are making, I think it's very important to keep reviewing this act and, like I usually say, it's never static but dynamic. Thank you for your response.

Hon. Marc Gold (Government Representative in the Senate): Thank you for raising this issue. Foreign investment, as we all know, helps Canada's cutting-edge intellectual property firms to scale up and reach customers around the world. But at the same time, the government remains committed to ensuring

that such foreign investment doesn't raise national security concerns and also gives a fair opportunity for Canadian investors to participate in this sector.

Thank you, senator, for giving me advance notice of your question; it allowed me to make some inquiries with the government. To the best of my knowledge, I have not seen any indication that the Investment Canada Act is being reviewed at this stage, but I can say that the government is well aware that a robust copyright and intellectual property regime are vital to Canada's creative, social and economic well-being. That's why, in 2018, the government introduced Canada's first ever Intellectual Property Strategy and investments of over \$85 million over five years to help small- and medium-sized enterprises better leverage their intellectual property and to help Canadian law schools establish legal clinics in intellectual property to provide free or low-cost IP legal services to such businesses and entrepreneurs.

Senator Loffreda: Thank you for that answer. As you might know, I've publicly called for a review of the Investment Canada Act because I think we need to do more to protect our high-tech sector and our intellectual capital. It's no secret that many start-ups benefit from generous government grants and tax incentives. I think we need to find the right balance between enhanced scrutiny to protect our investments and free markets. But with the likelihood of more foreign transactions initiating reviews, can you tell us if Innovation, Science and Economic Development Canada have adequate resources to handle a larger caseload? I didn't see any funds being allocated specifically for this purpose in last month's budget.

Senator Gold: Thank you for your question, senator. Again, I had the opportunity to make some inquiries. I was not made aware of any additional funding or resources that are needed, at least to this point. But rest assured that if capacity becomes an issue, the government will seriously examine how to better support officials as they conduct the enhanced scrutiny that is being applied to investments.

• (1440)

HEALTH

OPIOID CRISIS

Hon. Vernon White: Honourable senators, to the Leader of the Government in the Senate: I gave a statement a few weeks ago pertaining to the opioid crisis we are in the midst of, and I want to thank the two former commissioners of the RCMP and the OPP for their speeches here last evening about the addictions problem we're facing. As bad as it has been in the past decade, it has become much worse. Prior to the pandemic, we were averaging about 10 deaths per 100,000 people in Canada. During 2020, it reached almost 16 people per 100,000, directly linked to synthetic opioids and specifically counterfeit pharmaceuticals.

When the supervised consumption site legislation bill was in this place in May 2017, the Senate saw fit to pass an amendment stating that all sites would be required to provide alternative drug therapy, which was supported by the Canadian Police Association and many senior police leaders at that time. That amendment was rejected by the government, who instead replaced “must provide” with “may provide” drug therapy.

My question is whether, with the current dramatic number of deaths seen from counterfeit pharmaceuticals, the government finally sees what the Senate so clearly saw at that time — the need for safe supply and alternative drug therapy. It is now if they are finally going to take the necessary steps to save lives and direct supervised consumption sites to provide safe supply and alternative drug therapy.

Hon. Marc Gold (Government Representative in the Senate): Thank you for raising this question. The ravages of the opioid crisis in all of its forms are obvious, painful and tragic to those who are affected by it. With regard to your question, I do not know what the government’s current position is on this matter. I will certainly make inquiries and get back to this chamber with an answer when I receive one. Thank you for the question.

Senator White: To the Leader of the Government in the Senate again, just for clarity, none of those sites are operating without the authority of the federal Government of Canada under section 56(1) of the Controlled Drugs and Substances Act. They had to actually apply for an exemption. The government actually has the ability to control what activities are provided at those sites. When finding out whether they’re willing to take the necessary steps immediately to try to counter this problem, I would like to ensure that they don’t consider this to be a provincial or territorial health care issue, but rather a federal government issue. Thank you.

Senator Gold: Thank you for that precision. I appreciate it.

[Translation]

JUSTICE

CONSTITUTION ACTS OF 1867 AND 1982

Hon. Pierre J. Dalphond: My question is for the Government Representative. Although the Prime Minister has recognized the possibility of allowing the Quebec National Assembly to amend the Constitution Act, 1867, to recognize the importance of French in Quebec, the fact remains that, as of today, this constitutional text is not officially bilingual, despite section 55 of the Constitution Act, 1982, and despite the fact that the committee of experts responsible for translating that document and 30 others reported to the government in 1990. A copy of that report was tabled here in December 1990.

