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(HANSARD)

Thursday, June 10, 2021

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Thursday, June 10, 2021

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

Prayers.

### SENATORS' STATEMENTS

#### THE LATE MAURICE CHAPUT

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I rise today to pay tribute to a friend, Maurice Chaput from Ste. Anne, Manitoba, who passed away earlier this year following a valiant battle with cancer.

Maurice was an icon in his hometown, but to me he was both a friend and a hockey rival. I first met Maurice on the ice playing hockey. He was a 22-year-old captain of the Ste. Anne Aces while I was an 18-year-old playing for the Landmark Dutchmen. And while I don't recall the precise moment, I suspect it was probably his elbows that I was introduced to first.

Maurice was renowned for his hockey skills but also for being a rough and tough player. Today, his tactics might be frowned upon, but back then he was respected as an aggressive and accomplished player.

Maurice was big and intimidating and four years older than me, but I was short and speedy and determined. Both of us were fiercely competitive and we would often meet in the corners as sticks clashed and bodies slammed into the boards, fighting each other for control of the puck. I attribute many of the neck and back ailments that I carry with me today to those close encounters with Maurice Chaput.

But though we were fierce competitors, to the surprise of many, we were also great friends. Many people stood in disbelief years later when, at the start of a curling season, I stepped on to the ice with Maurice and his brother André. That year, they both curled with me as I skipped a men's team at the Ste. Anne Curling Club.

In later years, I worked with Maurice when he was the president of the Manitoba AAA Midget Hockey League. When Maurice decided to give up his position as the president of the local Eastman Selects AAA hockey team, he came to me and asked if I would consider taking over from him. I was honoured to do so.

Maurice was very involved in his community, where he was considered a local hero. He served in many capacities, including fire chief, Reeve of the Rural Municipality of Ste. Anne, president of the Ste. Anne Minor Hockey Association and president of the Hanover Tache Junior Hockey League, as well as playing an active role in the construction of Ste. Anne's first covered arena and later getting the artificial ice plant for the arena.

Like his older sister, the Honourable Maria Chaput, whom many of you will remember as our former colleague in this chamber, Maurice was also a proud Franco-Manitoban. In 1994, he became the first director of maintenance and transportation with the Franco-Manitoban School Division, where he served tirelessly for the next 20 years in different capacities. Following his passing, the town of Ste. Anne honoured Maurice and his many accomplishments by naming the Ste. Anne arena the Maurice Chaput Sports Complex.

Colleagues, I will always fondly remember my good friend Maurice Chaput for his warm friendship, his good-natured spirit and his undying loyalty to the people and the causes that he was devoted to. Although time does not allow me to list all of his many contributions to his community and his province, Maurice Chaput was always someone who you wanted in your corner.

Today, I pray that all those who mourn his passing will find joy in his memory and experience the comfort of God in their lives. Thank you.

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

[*Translation*]

#### WORLD DAY AGAINST CHILD LABOUR

**Hon. Julie Miville-Dechêne:** Honourable senators, I rise to mark the World Day Against Child Labour, which will take place on Saturday. Although the incidence of child labour dropped by nearly 40% from 2000 to 2016, the numbers have begun to climb again, and the pandemic is only accelerating that trend.

An estimated 160 million children worldwide are forced to work, nearly half of them under dangerous conditions. Because of the lockdown and supply chain disruptions, schools closed and parents lost their livelihoods, which pushed more children to endanger their safety, dignity and growth to help their families.

Human Rights Watch provided a startling picture of the situation in its report entitled *I Must Work to Eat*, which shares the testimony of 80 children from Ghana, Uganda and Nepal. Before the pandemic, thousands of children were already working in Ghana's gold mines, even though it is against the law. Worse yet, the children explained that they have to crush the ore into smaller pieces, breathe in dust and handle toxic mercury. Fourteen-year-old Solomon said that he is sore all over from carrying sacks of ore from the bottom of the mine pit to the top for 12 hours a day.

Children are starving. In Uganda, a 13-year-old girl named Florence had to start working because she was starving. Her family was surviving on porridge and tea. Once schools shut down, Florence and her eight siblings no longer had access to free school meals.

Many children in Nepal have reported that, during the lockdown, they began working at least 10 hours a day in carpet factories. In the report, 14-year-old Gita explains how hard

weaving is. She said that her fingers hurt from knotting the threads, her eyes hurt from looking at the design map, and sitting down for hours really hurts her legs.

Reading that report left me feeling ashamed. As Canadians, how can we be aware and take advantage of child labour without doing everything we can to combat this scourge, which is related to poverty? How can we even accept it?

The pandemic is also having a devastating impact on girls in South Asia. Early and forced marriages more than doubled last year in Indonesia, putting girls at higher risk of poverty, violence and disease, as they are becoming pregnant too young. Parents, themselves impoverished, are telling their little girls that their job is to be a wife and mother.

• (1410)

There is no simple solution to this tragic reality. Canada can afford to do more to help poor families directly. Our government and our businesses must also be vigilant about rooting out child labour from their supply chains and helping the kids get back in school.

[English]

#### WILLIAM DAVIS MINERS' MEMORIAL DAY

**Hon. Terry M. Mercer:** Honourable senators, tomorrow is Davis Day. Davis Day, also known as William Davis Miners' Memorial Day, is an annual day of remembrance observed on June 11 throughout former coal mining communities across Nova Scotia.

Every year, people gather to remember the sacrifices that coal miners made in the pits. William Davis was one such coal miner who, on June 11, 1925, joined his fellow striking miners in trying to force the coal company, Besco, the British Empire Steel Corporation, to negotiate a new contract.

The company had shut down the company stores — essentially the grocery and hardware stores. The miners forced out the company men who had taken over the power plant. That's when, on June 11, police and striking coal miners clashed in violence. William Davis was shot and killed by company police on that day.

Honourable senators, there are many industries from our past and continuing today that require hard labour. Coal mining was a tough, dirty business and is no longer a large part of Nova Scotia's industrial landscape, but it is a large part of our history. Coal mining has helped bring Canada through many difficult times.

On Davis Day, we recognize that proud history while taking the day to honour the sacrifices of coal miners and their families.

The vice-president of BESCO was known to say: "We have all the cards . . . eventually they will have to come to us . . . they can't stand the gaff."

How wrong he was.

The strong resolve of those coal miners continues today in the hearts and minds of all Nova Scotians. They did indeed stand the gaff. Thank you, honourable senators.

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

#### CANADA CHILD BENEFIT

**Hon. Percy E. Downe:** Honourable senators, I rise today to salute the Liberal government for their efforts to reduce child poverty and, in particular, their introduction of the best social program in a decade — the Canada Child Benefit. This program has proven to be fiscally responsible and fiscally sustainable, and has delivered positive change in our country.

It has been proven that targeted social policy can have a very positive benefit in improving the lives of Canadians. One only needs to look at the tremendous reduction in seniors' poverty in Canada over the last number of decades. Combined, the Canada Pension Plan, the Old Age Security pension and the Guaranteed Income Supplement have reduced seniors' poverty in Canada from 29% of seniors in 1976 to 3.9% in 2019.

Now those same efforts are being applied to child poverty. Since its introduction in 2016, the Canada Child Benefit has provided families in my home province of Prince Edward Island with over \$100 million per year in tax-free benefits, for a four-year total of over half a billion dollars in tax-free assistance. This has benefited over 26,000 Island children in over 15,000 families. Imagine how that money has improved life for those children and their families.

The results nationally have been no less impressive. Statistics Canada reported that in only the first full year the benefit was in effect, some 278,000 fewer children were found to be living in poverty.

Such programs balance fiscal responsibility with meaningful, lasting support for Canadian children and their families. They highlight the important role the Government of Canada can play in improving the lives of Canadians.

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

#### ANTI-MUSLIM EXTREMISM

**Hon. Mobina S. B. Jaffer:** Honourable senators, originally I had planned to deliver a statement today about Canada Day, where I would reflect on my twentieth year in the Senate and highlight how pluralism and multiculturalism are at the very heart of the Canadian identity. I was going to share the amazing journey of my 20 years in the Senate. Instead, I rise today to speak about the Afzaal family who left their London, Ontario, home on Sunday evening for a walk. They were senselessly murdered simply because they were Muslims.

A grandmother, mother, father and daughter were murdered in a horrific, hate-fuelled attack which has put a 9-year-old boy in hospital and has left him an orphan.

Honourable senators, I was sworn in as Canada's first Muslim senator just one week after 9/11. I will be the first to admit that the weeks and months following 9/11 were incredibly difficult for Muslim Canadians. I remember Prime Minister Chrétien asking me to accompany him to an Ottawa mosque where he delivered the message to all Canadian Muslims that they were not accountable for the acts of a few members of their faith.

While many of us found comfort in Prime Minister Chrétien's words, the truth is that Islamophobia is a very real problem as it was in 9/11, and it continues to be a real problem today.

Honourable senators, Islamophobia exists in Canada. Racism exists in Canada. Hatred exists in Canada. Fear of being attacked because of the colour of your skin exists in Canada. We were reminded of this when six men were gunned down and killed in a mosque in Quebec City. We were reminded of this when a man was stabbed to death outside his mosque in Rexdale. We were reminded of this on Sunday when the Afzaal family was murdered in what Prime Minister Trudeau has described as a terrorist attack motivated by hatred.

Honourable senators, when I heard about the attack, I immediately reached out to my Muslim colleagues in the Senate. During our exchange, Senator Ravalia shared this:

We are shattered and feel such a profound grief for the young boy and extended family who have lost so much.

The rise in hate crimes is indeed disconcerting. Our entire community is mourning and we appreciate you and so many others who have reached out.

Honourable senators, I'm exceptionally proud to be a Canadian Muslim. I truly believe that we live in the best country in the world, however we have a lot of work to do. We need to put an end to Islamophobia and xenophobia. We owe it to ourselves. We owe it to our children. And we owe it to 9-year-old Fayez Afzaal.

Honourable senators, my seven-year-old granddaughter just informed me that she is not going to tell her friends she's Muslim because she is frightened. That is not the Canada you and I want to build. Thank you, senators.

## ROUTINE PROCEEDINGS

### UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

THIRD REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

**Hon. Dan Christmas**, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 10, 2021

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

#### THIRD REPORT

Your committee, to which was referred Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, has, in obedience to the order of reference of Thursday, June 3, 2021, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

DAN CHRISTMAS  
*Chair*

*(For text of observations, see today's Journals of the Senate, p. 698.)*

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

**Hon. Patti LaBoucane-Benson:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be placed on the Orders of the Day for third reading later this day.

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

**Hon. Senators:** Agreed.

*(On motion of Senator LaBoucane-Benson, bill placed on the Orders of the Day for third reading later this day.)*

• (1420)

## INCOME TAX ACT

BILL TO AMEND—SECOND REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

**Hon. Diane F. Griffin**, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, June 10, 2021

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

### SECOND REPORT

Your committee, to which was referred Bill C-208, An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation), has, in obedience to the order of reference of May 27, 2021, examined the said bill and now reports the same without amendment.

Respectfully submitted,

DIANE F. GRIFFIN  
*Chair*

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

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

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

CONFERENCE OF PARLIAMENTARIANS OF THE ARCTIC REGION,  
APRIL 13-14, 2021—REPORT TABLED

**Hon. Patricia Bovey:** Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Fourteenth Conference of Parliamentarians of the Arctic Region, held by video conference in Oslo, Norway, from April 13 to 14, 2021.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET  
DURING ADJOURNMENT OF THE SENATE

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

That, notwithstanding rule 12-18(2), the Standing Committee on Internal Economy, Budgets and Administration be authorized to meet during an adjournment of the Senate; and

That, taking into account the exceptional circumstances of the current pandemic of COVID-19, the committee be authorized to meet entirely by videoconference, with the provisions of recommendations 3 to 6 of the sixth report of the Committee of Selection, adopted by the Senate on March 30, 2021, applying in relation to any meetings held by videoconference.

## QUESTION PERIOD

### JUSTICE

#### JUDICIAL APPOINTMENTS

**Hon. Donald Neil Plett (Leader of the Opposition):** My question again is for the government leader. Leader, through media reports today, we've learned that the Trudeau government has stopped using Liberalist, the Liberal Party's database of donors and supporters, to vet judicial appointments. Liberalist was used not only to see that judicial nominees had given money to the party, but who had participated in party activities, for example, or put up the Liberals' election signs.

Last fall a former aide in Minister Lametti's office publicly raised concerns about the extent of partisan influence in the Trudeau government's judicial appointments and potential for scandal. The Canadian Bar Association said the government was eroding public confidence in the fairness of the justice system.

Leader, when exactly did your government stop using Liberalist to vet judicial appointments? Given that your government forcefully defended this practice when it was first revealed, why did you end it?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I don't know the precise date at which it was stopped. The media attention to which you referred is well-known. The government remains committed to ensuring that its appointments are merit-based and not influenced by extraneous factors. As the government has explained in the past, candidates are vetted in a number of ways. Given the scrutiny — and properly so — that is placed upon government appointees to the judiciary and otherwise, vetting is done to make sure that the government is in a position to ask questions when they are posed. Again, this government is proud of the appointment process it put into place and approximately, if not more than, 400 outstanding jurists have been appointed under this government's process.

**Senator Plett:** In May 2019, the Prime Minister's Office also confirmed that they are using the Liberalist party database to screen potential nominees for the Senate of Canada.

I want to make it clear, it's fine for a government to appoint senators who will advance the government's agenda, but be honest with Canadians about what you're doing. Publicly

claiming Senate appointments are independent while secretly checking a party database to confirm whether that individual will support your agenda is anything but honest.

Leader, does the Trudeau government still use Liberalist to vet Senate appointments? If so, why is that practice still in use when you stopped it for judicial appointments? If you stopped vetting Senate appointments against the Liberalist database, when did it end?

**Senator Gold:** I don't know the answer to your question, but I cannot accept the premise that lies behind it. The government's approach has been clear, it's been open, it's been transparent — much more so than previous processes in the past.

I know of at least one case where a senator was appointed under this government notwithstanding the fact that he had made donations to the Conservative Party, the Bloc Québécois and the NDP in addition to the Liberal Party. The fact is, as is the case with the judiciary, it is the case here in the Senate. This government is proud of the diversity of experienced and talented people who have been appointed to the Senate and stands by the process that it put into place.

## VETERANS AFFAIRS

### MENTAL HEALTH SERVICES

**Hon. Yonah Martin (Deputy Leader of the Opposition):** My question is also for the government leader in the Senate. Earlier this year, it was reported that our veterans are waiting longer to access mental health support at the 10 operational stress injury clinics across Canada. These delays predate the COVID-19 pandemic, which has made accessing mental health care even more difficult for many Canadians, not just for our veterans.

The report showed that some veterans have had to wait more than seven months for their first appointment with the psychiatrist or even begin their treatment plans and that the wait time has been increased since 2017.

Leader, why do veterans continue to wait so long for mental health care under this Liberal government?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, senator, for raising this. It's an important question. It raises an important issue about the well-being of those who have served our country and continue to serve our country well.

As per the supplementary mandate letters of the Prime Minister, the government is reviewing all mental health programs and services to ensure that veterans, their families and their primary caregivers receive the best possible mental health supports, including timely access to service.

That said, colleague, we have to keep in mind that while Veteran Affairs Canada funds the operational stress injury clinics, the clinics are operated by the provincial health authorities. To address the wait times at these centres resulting from both increasing demand, regrettably, and a shortage of

mental health professionals, which is equally regrettable, in some parts of the country at least, the government has increased funding for recruitment in specialized training.

• (1430)

**Senator Martin:** We continue to hear about these mandate letters. The words are important, but what's more important is the action that follows. What we know is that it's a seven-month wait for even the first appointment, leader.

Budget 2021, the first federal budget in over two years, proposed a new program at Veterans Affairs Canada that would cover the mental health care costs of veterans with PTSD, depressive or anxiety disorders, while their disability benefit application is being processed and, of course, there are delays there as well.

Leader, when does your government expect this program to be operational?

**Senator Gold:** Thank you for the question and for raising that important program. I will have to make inquiries about the date upon which it will come into operation and I'll report back.

## FOREIGN AFFAIRS

### DEMOCRATIC INSTITUTIONS

**Hon. Donna Dasko:** Honourable senators, my question is for the Government Representative. Senator Gold, my question relates to Canada's involvement with Ukraine. The recent escalation of Russian activity in Eastern Ukraine has prompted Ukrainian authorities to renew their call for NATO membership — a foreign policy goal that has been enshrined in Ukraine's constitution since 2017.

Our media tend to report on Canada's military operations in Ukraine, specifically Operation UNIFIER which supports Ukraine's security forces. But while military preparedness and cooperation are important, we know that military interoperability is but one of many standards that a country must meet to join NATO. Perhaps the most important requirement to join NATO is a functioning democratic political system.

Senator Gold, last weekend in *The Globe and Mail*, Professors Roland Paris and Jennifer Welsh urged Canada to do more to assist democracies that are in danger of sliding into forms of authoritarianism including Ukraine, which they mentioned specifically.

What work has Canada undertaken to strengthen Ukraine's democratic institutions?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for that important question, colleague. Canada has been and remains a strong supporter of Ukraine's reform efforts, both bilaterally and as part of the G7 ambassador support group for Ukraine in Kiev.

Colleagues, the reform process is key to stabilizing and building Ukraine's resilience and prosperity in the face of the ongoing campaign of Russia to destabilize Ukraine.

It's also central to Ukraine's Euro-Atlantic aspirations and the process of releasing further IMF funding.

There are a number of programs that Canada has put in place, and many deal with Ukraine's need for support in the area of security. Without security, other reform efforts are at risk, and I won't outline those programs or monies.

But to your question, our international assistance also promotes inclusive governance to support participation of citizens, especially women, in public life and decision-making processes, including support for a free, fair and inclusive electoral system. We're also supporting Ukraine in its efforts to strengthen the effectiveness, transparency and accountability of its justice sector.

**Senator Dasko:** Thank you, senator. As a follow-up, I would like to focus on UN Resolution 1325 on women, peace and security, which was the first resolution to recognize the unique and disproportionate effects of armed conflict on women and girls.

The Canadian government has reiterated its commitment to this resolution in the context of Ukraine; however, that commitment was short on detail and information is sparse.

I wonder if you could enlighten us in the chamber on the work your government has done to promote the involvement of women in efforts towards peace and security in Ukraine. Thank you.

**Senator Gold:** Thank you for that important question.

Let me make four points: First, Canada puts an emphasis on gender equality and the empowerment of women and girls generally. In Ukraine, Canada is committed to supporting the implementation of UN Resolution 1325 on women, peace and security, and we lead on initiatives aiming to increase the role of women in the security and defence sectors.

Second, through the Canada Police Arrangement, or CPA, Canada deploys civilian police officers to provide training and to increase the capacity of the National Police of Ukraine on issues such as preventing and responding to gender-based violence.

Third, Canada also helps bolster women's organizations in Ukraine that are working on issues such as sexual and gender-based violence, or SGBV, violence against women and girls and women's political participation through the Canada Fund for Local Initiatives.

Fourth, in Ukraine Canada is funding Alinea International to support policing reform. Alinea addresses the COVID-19 pandemic and associated increase in domestic violence by supporting a domestic violence hotline, providing emergency kits for victims and expanding awareness campaigns on SGBV.