Government Representative, when does the government intend to take the measures necessary to make the Constitution Act, 1867, officially bilingual?

[Senator White]

Hon. Marc Gold (Government Representative in the Senate): Thank you for raising this important question. The government is determined to ensure that Canadians have access to justice in the official language of their choice. The government knows that, although many important parts of the Constitution, including the Canadian Charter of Rights and Freedoms, are officially bilingual, many equally important documents, including the Constitution Act, 1867, were passed in English only and the French version doesn’t have the force of law.

I was informed that the Department of Justice has worked very hard over the years on the duty to promote and pass a French version of the constitutional laws that are not yet official in that language for the purposes of promulgation. I don’t have any details on how that work is progressing, but the Minister of Justice is fully committed to our official languages and to ensuring that the public is aware of the French Constitutional Drafting Committee’s work and that that work is easily accessible.

Senator Dalphond: The answer from the Government Representative is interesting. In its 1998 report, the Canadian Bar Association called out Canada for its non-compliance with section 55 of the Constitution Act, 1982, and suggested adding to the Official Languages Act, which the government is proposing to substantially amend starting next week, a section requiring the Minister of Justice to present a report every five years detailing the efforts made to implement section 55 of the Constitution Act, 1982.

Am I to understand, Government Representative, that the government would be prepared to periodically table a report and include that in the Official Languages Act?

Senator Gold: Thank you for the question. I will make inquiries as to the government’s intentions and report back to the chamber.

[English]

UKRAINE INTERNATIONAL AIRLINES FLIGHT PS752 TRAGEDY

Hon. Linda Frum: Honourable senators, my question is for the Leader of the Government in the Senate. Senator Gold, an Ontario court ruled last week that the shooting down of Flight PS752 in January 2020 by Iran was an act of terrorism. That ruling came under the Justice for Victims of Terrorism Act. The lawyer representing the families in the case said that the Canadian government had been opaque and unhelpful with the civil case, and that it had taken five court appearances and eight months before Global Affairs Canada served the court papers on the Iranian regime. Fifty-five Canadian citizens and 30 permanent residents were among the 176 people murdered in this terrorist act.

Senator Gold, can you explain why the Trudeau government showed such reticence in assisting the court and the Canadian victims of terrorism in this case, and can you find out what support the Government of Canada will give these families now as they continue to seek justice for their loved ones?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for continuing to raise this important issue with regard to the tragedy that befell the victims of that act. The Government of Canada is carefully studying Justice Belobaba's opinion in the case to which you referred. I will make inquiries, Senator Frum, with regard to the specific questions you asked about the support available to the victims and their families, and report back to the chamber.

Senator Frum: In reaching its judgment, the court cited former Public Safety minister Ralph Goodale, who argued it was inconceivable Iran could mistake a passenger plane departing Tehran for an incoming military aircraft or missile. Ambassador Goodale was among those who voted nearly three years ago in the other place to immediately list the IRGC as a terrorist entity. Senator Gold, will your government now list the IRGC, given the court's decision and Mr. Goodale's conclusion, and will it make those responsible subject to Magnitsky sanctions?

Senator Gold: Thank you for the question. This issue is one actively considered by the government. To the best of my knowledge, Senator Frum, no decisions have yet been made or communicated.

[Translation]

NATIONAL DEFENCE

MINISTER OF NATIONAL DEFENCE

Hon. Pierre-Hugues Boisvenu: My question is also for the Government Representative in the Senate.

Senator Gold, I recently asked you this question on two occasions: Why has the Declaration of Victims Rights for the military not yet been implemented? Each time you responded that you hadn't yet received an answer from the department.

You're aware that this declaration was assented to two years ago on June 21, 2019. The declaration recognizes victims' rights to protection, information, participation and restitution. The Minister of Defence was solely responsible for the implementation of this declaration. The minister has failed to fulfill his obligations by not respecting the rights of these victims.

Recent events, as you have seen, have proven that there is criminal conduct in the Canadian Armed Forces. Consequently, victims don't have this recognized right to turn to a civilian rather than a military court to access an independent complaint process.