## NATIONAL DEFENCE

### OPERATION UNIFIER

**Hon. Stan Kutcher:** Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, Operation UNIFIER is the Canadian initiative that includes the deployment of troops in Ukraine with the intent ". . . to help Ukraine remain sovereign, secure, and stable."

While its work is directed toward security forces training, it is nonetheless vulnerable to attack from hostile forces, and recent actions from Russia have not given the world comfort that hostile interventions into Ukraine's territory will not occur.

Unfortunately, our forces there have recently been coping with the COVID-19 outbreak, and Ukraine itself is struggling with the pandemic.

Senator Gold, how is the health and safety of our Armed Forces personnel in Ukraine being protected during this time, and what is our government planning to ensure that their health and safety will be protected in the event that hostilities break out?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. As the grandson of an immigrant from the Ukraine to Canada, I'm pleased to answer two questions in a row on the Ukraine.

The government's support for Ukraine is unwavering, as is our commitment to protect the health and safety of our troops wherever they may find themselves. And that's why, in support of Ukraine, the government renewed Operation UNIFIER, our training mission to assist the security forces of Ukraine, until March 2022, launched in response to a request from the government of Ukraine.

Now, as colleagues may know, the COVID-19 pandemic resulted in a reduced number of personnel being deployed for a period of time, but additional members are being deployed, bringing the total number of Canadian Armed Forces personnel to Ukraine to 149.

With regard to health and safety, the government has enormous pride and confidence in our military personnel abroad to take the measures to protect our troops and is also taking steps to protect them from a health and safety point of view when they're stationed abroad.

**Senator Kutcher:** Thank you for that, Senator Gold.

Canada has supplied Ukraine with non-lethal military equipment, including a mobile field hospital, medical kits, night vision goggles and so on. Are there plans to continue to provide this and similar equipment for the near future, or are there plans to change what equipment is being supplied?

**Senator Gold:** Thank you for the question. I'm not aware of any change in the plans with regard to our support to the security forces in the Ukraine. I'll make some inquiries and will be pleased to report back to the chamber.

## JUSTICE

## CONSTITUTION ACTS OF 1867 AND 1982

**Hon. Scott Tannas:** My question is for the government leader. There has been a fair amount of coverage recently about changes to the Constitution that the Province of Quebec intends to undertake.

On Monday, the Government of Alberta announced that it's their intention to hold a referendum this October to consult Albertans on the removal of the equalization process from the Constitution.

It's the first step in showing Canada and Canadians that Albertans are serious about this after years of discussing it and asking for meetings to make some meaningful change to the equalization process. This pandemic and the oil shock prices of the last number of years have highlighted the unfairness of the current program.

• (1440)

There will be a question put before Albertans in October. What would you say and what would your government say in defence of this question? And what would you say to Albertans about what this government has done over the last five years to address the concerns that Alberta has stated relentlessly and endlessly on this topic?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. It is the prerogative of the Government of Alberta to survey and put questions to the population in that regard. The government will look with interest at the results of that.

The Government of Canada works regularly and is in contact regularly — the finance minister, in particular, with her counterparts — to address issues of the complex federal-provincial financial arrangements. Equalization is one important component. There are many other programs. Indeed, it is a subject that seeks to be addressed in an inquiry here in the chamber.

The Government of Canada has supported Albertans throughout this pandemic and continues to do so, as it does all Canadians. The Government of Canada is open and engaged in discussions with the provinces — Alberta, among others — to see what changes are appropriate to the equalization formula in the context of the broader fiscal arrangements that tie our country together.

**Senator Tannas:** If the referendum proposal passes the Alberta Legislature, would you anticipate that Canada would be active in providing information to Albertans about the wonders of equalization and how it is good for Alberta and therefore good for the country? If so, are you aware of any reaction to the referendum question from the government?

**Senator Gold:** To the last part of your question, no, I am not aware of and have not been advised as to how the government reacted to that.

To describe the wonders of equalization may be saying too little and too much. The fact is that the equalization program is one of the centrepieces whereby we, as Canadians, express the fact that we are all in this together.

The original idea — which is still, I think, a principle worth nurturing — is that Canadians, regardless of where they live and regardless of the circumstances they find themselves in — urban, rural, rich and less wealthy provinces — have the right to a decent level of public services from their provincial governments, notwithstanding that provincial governments have made and continue to make decisions that have an enormous impact on their capacity to deliver public goods to their citizens, whether it is the level of income tax or the lack of an income tax, or whether it's heightened spending on certain social services.

Be that as it may, the federal government, using the fruits of its plenary taxation power, redistributes funds to the provinces so that the provinces can better serve their citizens. The details are important and fundamental, but the principle is even more important. It is a principle that I think all Canadians ought to embrace, despite disagreements, perhaps, with how the formula may affect them — in particular, cycles of the economy or circumstances.

[Translation]

## RE-ESTABLISHMENT OF LAW REFORM COMMISSION

**Hon. Pierre J. Dalphond:** Honourable senators, my question is for the Government Representative in the Senate, Senator Gold. I was pleased to see that Budget 2021 would at last reinstate funding for the Law Reform Commission of Canada in the amount of \$18 million over the next five years, starting this year. We have ample evidence that the commission's work is important. Can you update us on the government's work to re-establish the commission?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, senator, and for highlighting the importance of the government's decision to re-establish the commission and support its work. The Law Reform Commission of Canada will provide advice on current and future legal questions, as it did in the past. Among other things, the commission will support work to eliminate systemic barriers in the justice system that affect Indigenous peoples and racialized Canadians.

Thanks to your advance notice, I was able to inquire with the government, but I haven't yet received the details you're after. However, I assume it's still early in the process, and I would note that the Budget Implementation Act, 2021, No. 1, has not yet been passed. That said, the government is pleased to be taking this initiative so that, hopefully, we can soon benefit from the commission's work.

**Senator Dalphond:** If I understand correctly, the legal framework that will apply to the commission has been in place since 1996 under the Law Commission Act of Canada. Am I to understand that as soon as the budget is passed, the processes will be put in place to appoint a president and four commissioners?

**Senator Gold:** I will find out what steps will be taken as soon as the budget is passed, and I will inform the Senate as soon as I get a response.

[*English*]

## PUBLIC HEALTH AGENCY

### NATIONAL EMERGENCY STRATEGIC STOCKPILE

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

Last October, Prime Minister Trudeau acknowledged that there had been problems with funding and scientific capacity at the Public Health Agency of Canada. In characteristic fashion, of course, he blamed it all on Stephen Harper — who hasn't been Prime Minister, colleagues, for close to six years.

Prime Minister Trudeau claimed that under the previous Conservative government, there was “marginalization of scientific voices.” However, it was not Stephen Harper, colleagues, who closed three of the nine National Emergency Strategic Stockpile warehouses and threw out millions of N95 masks and other personal protective equipment. It was the Trudeau government that decided that.

Senator Gold, my question is simple: Can you tell us what scientific voices, if any, upon which your government based its decision to close those warehouses and throw out PPE rather than replacing them?

**Hon. Marc Gold (Government Representative in the Senate):** I would have to make inquiries about the specific advice the government took with regard to that matter, and I will certainly undertake to do so.

**Senator Housakos:** Senator Gold, the Trudeau government put management efficiency before science in order to save \$900,000. This ended up costing thousands of Canadian lives, not to mention \$1 billion in rushed orders to replace the PPE that had been thrown out by the Trudeau government.

A Public Health Agency staff email on March 20, 2020, graphically illustrated the unfolding disaster the Trudeau decision led to, which reads:

We have received urgent requests for personal protective equipment, primarily N95s. The requests particularly for N95s far *exceed* our stockpile. The team is working to try and triage and we have modest stock coming in, but too late.

Senator Gold, will your government finally — and for once — accept responsibility for this or will it continue to pass the buck?

**Senator Gold:** Colleague, I'm driven to say that, although your questions clearly cast these issues in partisan terms, I choose not to answer in that way. This government has taken responsibility for the way in which it has responded to the pandemic. It has acknowledged that mistakes were made. It has pointed to the factual circumstances that led, in some cases, to Canada being less prepared — for example, on the capacity to

produce our own vaccines. It has taken responsibility. As the Auditor General points out in her report, when the pandemic hit us, the government reacted quickly, swiftly and effectively — in her words — to respond.

Once again, the premise of your question, senator, with all respect, is not correct. It is not a question of not taking responsibility. There are lessons to be learned. Our committee here in the chamber is seized with that issue. We can all do better going forward, but the government is committed to continuing to work for the health and safety of Canadians.

• (1450)

### GLOBAL PUBLIC HEALTH INTELLIGENCE NETWORK

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, in March the Auditor General released a scathing report on the Trudeau government's pandemic preparedness, and it was particularly critical of the decision just prior to the pandemic to shut down our infectious disease early warning system, one of the most effective systems of its kind in the world. The Auditor General recently issued another report that said the Public Health Agency of Canada was not as prepared as it could have been to respond to the surge in provincial and territorial needs for PPE and medical devices brought on by the pandemic.

As Senator Housakos mentioned, the Trudeau government threw out some 9 million pieces of PPE in the National Emergency Strategic Stockpile that could have helped Canadians, and it closed down three of the stockpile's warehouses.

Leader, will your government ever take responsibility for this failure?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, which is hot on the heels of Senator Housakos's and which allows me to repeat what I said. The government does take responsibility. You have quoted correctly from aspects of the Auditor General's report. The Government of Canada values the work of the Auditor General and accepts the recommendations. Like any responsible government, it understands that it can and will do better.

**Senator Plett:** In 2008, testifying post-SARS pandemic before the Standing Senate Committee on National Security and Defence, David Butler-Jones, who was then the Chief Public Health Officer, said:

We need to sustain the interests and momentum around doing the planning so that we are not surprised and able to respond.

Yet the Auditor General recently reported that:

Some of the federal stockpile inventory was expired or outdated and the Public Health Agency of Canada did not track the age or expiry date of some items.

How will those who were responsible for this be held accountable? It's the Auditor General, leader, who is saying this. If no one is accountable, then how do you think that will impact our ability to be well prepared to deal with another pandemic?

**Senator Gold:** At the risk of repeating myself, through the advice and input given by the Auditor General and others, one hopes that the lessons we are learning in this chamber from the experience with this pandemic, and through the follow-up work that our committee will be doing will all be taken into account by this government, and I expect every future government, so we can be better prepared for the next crisis of this kind that may come our way.

## PUBLIC SAFETY

### CRIMINAL RECORDS REFORM

**Hon. Kim Pate:** My question is for the Government Representative in the Senate.

Senator Gold, today the government introduced Bill C-31 regarding criminal records reform. Although 11 years after the Liberal commitment, it is a welcome step in the right direction. The government also announced its intention to hold consultations about automated record expiry. Public Safety Canada's previous consultations on the criminal record system and the House of Commons Standing Committee on Public Safety and National Security have already studied this question and found it is a good idea with significant public support.

The question, then, is: If this is anything more than performative, with only a few days remaining before Parliament's planned summer recess, what is the government's timeline and plan for ensuring the measures in Bill C-31 are implemented?

**Hon. Marc Gold (Government Representative in the Senate):** With all due respect, senator, the introduction of bills in this place or in the other place should not be belittled as performative. It is a measure of the government's commitment to move this issue forward in the legislative process and the public policy process. In terms of how far this bill can get in the short time before the House rises, it is obvious that it has simply been introduced.

When the House finishes with its work and we receive the bill, assuming that it's passed, I'm sure we'll have occasion to debate the merits of it properly and fully as we do in this chamber.

## DELAYED ANSWERS TO ORAL QUESTIONS

*(For text of Delayed Answers, see Appendix.)*

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, pursuant to the order of Tuesday, June 8, 2021, I do now leave the chair for the Senate to be put into a Committee of the Whole on the subject matter of Bill C-8 and other matters. The committee will be presided by the Speaker pro tempore, the Honourable Senator Ringuette. To facilitate appropriate distancing, she will preside the committee from the Speaker's chair.

*[Translation]*

## CITIZENSHIP ACT

### BILL TO AMEND—CONSIDERATION OF SUBJECT MATTER IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive the Honourable Marco Mendicino, P.C., M.P., Minister of Immigration, Refugees and Citizenship, accompanied by at most four officials to consider the subject matter of Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94), as well as other matters related to the responsibilities of the Minister of Immigration, Refugees and Citizenship.

(The sitting of the Senate was suspended and put into Committee of the Whole, the Honourable Pierrette Ringuette in the chair.)

**The Chair:** Honourable senators, the Senate is resolved into a Committee of the Whole on the subject matter of Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94), as well as other matters related to the responsibilities of the Minister of Immigration, Refugees and Citizenship.

Honourable senators, in a Committee of the Whole senators shall address the chair but need not stand. Under the Rules the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of his or her time, the balance can be yielded to another senator.

(Pursuant to the Order of the Senate, the Honourable Marco Mendicino and his officials joined the sitting by video conference.)

**The Chair:** We are joined today by the Honourable Marco Mendicino, P.C., M.P., Minister of Immigration, Refugees and Citizenship.

Minister, welcome to the Senate. I would ask you to introduce your officials and to make your opening remarks of at most five minutes.

[English]

**Hon. Marco Mendicino, P.C., M.P., Minister of Immigration, Refugees and Citizenship:** I would like to acknowledge that I'm joining you from the traditional territories of the Mississaugas of the Credit and the Haudenosaunee.

Honourable senators, it is an honour to address you on Bill C-8, which would amend the Oath of Citizenship to reflect Indigenous peoples and enact the Truth and Reconciliation Commission's Call to Action number 94.

Before proceeding, I would like to express my gratitude to the sponsors of this bill, Senator Anderson, as well as to your predecessor, former senator Murray Sinclair, for your support, advice and encouragement. I also wish to thank the many other senators with whom I have had the chance to interact not only on Bill C-8 but on various other priorities related to immigration that are near and dear to our hearts.

A little over six years ago, on December 15, 2015, the Truth and Reconciliation Commission delivered their final report. The report details the horrors of the residential schools and set out 94 Calls to Action, which we remain steadfastly committed to implementing.

At the same time, I am, like you, ever mindful that these proceedings today are occurring at a moment of pain, anguish and anger in the wake of the recent discovery of the remains of Indigenous children at the Kamloops residential school.

This revelation is a harsh reminder of the devastating consequences that do not merely represent a dark chapter in our history but, rather, remain a painful and visceral part of our present.

• (1500)

For Canadians, it was a wake-up call. It underscored the work we still must do to understand our history — the impact that it had then and the impact that it has now — and to address it.

This work must include our newest citizens, which is why it is so important that we as parliamentarians work together to embrace the commission's calls to act.

[Translation]

One measure we can and must take is in Bill C-8, which we are discussing today. In response to Call to Action 94, Bill C-8 provides for a crucial addition to the wording of the Oath of Citizenship. The oath that invites new Canadians to faithfully observe the laws of Canada is now more specific thanks to the following addition:

. . . including the Constitution, which recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples . . . .

This is a profoundly meaningful change, as it recognizes the fact that Indigenous rights are collective rights constitutionally protected under section 35 of the Constitution Act, 1982. These rights arise from the First Peoples' historical occupation and use of the land now known as Canada.

In addition to changing the wording of the oath, the government is continuing its efforts to respond to Call to Action 93, which recommends that the citizenship study guide and knowledge test be revised "to reflect a more inclusive history of the diverse Aboriginal peoples of Canada."

IRCC officials are revising the study guide to include these parts of our history that were left out for too long, so that new Canadians know the story of Indigenous peoples and their treaty rights, as they begin their journey as informed new citizens.

By amending the oath, the government is redefining the very concept of Canada as a place whose history began with the presence of the First Nations on these vast ancestral lands.

[English]

Bill C-8 represents more than a mere amendment of the language to our Oath of Citizenship. It is a public declaration of joining our country and everyone who calls it home, including Indigenous peoples. It's a commitment to Canada, past, present and future. I know there will be questions regarding the language of the bill, the manner in which we engaged with Indigenous communities and advocates in the space as well as the forthcoming updated citizenship guide. I will endeavour to answer your questions to the best of my abilities, and I will acknowledge that this bill represents the culmination of ongoing collaboration. It is my hope that we will be able to pass this legislation into law.

Canada is once again evolving, Madam Chair. This evolution is one which acknowledges the ongoing impact of colonialism and invites all Canadians to join in the shared journey of reconciliation. Reconciliation is a national project — one that requires all of us. With Bill C-8, the newest members of our Canadian family will now better understand their unique role in it. I invite all members in this place to support it. Thank you, *meegwetch*.

**Senator Plett:** Welcome here, minister. It's nice to see you.

Minister, you've already referred to this, but the inclusion of the recommendation to observe treaties with Indigenous peoples was, indeed, 1 of the 94 Calls to Action by the Truth and Reconciliation Commission, or TRC, of Canada. That recommendation was to replace the Oath of Citizenship, minister, with the following:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.

I have both the bill and the Truth and Reconciliation Commission Calls to Action here, minister, and what I just read is not what we have in Bill C-8. Could you tell us why you refused to follow the advice? You're saying it's as a result and that this is, in fact, one of the Calls to Action, yet you have refused the advice of the Truth and Reconciliation Commission and decided to change the suggested wording.

**Mr. Mendicino:** I want to begin by thanking you, senator, for the question. I think it is important that we commence by thanking the Truth and Reconciliation Commission for its work. As part of the very careful and agonizing study of the tragedy around the residential schools, a number of Calls to Action were put forward, including, as you pointed out, Call to Action 94, which put forward proposed text with regard to amending the Oath of Citizenship.

I would say that the government picked up on that Call to Action and began its own set of outreach to ensure that we were listening very carefully to Indigenous leaders and communities across the country as well as to other advocates in this space. What you have before you is both the culmination of the review of the commission's Calls to Action as well as the government's efforts to work with Indigenous leaders and parliamentarians, and thus we have arrived at the text that is before you.

**Senator Plett:** You and Senator Gold have gone to the same school of answering questions, because you didn't really touch on my question. I asked why, and you didn't tell me why.

Your broadening of the TRC recommendation has been questioned by some, and you have talked already about consultation. The Assembly of First Nations, or AFN, for instance, argued that a phrase recognizing inherent rights, titles, treaties and agreements would have been better wording since it affirms Canada's legal obligations to First Nations.

I am interested to know why you rejected this. Did you consult with the AFN and other groups? What caused you to reject their wording and choose the wording you did?

**Mr. Mendicino:** Indeed, we did consult with the AFN. I had a number of conversations with the National Chief. Obviously, that was just one set of conversations that we had over the course of a period of time.

All I can tell you, senator, is that the language that has been put forward before the Senate for its careful consideration does reflect the engagements, the consultations, the effort at doing outreach, and in a way that we believe best captures the diversity of views that were expressed to the government throughout that exercise.

**Senator Plett:** You chose to include in the oath a reference to the Constitution, which was not in the TRC Call to Action, and you chose to reference specifically only the constitutional rights of First Nations, Inuit and Métis people. You chose not to refer to other constitutional rights, such as gender equality and others. I would like to know why you made these decisions. Why did you include a reference to the Constitution? Why did you exclude other rights from the oath?

**Mr. Mendicino:** I would begin by saying, senator, that the reference to the Constitution does allow us to anchor what we are endeavouring to do by responding to this Call to Action in section 35 of the Charter, from which we also drew from in order to arrive at the language before you.