This is very serious and unacceptable. In 2021, military victims aren't protected and are afraid of their own justice system. The minister intentionally ignored victims' rights by not implementing this declaration.

• (1450)

Senator Gold, in light of these facts and the shameful failures on the part of the Minister of National Defence, don't you think that he should resign?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I've been informed that the government is currently conducting the consultations that the Minister of National Defence had promised to conduct when he appeared before the Senate committee during the previous Parliament.

With respect to the Declaration of Victims Rights, so far, the government has consulted its federal partners, including the Sexual Misconduct Response Centre, which acts at arm's length from the Canadian Armed Forces. Furthermore, the government is setting up an online survey to consult as many victims as possible.

Senator Boisvenu: Senator Gold, I find your answer very surprising. When we adopted the Declaration of Victims Rights for our military in 2019, the minister told us that the agencies within his portfolio had been consulted. Now you're telling me that the minister is doing the consultations again? Don't you care about the victims among the women in our military?

Senator Gold: Of course I do, dear colleague. I simply wanted to mention that there were more consultations. As for the timeline or the reasons why the Declaration of Victims Rights has not yet been implemented, as I said earlier, I've asked, but I haven't gotten an answer.

PUBLIC SAFETY

CORRECTIONAL SERVICE OF CANADA—TRAINING FOR INMATES

Hon. Marie-Françoise Mérie: My question is for the Government Representative in the Senate. In April, two articles in *Le Devoir* lifted the veil on inadequate government funding that forced the Correctional Service of Canada to cut an important college-level training program.

It is well known that training is key to successful social reintegration and that it is an essential part of the Correctional Service of Canada's mission. Unfortunately, on March 31, college-level training at the Federal Training Centre in Laval ended.

I once visited the centre with a group of my fellow female senators. We met a young Black inmate who told us that education played an important role in improving his chances of finding a job when he got out. Budgetary resources already limited the training available there.

As you know, racialized people make up a large proportion of the prison population. The number of Black people has increased by 80% over the past 10 years. They represent close to 10% of the prison population but less than 3% of Canada's civilian population.

The situation is similar for Indigenous people, who make up 30% of federal inmates but just 5% of the population. The situation is even worse for Indigenous women, who account for 42% of the female population of Canada's prison system. This is astounding considering we have a government that makes much of its desire to eliminate systemic racism.

In 2018-19, 68% of offenders pursued their education and 60% of them completed skills training programs. Can the government explain why it cut funding for education in prisons at a time when our economy is experiencing a labour shortage?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Your notice made it possible for me to make inquiries with the government and I was told that although college-level training programs are wrapping up at the Federal Training Centre in Laval, college-level training will continue at the federal institution for men in Cowansville and the institution for women in Joliette, both of which are in Quebec.

Since part of the agreement reached with the Marie-Victorin CEGEP was ending on March 31, 2021, the Correctional Service of Canada weighed the needs in college education for offenders against the budgetary resources that had been allocated.

In that perspective, discussions were held between the Correctional Service of Canada and the CEGEP and then the Correctional Service of Canada decided to change the educational services provided at the Federal Training Centre.

I was also told that currently the Correctional Service of Canada is able to meet the needs in college-level education through the services provided at the two other institutions I mentioned earlier.

Senator Mégie: Thank you for that answer, Senator Gold.

The Hon. the Speaker: I'm sorry, senator, but the time for Question Period has expired.

[English]

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Gold, P.C., for the second reading of Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise to speak to Bill S-4, amending the Parliament of Canada Act. I want to outline the reasons why I do support this bill. I would also like to correct some of the statements made by previous speakers.

[Senator Mégie]

Bill S-4 is based on two principles defended by the Conservative caucus. For me, Bill S-4 is very interesting because the Trudeau government finally recognizes two major principles for which we, the Conservative Senate caucus, have been fighting since 2016.

First, Bill S-4 preserves the role of both government and opposition. Those colleagues who were here when the first Trudeau appointees made their way into this chamber will remember that some of them thought it would be good if the Senate did not have a government and an opposition. That would make us less partisan, they said, and more independent; as if having a debate with two contrarian points of view is a bad thing in a democracy.

Let me quote the sponsor of Bill S-4, my good friend and cousin, Senator Peter Harder, when he appeared as a witness in front of the Special Committee on Senate Modernization on September 28, 2016. He said:

In my view, in a more independent, complementary and less partisan Senate, there will no longer be an organized and disciplined government caucus, and, correspondingly, there should no longer be an organized official opposition caucus.