I would also add to that, senator, that in the express reference to the Constitution — which I believe was an effort to, again, anchor Indigenous peoples and the principles of section 35 of the Charter — there is absolutely no intent, by extension, to exclude other rights that are captured in the Constitution and the Charter.

• (1510)

What we have before you is, really, a step forward along the lines of what the commission called for, which was to have an Oath of Citizenship that does better reflect Indigenous peoples. What you have before you is a text that we feel reflects those conversations that we had and does take us one step closer.

**Senator Plett:** Of course, the oath that we have today is very straightforward and inclusive of everybody, minister. It calls on new citizens to bear allegiance to the Crown, to observe the laws and to fulfill their duties as citizens — of all citizens. It is inclusive. When citizens commit to observing the laws of Canada, that includes the Constitution and treaties, minister. Are you concerned that now that you have recognized one group, and one group only, that there will now be considerable pressure to expand this considerably? How do you now say “no” to others who come and ask? Are you open to considering other modifications? If you are, why? If you are not, why not?

**Mr. Mendicino:** I would begin by underlining, senator, that our relationship with Indigenous peoples is unique. Indeed, that is a theme that is replete through the work of the commission. The Calls to Action do really underline and speak to the *sui generis* and unique nature of our relationship with Indigenous peoples. The bill that has been put before you is the government's best effort to move forward with that Call to Action to put into a revised Oath of Citizenship a series of words that better reflect Indigenous peoples so that, as we welcome new Canadians into our fold, they are better educated about that.

But it isn't just about educating new Canadians as they take their oath; it's about educating all of us. I believe that was something I spoke to in the course of my introductory remarks.

**Senator Plett:** This is my last question. You're not necessarily giving me the answers I want, but at least you do it in an abbreviated form, so I appreciate that. It's allowing me to get all my questions in.

What is the penalty, minister, if a new citizen does not respect the Oath of Citizenship?

**Mr. Mendicino:** Senator, I have attended quite a number of citizenship ceremonies now. I have to tell you that of all the functions I'm privileged to exercise through this office, there are few others that compare. In fact, I don't think there is any comparison to being able to not only preside over a citizenship ceremony but to participate in one — to be able to look at newcomers who have overcome great adversity just to come to Canada, satisfied all the requirements that we have put before them and arrived at that milestone where they are able to take their oath and officially become members of our family.

In all of my interactions, I have always been profoundly overwhelmed by the sense of gratitude to Canada but also the hope and optimism that, on the taking of the Oath of Citizenship, they will contribute.

In my experience as Minister of Immigration and as the son of an immigrant family, that is consistent with my experience. Indeed, it is one of the most inspirational things that I get to do, as you can probably tell from the tone of my voice. This bill is a step in that direction.

**Senator Plett:** We don't need to change the oath, do we?

**The Chair:** Thank you, Senator Plett. We are now moving to the next block of 10 minutes that will be equally shared between Senator Omidvar and Senator Loffreda.

**Senator Omidvar:** Thank you, minister, for being with us today. This bill is about Canada. It's about the rightful place of Indigenous peoples in our country and in our oath. But it is also about new Canadians who ultimately will swear the oath. I want to ask you what consultations you had with immigrant communities. What did you hear from them about this amendment?

**Mr. Mendicino:** I want to thank you, senator, for your question. I also want to thank you for your advocacy. I have to tell you that in our conversations I've always felt that you have helped me do my job. Certainly, that applies to this bill.

Throughout the course of my remarks this morning and in my prior exchanges, I've said that in the stages leading up to the putting of this bill before this chamber, we did undertake a number of exercises to do outreach with Indigenous leaders across the country but also with advocates in the immigration space.

As we have explained before, we reached out to work with settlement service providers and organizations that represent and advocate for refugees and asylum seekers in an effort to understand how we could best educate newcomers to Canada about Indigenous peoples. As you pointed out, understanding our history is such a critical part of becoming Canadian — not only our history but our present, and Indigenous peoples are obviously an essential part of that.

**Senator Omidvar:** Thank you. I'm glad to hear that you consulted with them. You talked about education, so let me stay on that strain. I hope you will agree that by the time an immigrant gets to the stage of citizenship — it's normally four years by the time everything is done — it may be time lost. Would you then agree that integration, which starts on day one, would go hand in hand with reconciliation? What can you tell me about your plans to restructure integration services so that the education starts on day one and not at year four?

**Mr. Mendicino:** Thank you for the question, senator. I think you've touched on some very important issues there, both with regard to the work of reconciliation and how passing Bill C-8 into law can be a meaningful step toward achieving that with Indigenous peoples, but also where our immigration system fits into that work.

On a number of occasions you mentioned the word "integration," which is indeed one of the core objectives that we try to accomplish in our work as we welcome newcomers from abroad.

I'm very proud of the work our government, public servants and partners in the settlement service ecosystem do — and that we get to do with you — in the work of integration. It's something that we have been revered for by many other like-minded countries from around the world. Where I think we can restructure this particular part of our work is by both passing this bill into law — because, as we've discussed, a revised oath that speaks to Indigenous peoples will add to that educational component for our new Canadians — and equally through what we hope will be the very imminent updating of our citizenship guide so that it won't be just a tool that you have to wait for until you take your oath. You'll be able to use that guide broadly for those aspiring new Canadians who, as you say, will be able to access it on day one and learn more about the history of Canada, including Indigenous peoples.

**Senator Omidvar:** I'm hoping I'm hearing you say that, in fact, the history of Canada's Indigenous people and our efforts in reconciliation will be embedded into language classes. That's where many of immigrants go to learn English. From day one, we spend lots of money on doing this. I would urge you to aim for a triple bottom line as opposed to a double bottom line.

In that spirit, you spoke about citizenship ceremonies. I, too, have attended many and spoken at many, and it is truly the most uplifting experience that I have had in this space.

But citizenship ceremonies that invite you and me to speak are —

**The Chair:** I'm sorry, Senator Omidvar, your five minutes have elapsed. We are now moving to Senator Loffreda for five minutes.

**Senator Loffreda:** Thank you, Minister Mendicino, for being here.

At the outset, I want to put on the record that I support Bill C-8. I'm happy to see that the bill received widespread support in the other place — a sure sign that this change to our Oath of Citizenship is long overdue.

• (1520)

My question relates to the citizenship guide. I know your department has been working on a revised guide and knowledge test to better reflect our history and the Indigenous peoples of Canada. Assuming Bill C-8 receives Royal Assent and becomes law, what changes do you expect will be reflected in the new version of the guide to accurately showcase the role, influence, rights and reality of the Indigenous people? What additional educational tools might support this objective — if you want to add to that, as we already spoke to it — and when can we expect the new guide to be released? I know the review has been ongoing for many years already. I have a quick second question; if you wish to answer the first one, I will gladly listen and then ask my second question. Thank you.

**Mr. Mendicino:** Thank you, senator, for the question. Certainly, I too was very encouraged by the unanimous support of the House in allowing us to pass this legislation through third reading so that it can now be before you. With regard to our efforts to update the citizenship guide, they are ongoing. We have reached out to many different groups and Indigenous communities across the country, as well as other advocates in this space, in an effort to better include Indigenous history, cultures and values as part of the citizenship guide because, as we just heard Senator Omidvar mention, there is a need to have a restructuring of the way that we educate not only new Canadians, but all of us when it comes to our past, our present and our future. Certainly, that has to be in concert with Indigenous peoples. That will help us fulfill our efforts at reconciliation.

These are conversations that are ongoing, but I think I've touched on a few areas where we hope the revised guide will better reflect our relationship with Indigenous peoples.

**Senator Loffreda:** Thank you for that.

On Sunday, you announced a travel exemption for the NHL playoffs, allowing teams to cross the border for the next round without a 14-day quarantine. Of course, this is great news for our Habs, the Kings of the North — I won't rub it in as to whom they beat — but I know there will be several protocols in place, including bubbles, daily testing, strict quarantining and pre-approved hotels and arenas, in addition to respecting all local and public health rules.

Can you speak to us about the factors that led you to announce this exemption on the grounds of national interest? Can we expect the same for Major League Baseball and the MLS soon? I've been speaking to our local team, and I know that some of the Canadian teams are eager to return home. When can we expect an announcement on easing border restrictions for these sports teams who are, for the most part, fully vaccinated? I also know there is a lot of chatter in the media about opening the border to fully vaccinated international travellers, too.

**Mr. Mendicino:** Thank you, senator. In my capacity as a minister of the Crown, I promise that I will disabuse myself of any partisanship to my hometown team. Obviously, as the Canadiens are moving on to the semis, we can all unite behind them.

What I will say with regard to the decision that we exercised recently is that we took this decision very carefully. We did it on the strength of the advice that we received from our public health care officials at every level of government — federally, provincially and municipally. That was an absolute precondition to the exercise of the discretion of this office under our national interest exemption protocols.

I will also say that my officials and all involved undertook a very careful analysis of the proposal that was put forward by the NHL, which, in our estimation, was a very responsible and rigorous plan that touched on a quarantine with modifications for work only, with very strict regulation of movements between the arena and the hotel for visiting teams.

**The Chair:** Thank you, Minister.

**Senator Tannas:** Minister, thanks for being here. I have a couple of really quick questions to start with. When do you anticipate that the oath will go into use?

**Mr. Mendicino:** Senator, that is a very good question. My sincere hope is that we will be able to implement an updated oath as soon as possible after it becomes law.

**Senator Tannas:** When do you anticipate the revised guide would be available?

**Mr. Mendicino:** I would give a very similar answer in that we would hope to be able to launch the revised citizenship guide as close in time to the passage of Bill C-8 into law so that they can be used as companion tools of education.

**Senator Tannas:** You mentioned in your opening remarks that your department has people beavering away at making sure it's ready to go. I presume that the goal is having new citizens swearing to something that they actually have an understanding of that came from the guide. So would you see those in tandem?