Colleagues, it is no accident that the Fathers of Confederation chose the Westminster model on which to base Parliament. This system is built on the premise that the government drafts legislation based on its mandate given by voters in an election, and the opposition's job is to oppose this same legislation.

The Fathers of Confederation chose the Westminster model because they thought it was democratic, effective and the best way to represent the interests of the populace. This, colleagues, remains true even today.

The Fathers of Confederation deliberately chose to structure the Senate with a government side and an opposition side. With the Royal Proclamation of 1867, the government of Sir John A. Macdonald appointed 25 Liberal senators who formed a caucus, with Luc Letellier de Saint-Just, a ferociously partisan Liberal, as Leader of the Opposition.

• (1500)

The Fathers of Confederation could just as well have structured the Senate differently by appointing only senators who were unaffiliated with a political party and by having neither a government side nor an opposition side. They could have chosen a non-partisan model, but it is not what they did.

They did not want an advisory committee or a debating club; they wanted a legislative chamber where debates take place — where democratic partisan views are expressed. They understood that organizing a parliament into two opposing sides was the best way to ensure that democratic values were and are protected.

In our caucus, we have always believed that there must be an organized opposition to facilitate the organization of debates in the Senate. This approach gives those who oppose the government the democratic means to make their case and makes the Senate more effective by enabling it to play its role fully.

The importance of the opposition in the Senate of Canada, like any other parliamentary chamber, cannot be overstated. The opposition represents the parts of society who did not vote for the current government and who oppose the government's general policy orientation. Opposition ensures that these groups will be heard in debate. This is especially important when a government can push through its bills in the House by implementing closure, which will effectively shut down debate, thus silencing opposition voices.

As Prime Minister Justin Trudeau said, the role of the Senate is to be a counterweight to the powers of the PMO. How could this be done without an organized opposition? The official opposition makes it possible to channel opposition to the government so that it's not expressed in the streets, but through Parliament, in a civilized manner. The existence of a loyal opposition draws a distinction between the legitimate desire for change in government and a revolutionary desire for regime change.

Also, how can the Senate play its role as the "grand inquest of the nation," as stated by the Supreme Court and quoted by Justice Binnie in his report on Senate finances, if the opposition — those who are by definition most interested in making the government more accountable — does not have the rights and privileges allowing them to ask the tough questions? How can the Senate adequately represent the minorities and those who are powerless to speak for themselves if the government can silence them because it is the only one with resources and tools?

Therefore, it was a relief for many of us to see that the Trudeau government chose not to change the role of the opposition in the Senate. I think Bill S-4, by keeping the powers and the status of the opposition intact, is an acknowledgement that our arguments in defending the opposition were, and are, valid. This should close the debate on this issue, hopefully, for many years.

Second, I am happy to see that the government has recognized that changes to the functioning of the Senate should be done by consensus. That is also something that we have been defending for a long time.

Bill S-4 was only tabled after consultation with all the leaders of the various groups and caucuses. Since Bill S-4 represents a consensus among the various leaders of the Senate, it stands as a testament to the importance of treading carefully when making changes to our Rules.

This is what we do in the Senate, we debate and argue, but especially when it comes to changes to our Rules or the principles of the Senate, we respect the historical consensual nature of decisions relating to these changes. The role of consensus-driven change is especially important in the current Senate as there are five groups to be consulted.

I stress that when the Conservatives had a majority in the Senate, they made no changes to the Rules without achieving a consensus. The attempts by some senators to unilaterally change the Rules in the last five years were unsettling. It is a message that Minister LeBlanc and Prime Minister Trudeau are sending to these senators: The only way to achieve change in the Senate is through consensus. I hope this message is received and understood.

Honourable colleagues, to summarize, I am happy to support Bill S-4 because, in essence, the government has finally acknowledged two major principles our caucus has been fighting for the last five years. No, Bill S-4 is not a win for us. We do not gain anything. However, we can be happy that, finally, logic has prevailed and that the structure of the Senate, which has served Canadians so well since 1867, is preserved.

However, I wish to take issue with some of the statements made previously on this bill. For example, Bill S-4 does not make the Senate less partisan, more independent, more transparent or more accountable, as Senator Harder stated.