**Mr. Mendicino:** I wouldn't necessarily say in exact tandem. What would I say, senator, is that, yes, our goal is to try to launch the guide as soon as we can. I also want to make the point that we are still having important conversations with parliamentarians, as well as with Indigenous leaders and the community broadly, so that we can make this guide as reflective of our relationship with Indigenous peoples and also have it be responsive to the Calls to Action.

**Senator Tannas:** One of the things that we've heard around a number of these things — for the Calls to Action and so on — are questions about the government's plan to back up their actions with substantive educational programs and engagements that are funded. Can you give us an idea of what the funding effort is around this particular initiative once it's passed?

**Mr. Mendicino:** I may defer to my officials for a precise breakdown of what that figure is, but as part of our ongoing efforts to grow the country through immigration, we have made investments that are commensurate with those ambitious goals. By extension, settlement service providers as well as partners in this space will benefit from the additional funding and resources that we provide them. We hope very much that will include education around the oath as well as the distribution of a revised citizenship guide so that as many people can learn about our relationship with Indigenous peoples as possible in a way that is more inclusive and reflective of the actual nature of that relationship.

**Senator Tannas:** Thank you. You mentioned that the ceremonies themselves are highlight events of your career as a member of Parliament and as a minister. I've never been invited to one. I've been here eight years.

**Mr. Mendicino:** We'll have to change that.

**Senator Tannas:** I think you could score a lot of points, not just with me but with lots of senators, if you could ask your folks to work us into the order. We represent those new citizens as well, and while we're not fishing for votes from them, we would like to be able to celebrate and for them to see us showing

respect. If you could give that some thought and maybe provide an instruction, I think a lot of us here would appreciate that. Thank you.

**Mr. Mendicino:** I think that's a very reasonable request.

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

**Senator Tannas:** The government has announced that it is going to start easing border restrictions soon. What preparation is your department taking to respond to border reopenings in terms of what might be a pent-up situation with asylum seekers crossing at land borders?

**Mr. Mendicino:** I want to thank you for that question, senator, because it allows me to shed light on two things. First, we take the decisions at our border very seriously. As you know, we've put in place a series of significant travel restrictions and also rigorous health protocols that have been very effective, I would argue, at reducing the risk of the spread of the virus. While we're at a different stage now, the epidemiological context is certainly improving in Canada. We're going to make sure that we're always informed by the best public health care advice that we can get.

• (1530)

With regard to our ongoing efforts to provide safe harbour to the world's most vulnerable, I'm very proud of the fact we have continued that work, notwithstanding the disruption that has been caused by the pandemic. It has allowed us to resolve some of the more urgent cases, to extend status to protected persons who are already here in Canada, as well as creating new legal pathways for some asylum seekers who have worked in hospitals and long-term care homes. We should all share in the pride of the work that Canada does in defending human rights through its asylum system.

**Senator Tannas:** Thank you, minister.

I have one last question around access to information delays, which I understand is part of your brief.

The Information Commissioner tabled the results for an investigation into the systemic delays and your department's handling of access-to-information requests. She noticed that the vast majority of requests relate to the status of immigration files. You set an ambitious plan in response to the recommendations from the commissioner. There has been a culture of delay there.

If I recall correctly, you set a target to secure short-term human and financial resources by the second quarter of this fiscal year in order to resolve this backlog. How many people have you hired so far, and are you on track to have all the workers in place by the end of the second quarter, which is by the end of September?

**Mr. Mendicino:** Thank you, senator. I do want to underscore for all senators in the chamber today, and everyone, that transparency and accountability are very important to the government and my department. That's why we've worked very closely with the Information Commissioner to improve our access-to-information processes.

I will simply point out that we are far and away the most requested department in the government through the ATIP process, and in our collaboration with the Information Commissioner, we're hoping to improve the quality of that service.

In the meantime, we're also doing some short-term things that will mitigate, including improving access on our website and providing additional transparency around how it is that we arrive at certain decisions. Those are all part and parcel of our efforts to assure people that we take immigration very seriously, that we want to provide outcomes and that there's transparency around those outcomes.

With regard to the precise number of personnel that have been hired, we recently hired 62 new full-time employees in Atlantic Canada who are mostly dedicated toward processing permanent residency applications, but additional resources, if necessary, will be allocated to deal with ATIPs as well.

**Senator Tannas:** Maybe I had my facts wrong. I thought you had committed to getting the resources and hiring people, but maybe I'm mistaken. You mentioned 62 for applications, but no one for ATIPs yet?

**Mr. Mendicino:** At this point, I will turn to one of my officials whom we have at the ready in the event there might be a precise number we can offer the senator.

[Translation]

**Daniel Mills, Assistant Deputy Minister, Operations, Immigration, Refugees and Citizenship Canada:** Thank you very much, minister. To answer the senator's question, we're in the process of hiring additional ATIP staff. I don't have the exact number, but rest assured that we're in the midst of a competition to staff these additional positions.

We are also reviewing our processes. As the minister mentioned, we've launched various initiatives in recent weeks and months. For example, citizenship applicants can go to our website to check the status of their application. We call it a tracker tool. This application lets them track their citizenship application step by step. This initiative was launched on May 6 and should enable us to meet applicants' needs.

[English]

**Senator Klyne:** Welcome, minister, and thank you for investing time with us today.

Minister, Bill C-8 answers the Truth and Reconciliation Commission's Call to Action 94 to create a new citizenship oath for newcomers to Canada. In explaining the reason for this measure, the TRC report states:

For new Canadians, many of whom carry their own traumatic memories of colonial violence, racism, and oppression, finding common ground as Treaty people involves learning about the history of Aboriginal peoples and finding ways to build stronger relationships of solidarity with them. The Commission believes there is an urgent need for more dialogue between Aboriginal peoples and new Canadians.

Minister, based upon your experience and vision as Minister of Immigration, please share your plan to advance an agenda on education and dialogue around Indigenous history and culture with new Canadians.

**Mr. Mendicino:** I want to begin by thanking you, senator, for the question and also for a very eloquent summary of the commission's rationale for advancing Call to Action 94 with a sense of urgency.

The commission points out — and you echoed — one of the very important reasons why this work is important: Having an Oath of Citizenship that better reflects Indigenous peoples and our relationship with them provides an opportunity for newcomers to relate to their own experiences and their own adversity in coming to Canada, whether it was before they were able to come here or even during their time here.

You made a reference to colonialism, and that is one of the things that we, as parliamentarians, as well as all Canadians, have to come to grips with. The ways in which our colonial past continues to impact and manifest in some very adverse ways through a variety of institutions requires us to continue this work. That includes the way we welcome newcomers to our fold as citizens.

In my experience and in my interactions with newcomers, this will be an opportunity to better educate them how it is that they can contribute to the work of reconciliation themselves by weaving their own experiences with our history, our present and our future with Indigenous peoples.

Again, just to put a finer point on it, this is one of the many reasons why this work is so important.

**Senator Klyne:** Thank you for that.

Minister, one thing I really like about this bill is thinking about the place of this oath in the citizenship ceremony. At these ceremonies, newcomers officially become Canadian citizens by swearing or affirming the Oath of Citizenship and singing the national anthem. For many new Canadians, this ceremony will be an important event in their lives, with their family and loved ones in attendance, including their children and perhaps their grandchildren.

[ Senator Klyne ]

In addition to hearing about Aboriginal and treaty rights at these memorable and symbolic events, it is essential for new Canadian youth to learn the true history of tragedy brought on by previous generations regarding Indigenous people as well as the true richness of Indigenous nations' histories and rich cultures.

Public events and commemoration around truth and reconciliation will play a major role in the education of new Canadian youth. For example, we will now have the National Day for Truth and Reconciliation and a new approach to citizenship ceremonies.

I hope we'll also see the government implement Call to Action 81 for a national monument in Ottawa, just as Saskatchewan has responded to Call to Action 82 for a monument at the provincial level. I also hope we will see movement on Call to Action 79 for Indigenous representation on the Historic Sites and Monuments Board of Canada.

Could you please comment on the importance of public events and commemorations, share any updates on the government's plans in that regard and around Calls to Action 81 and 79?

**Mr. Mendicino:** Thank you for the question.

I'll begin by reaffirming our government's commitment to implement all of the Calls to Action, including the ones you expressly referred to in the creation of monuments that reflect Indigenous peoples as well as better representation. Obviously the commitment to have a national day to commemorate the Truth and Reconciliation Commission is an important step, as is Bill C-8.

• (1540)

But I will come back to what I think the central tenet of your original question was, which was how do these citizenship ceremonies themselves contribute to the important work of reconciliation? It allows me to elaborate briefly on the great value I think we have in welcoming elders to commence our citizenship ceremonies, in having a land acknowledgement that allows us to clear our minds — for lack of a better way of putting it — so that we can undertake the proceedings in the right way, to exchange gifts where appropriate and to allow that spirit to really inform what is a very profound moment for newcomers, as I have explained before.

You are quite right to ask about the ceremonies themselves. They give additional life to what is a very special moment for newcomers. It's hard to put it into words, senator, but I've certainly tried my best to capture it.

**Senator Klyne:** I do hope to see a monument in Ottawa, and I do hope that we do see some representation on that board. Thank you.

**Mr. Mendicino:** Thank you, senator.

**Senator Patterson:** Minister, as I told you today at noon when we had the first opportunity to speak briefly on this bill, of which I am the critic, I was sorry not to have an opportunity to raise my questions ahead of time during a critic's briefing or technical briefing, which is the normal practice. However, I'm happy for

an opportunity to ask some questions of you today. I have at least three, so I would appreciate your continued brevity in your answers given our short time.

First of all, could you quickly list the Indigenous groups and organizations in total that you consulted with in finalizing this bill?

**Mr. Mendicino:** I can, senator. Before I do that, I do take your point around briefings. As I said, we're committed to working with you and your staff to ensure that you have all the information you need with regard to Bill C-8 and all other work that we do together.

For Bill C-8, we consulted with the Assembly of First Nations, the Inuit Tapiriit Kanatami and the Métis National Council. We also consulted and reached out to the Land Claims Agreement Coalition, an organization that represents the Inuit, Métis and First Nations modern treaty organizations. We had outreach with the Native Women's Association of Canada and the Congress of Aboriginal Peoples. The department also engaged in other consultations with other stakeholders and advocates, but if I understand your question correctly, it was to focus on Indigenous representation.

**Senator Patterson:** Thank you for that. I find that answer interesting because the written response provided by your department to NDP MP Jenny Kwan's office, that my office was able to obtain, did not list CAP, the Congress of Aboriginal Peoples, or the Native Women's Association of Canada, NWAC, but today you included NWAC and CAP on the list. I have to ask you, minister, frankly how do you define consultation? It's important as you just talked about including those organizations in finalizing the citizenship guide.

NWAC told the Commons committee they had only received information about the content of Bill C-8 a week prior to their appearance. When you show Indigenous organizations like NWAC a draft document without involving them in consultations from the beginning of the process, it's clearly not respectful of the FPIC process in UNDRIP, which is referenced in numerous statutes and the government's Bill C-15. And CAP even described your consultation process on this bill as racist and said they had not been consulted.

Could you please explain what your department is calling consultation? Do you feel that you have obtained free, prior and informed consent from Indigenous organizations on this bill?

**Mr. Mendicino:** Senator, I take your comments to heart. We have had and will continue outreach to Indigenous leadership across the country in an effort to work with them so that we can move forward with reconciliation through the passage of this bill. That is my commitment to you. That is my commitment to all Indigenous leaders and communities across the country.

As I said in my remarks, this is a bill that I hope represents the culmination of ongoing collaboration and our effort is to do this work together.

**Senator Patterson:** Thank you for that. I hope that there will be a better process going forward.

On another issue, minister, the Bloc Québécois vocally opposed having the new oath affirm the rights outlined in the constitution. You were probably too young, but it was in this Senate Chamber that meetings took place that excluded Quebec from the repatriated Constitution, as I'm sure you know.

I note that Éric Cardinal, an Indigenous legal scholar from Quebec, noted that the current wording calls for an affirmation of the Constitution Act, 1982, which Quebec does not recognize, and most important, which some treaty rights holders say excludes them. Your mandate letter, like all mandate letters, includes a requirement to work with provincial governments and Indigenous leaders.

My question is this: Why has your department included this reference to the Constitution? Why did government members on the Commons committee reject an amendment which would have removed that reference in the oath, which I believe is notably contentious to the Province of Quebec and leaves out some treaty rights holders?

**Mr. Mendicino:** Thank you for the question, senator. I believe I shed some light on the inclusion of the word "constitution" in the text of Bill C-8 which is before you, which is the product of a number of conversations and engagements and our effort to best reflect the Call to Action, in addition to the input that we received over the last period of time in arriving at where we are right now.

Following the committee's initial opposition to the text of the bill that is before you, I was indeed very encouraged to see that the Bloc provided its unanimous support for Bill C-8, which has allowed us to bring it to you. My hope is that, while I think there are various perspectives that might lead to variations in the text of the bill, that looking at it in its totality, it does genuinely reflect a step in the right direction towards better reflecting a relationship with Indigenous peoples and therefore reconciliation.

**Senator Patterson:** Okay. Thanks for that. The existing oath of citizenship is short and to the point, and so it should be because of these ceremonies, but the reason for that, I understand, is partly that new Canadians may not always have English or French as their first languages, so plain language in either official language is important. Maybe with the complex range of new concepts involving Indigenous rights and history, including treaties, there are nuances and complications that a lot of Canadians need to better understand.

I think we have to be very careful to ensure that this oath is actually meaningful and easily understandable to new Canadians. In that context, I would argue that makes the new citizenship guide — which is also the subject of Call to Action 93 in the TRC — absolutely integral to providing that much-needed context to this oath.

I just found your answer to Senator Tannas a little bit uncertain. I'd suggest this to you, if we pass this bill, will you agree not to proclaim the bill to come into force until the citizenship guide has been approved and finalized?

• (1550)

**Mr. Mendicino:** First of all, senator, I want to thank you for your question regarding the citizenship guide and for the feedback you have offered around consultation and outreach. Your feedback allows me to highlight that we are indeed working very hard on this with regard to the guide. We have reached out to a number of Indigenous leaders and communities, as well as parliamentarians, and that work continues.

I will say that it is our intention to ensure that this guide better reflects and includes Indigenous principles, values and history so that we can educate newcomers and Canadians. As I said to you earlier today, senator, I am committed to doing that work with you and with everyone in the chamber — indeed, with all Canadians — so that we can better educate and achieve reconciliation, as the Truth and Reconciliation Commission has called upon us to do.

**Senator Patterson:** Wouldn't the best thing to do would be to finalize the citizenship guide and then proclaim the bill, rather than have it be a work-in-progress with these brief words in the oath approved by Parliament?

**Mr. Mendicino:** Senator, certainly it is a matter of opinion and perspective, but I do think we have demonstrated that we are able to proceed with both of these objectives at the same time. As I said earlier, it may not be that they are directly in tandem so that the oath of citizenship comes into effect the same day as the guide, but —

**The Chair:** I'm sorry, minister. We have to proceed to the next block of 10 minutes.

[*Translation*]

**Senator Cormier:** Hello, Minister. Thank you for being here today, and I want to thank Senator Anderson for sponsoring this bill.

My question is about the cultural aspects of the oath ceremony. We know that we have a long way to go to ensure that Canadians and newcomers understand and appreciate the rich and diverse cultures and traditions of the Indigenous peoples.

Minister, can you explain how, exactly, the ceremonies will reflect the diverse Indigenous cultures and traditions, and can you tell us how you plan to ensure that these peoples are involved in developing the content of these ceremonies?

**Mr. Mendicino:** Thank you for the question, senator. It's a very important one, and as I said, the citizenship ceremonies play a key role in the process of becoming part of the Canadian family. I can give you a couple of examples of ceremonies that

incorporated Indigenous traditions. For example, on a number of occasions, we welcomed elders and had an exchange of gifts. There were other examples where Indigenous traditions played a big part in the ceremony, in the spirit of the process of becoming a new citizen. I think this is very important, and it is one way to move forward on the path to reconciliation.

**Senator Cormier:** Thank you, minister. Obviously, like you, I recognize that these ceremonies are very moving. Since they take place in various locations across Canada where different Indigenous groups live, how will Indigenous traditions and cultures be incorporated into oath ceremonies so that they best represent the local Indigenous peoples and locations where they are taking place?

**Mr. Mendicino:** That is a good question, senator, and it's one of the main reasons we continue to engage with all Indigenous communities across the country, in order to better understand their respective traditions. I hope that the new citizenship guide that will be published soon, hopefully in the very near future, will provide explanations of these Indigenous traditions and principles. That is one way to educate everyone, not just newcomers and new citizens, but all Canadians.

**Senator Cormier:** Thank you, minister. I would like to add, in closing, that this guide will help newcomers but also the people who organize these events and ceremonies, so that they too can be fully aware of the diversity and richness of Indigenous cultures. Thank you. I yield the floor to Senator McPhedran.

[*English*]

**Senator McPhedran:** Minister, it's good to see you. Thank you for joining us in this important conversation that has been made possible by sponsorship of Senator Anderson.

My question is about inherent rights. Minister, you've given us information about the government's consultations, and my question is quite specific.

The Assembly of First Nations Regional Chief Marlene Poitras recently presented her position on this bill to the Independent Senators Group. She advised that the AFN had recommended that the amendment to the oath of citizenship include the following language: "honouring laws, including inherent rights of title treaties and agreements of Indigenous peoples."

This was not implemented. In the words of Chief Poitras:

Treaties were not an agreement by Aboriginal peoples to give up their rights, reflected in using "inherent" in this proposed amendment.

Your government has demonstrated its commitment to implement Call to Action 94. We saw Bill C-99 in 2019, and Bill C-6 in 2020, making three opportunities to use the AFN-preferred language to better represent the rights of Aboriginal peoples.

Minister, why did the government choose not to implement this language in the oath?

**Mr. Mendicino:** Thank you very much for the question, senator. As I said earlier in an exchange with one of your colleagues, we had a number of conversations with the AFN, and I had a number of conversations with the national chief. Certainly, I think it does reflect that there are a number of different perspectives on how the language of a new oath would best reflect reconciliation. You heard from other colleagues who proposed alternate language.

What I will say is that we have tried to arrive at language that we believe best reflects the diversity of those views. I would simply add to the answers I provided earlier and say that in no way diminishes the work our government is doing in other areas where we expressly refer to the inherent right to self-governance. Obviously, our UNDRIP legislation — which is another bill that this chamber is in the course of considering — is exactly the way in which we are trying to move forward meaningfully with reconciliation.

**Senator McPhedran:** Thank you. My second question is about the TRC Call to Action 93, which advises the government to revise the information kit for newcomers to Canada, as well as its citizenship test, to reflect a more inclusive history of the diversity of Aboriginal peoples of Canada. This ensures that the amendment to the oath reflected in Bill C-8 is not simply empty words for newcomers, but a commitment to respect the history of Aboriginal peoples, as they have come to learn about it in preparation for this important ceremony.

However, consultations with Aboriginal leaders — such as those most recently conducted through study of Bill C-15 by APPA, the Standing Senate Committee on Aboriginal Peoples — have revealed a growing concern about the pan-Aboriginal approach taken by the government in its implementation of the Calls to Action. This approach, it is argued, fails to recognize the autonomy and diversity of Aboriginal groups across Canada.