Senator Harder acknowledges that the ISG senators have organized themselves into a like-minded group, as have the other groups. The ISG is a like-minded group in that they share the same small-l liberal ideals, which is just as partisan as a group of Conservative senators who share small-c conservative ideals. This isn't a bad thing, colleagues.

The ISG loves to tell everyone it is not partisan, but this is simply not true. Over and over again, they have proven this by supporting government legislation. This is hardly surprising given that they were appointed by a Liberal government that shares their liberal views.

It will be interesting to see how non-partisan the senators who were appointed by Prime Minister Trudeau are when they are dealing with Conservative government bills, which many of us hope will be in a few short months. I am sure that as soon as they are freed from their commitment to a retired Prime Minister Trudeau and the doors of national caucuses open up, they will be happy to join some of those national caucuses where they can truly do their job as representatives of their region and Canadian legislators.

This bill does not make the Senate more independent. The Senate has always been independent. Prime Minister Trudeau did not make it any more or less so. The Senate gets its independence from the fact that senators are appointed and not elected and that they keep their appointment until the age of 75.

I need to remind Senator Tannas that he was also appointed and not elected, the same way the rest of us were appointed.

I do not see how this bill makes the Senate more transparent or more accountable. It was under the Harper government that the Senate changed its Rules on senators' expenses, that the expenses became public, that the Auditor General was invited, that some senators were severely punished and that we put in place a code of ethics. It was Conservative senators who came up with the idea of an Audit and Oversight Committee who allowed debates to be available publicly, first on the internet, then on television, and who made CIBA meetings open to the public. That is what made the Senate more open and transparent, not Bill S-4.

Finally, Bill S-4 codifies the changes to Senate Rules to reflect the ridiculous semantic exercise of renaming leaders, deputy leaders and whips to government representatives, facilitators and liaisons. These new titles are supposed to give the illusion of non-partisanship of the various offices, but realistically speaking, their roles are exactly the same. A deputy facilitator at a scroll meeting fights just as hard to move her colleagues' bill as our

deputy leader does to move our bills. Senator Woo is a facilitator and Senator Cowan was a leader. Each is or was ferociously partisan, ready to defend his caucus and their views — and rightfully so.

• (1510)

Bill S-4 changes nothing that wasn't already changed by the Senate. Bill S-4 does not represent an evolutionary piece of legislation but merely represents what has already evolved in the Senate and by the Senate. None of this is new; it is merely a reflection of the current reality in the Senate.

As Senator Cordy stated 20 years ago, the Rules Committee recommended the Rules be changed to account for the existence of other parties other than the government and opposition. Subsequent changes to the Rules allowed for another party to be recognized in the Senate. The Senate has taken this a step further by allowing for other groups. Bill S-4 is merely the culmination of that long process.

Honourable senators, I do encourage you to support Bill S-4 and send it to the House. This will allow us, in turn, to turn our attention to more pressing issues that are important to Canadians.

As the leader of our caucus, however, I recognize that some of our senators are uncomfortable with some parts of this bill. That is why, in all likelihood, we will allow this to be adopted on division.

[Translation]

Hon. Diane Bellemare: Would the honourable senator take a question?

[English]

Senator Plett: Yes, I will take a question.

[Translation]

Senator Bellemare: I listened carefully to the senator and I will ask my question in French.

You talked about a hypothetical situation that could happen at any time, that is, if your party were to win a future election and form the government. This means that the current Leader of the Opposition would then be on the government side. This is a hypothetical question, but if that were to happen, how would you reform an official opposition? Under the current rules, the Leader of the Opposition is the leader of a parliamentary group recognized as an official party. What would the official opposition be if the Conservative Party came to power?

[English]

Senator Plett: Truly, the latter part is very hypothetical. I don't think the first part of it is that hypothetical at all. Nevertheless, Senator Bellemare, you were, of course, part of this caucus when you were first appointed, and you decided to abandon us. However, if we form government — and we certainly hope we will — who knows? Senator Woo may come forward and say that he's always been the opposition and that he was never the government, and maybe he wants to be the opposition now, and we'll have to see if he takes out a Liberal Party membership. However, because that part of it is purely hypothetical, I can't give you a better answer than that.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

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

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

(At 3:16 p.m., pursuant to the orders adopted by the Senate on October 27, 2020 and December 17, 2020, the Senate adjourned until 1:30 p.m., tomorrow.)

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