Minister, how do you plan to ensure that this pan-Aboriginal approach is not pursued as part of implementing Call to Action 93 once Bill C-8 has passed?

**Mr. Mendicino:** Thank you again for the question, senator. I will say, as I mentioned before, that we are continuing to do the important work of updating our citizenship guide.

• (1600)

I wholeheartedly agree with your point that the new guide should better reflect Indigenous history. I would submit to you that we have to do a better job around educating new Canadians and all of us around residential schools, just by way of an obvious example.

With regard to the specific point in your question, again, my commitment is to work with you, your colleagues and with Indigenous leadership to ensure that we are educating through this new guide in a way that best reflects the diversity of Indigenous traditions, principles and cultures right across the country.

**Senator McPhedran:** Thank you, minister.

**Senator Martin:** Thank you, minister, for your presence here and for answering our questions.

I know a lot of questions have been asked. In some ways they sound repetitive but at the same time the more you hear the question, you hear more of what we're trying to fully gain. I have a question about the wording as well. So I've been listening and I'm trying to unpack this very simple bill, in essence. It's not long, but the Oath and every word does matter. I'm going to leave that until a bit later.

My first question, minister, is this: The change in the Oath of Citizenship was one of the 94 Calls to Action by the Truth and Reconciliation Commission of Canada. Several other Calls to Action have not yet been acted upon five years after the report of the commission.

Would you further explain your choice in choosing to focus on this Call to Action and not others? Are you looking at some of the others in your department? I would like to understand your choice of this focus today.

**Mr. Mendicino:** Thank you very much for the question, senator. Certainly, what I have endeavoured to do throughout my evidence before you today is to shine a light on the areas for which my department and I are responsible, according to the mandate that has been given to us by the Prime Minister, to contribute to reconciliation, and certainly that focus is on Calls to Action numbers 93 and 94. The urgency, as I tried to lay on the table very honestly at the beginning of my remarks, has been, no doubt, intensified by recent developments and discoveries in Kamloops at the Kamloops Indian Residential School, which I think is a very harsh reminder of the devastating consequences that were visited upon Indigenous children, not only as a matter of history but something that still impacts all of us today.

I think that is consistent with the Truth and Reconciliation Commission's sense of urgency in moving forward with these Calls to Action. So this is something that we've been working on for a while, but I do think that, given the moment that we find ourselves in, it just further underlines that we continue to do the hard work of reconciliation. I've put this bill forward to you for your careful consideration in the hopes that we can pass it into law so that we can take that next step toward reconciliation.

**Senator Martin:** Yes. I think we all agree on that objective. But I was looking at this revised affirmation or Oath of Citizenship. At the time of taking the Oath, English will most often be the second language of these new citizens, and they will say the words but I'm really wondering about how much these words will really mean what they should mean. Senator Patterson's question of waiting to just ensure that everything that they do to study and prepare to eventually take the Oath will have that much more impact.

Even just in the wording of the Oath, when you talk about Aboriginal and treaty rights of First Nations, we often use Aboriginal and First Nations interchangeably, even Canadians who have studied this. Then it goes on to say, "... First Nations, Inuit and Métis ... ." and I wonder if new citizens will be able to say these words and really understand what it means. Because I'm looking at Aboriginal and treaty rights of First Nations. In that, there's a whole list but we say "Indigenous," and

“Indigenous” is missing from this oath. I was trying to understand the choice of words and whether this will have the kind of outcome, in effect, on new citizens saying these words, and that they will fully understand.

I was thinking about the timing and how it would be important to have everything ready.

**Mr. Mendicino:** You raise a very good point, senator. Certainly, it has been my experience that language is very important to Indigenous peoples. I believe it was Senator Sinclair, your former colleague, who has said on a number of occasions that much of the work around reconciliation really centres on or should begin with language. So you’re right to ask about the text. I appreciate where you’re coming from.

What I will tell you is that the language is drawn from Indigenous history and cultures that have certainly manifested in a variety of our laws, including the Charter, which is where we drew from for this bill, as well as the consultations that we have continued to undertake.

The other thing of which I want to assure you, senator, because I think it’s really important that you know what my experience is, is that in each and every one of the ceremonies that I have been part of, I have seen just an incredible outpouring of goodwill. People understand the significance of uttering those words when they take the Oath. They truly do. It gives me, and I hope all of you, great confidence that they see this not only as a test or a milestone but as part of the journey of becoming Canadian.

This is what I think reconciliation has to involve. It has to involve Indigenous peoples. That’s the real objective of this bill: to ensure that, as they utter those words, they do understand their meaning. Not that it’s simple; often it’s very complex and indeed painful and agonizing, but —

**Senator Martin:** Minister, it is not simple. It is complex, even for Canadians, to understand what these words actually mean. Calls to Action 71 to 76 by the Truth and Reconciliation Commission of Canada concern missing children and burial information. As we have seen in the last few days, finding the truth about what happened to these children is an essential part of our reconciliation journey. Your government did nothing on those specific Calls to Action. You decided to focus on the Oath of Citizenship, something that does not touch Canadians but only new citizens. I’m really interested in, again, the choice to focus here; also, what about the rest of Canada and how all of this will interface very effectively?

**Mr. Mendicino:** I would say two things very quickly. First, I respectfully disagree that the new citizenship would not touch anyone but new Canadians. The second thing, as I was in the course of finishing my last answer, is that despite those complexities, I genuinely believe that newcomers understand and appreciate the significance of the language, including the new language that we will hopefully put before them.

With regard to your question regarding missing children and burial information, my colleagues in government continue to do that important work with Indigenous communities. Certainly, I know that that is a part of our ongoing commitment to implement all the Calls to Action and to advance reconciliation.

**Senator Martin:** Since you are here, minister, if I may just ask you about the Citizenship Act, which I think does require amendments and improvements in various places.

You decided to use your precious legislative time to address this one specific change to the act, which, again, I think all of us here do support. Why did you choose to focus on this change to the Citizenship Act and not on other ones? Is that something you will be doing? There are many areas of the Citizenship Act that we know we must correct and improve.

• (1610)

**Mr. Mendicino:** Again, I appreciate your question around the focus of Bill C-8 and, as I’ve tried to explain, this is very much a reflection of the Calls to Action as well as the mandate that has been given to me and my department, hence our focus on amending the Oath of Citizenship and updating the citizenship guide.

I will just say, senator, this does not come at the exclusion of doing other important work when it comes to citizenship. Over the course of the pandemic and despite all of its challenges, we have welcomed tens of thousands of new Canadian citizens as a result of innovation and new technology. We now do virtual ceremonies. I hope we can extend an offer to you and your colleagues to be part of them. I do think that would also enhance the value of the experience for you and for our new members of our Canadian family.

I certainly wouldn’t want to leave you with the impression that this is the only area in which we are continuing to ensure that we’re growing our Canadian family in the right way.

**Senator Martin:** Thank you very much, minister.

**Senator Moodie:** Minister Mendicino, thank you for joining us this afternoon. Before I ask my two questions, I wanted to place on the record and state my support for Bill C-8.

The first question I want to ask you, however, is about labour shortages — specifically, labour shortages in relation to health care.

At the beginning of the pandemic, long-term care homes and rules around workers working in only one location shifted and exposed what we already knew. We have a severe shortage of qualified health care workers, especially lower-skilled and lower-paid health care workers. Health care is, of course, in the purview of provinces. We know that. But many view immigration as an important, if not central, strategy to increase the pool of available workers in this and other sectors.

According to The Conference Board of Canada, we also know that over the next 15 years, we will need to more than double the number of beds in long-term care homes to meet the demand, which means we will need to find individuals to staff those beds.

We have a pressing issue now that will only get worse as time goes on.

How do you and your colleagues in cabinet plan to address this labour shortage where immigration can help and where newcomers and asylum seekers can potentially provide a significant increase to the pool of available workers? Has there been any collaboration with the provinces on the specific needs in provincially regulated sectors? Are current policies sufficient in your mind, or do you think we need to be more aggressive?

**Mr. Mendicino:** Thank you for both of those questions, senator. It allows me to highlight what I think is one of the main economic imperatives behind having an ambitious immigration agenda and one that has served us very well over the course of our evolution as a country.

Senator, you pointed out that there are labour shortages, and you identified the health care sector as being an area where there are acute gaps in labour domestically. I would say, just to be more specific, that roughly one in three of the doctors, nurses and pharmacists that work on the front lines of our health care system is an immigrant. Just imagine for a moment if we were to remove roughly a third of our workforce. It would put health care under even greater strain for Canadians at a time when we need it so demonstrably as a result of the pandemic.

What we have tried to do over the course of our strategy to respond to COVID-19 is to shine a light on the contributions of newcomers who are already here so that we can provide them with legal pathways to stay in Canada. That is something that we did when we created our essential workers' pathway for up to 90,000. There has been significant uptake.

Also, to continue to be ambitious in our immigration agenda, we've set a target of welcoming 401,000 new Canadians. It is our belief, and this is, we think, very much supported by the evidence, that by growing the country through immigration we will create jobs, further growth and prosperity.

By creating these pathways—which we think we can align to where these shortages exist, including in the health care sector—we can address those shortages and also create that long-term growth we all want.

**Senator Moodie:** Minister, I would like to move on to my second question. I'll pick up from what you just talked about, welcoming over 400,000 immigrants. I applaud that; obviously, it's a needed strategy.

As co-chair of the Canada-CARICOM Friendship Group, one of the things I have heard, repeatedly, is that consulates in many CARICOM countries have restricted their access and their services due to the pandemic. These restrictions make it very difficult for folks to begin to process applications to come to Canada.

Minister, you seem to be confident that Canada will meet its immigration targets for 2021, despite the number of barriers presently in place for existing applicants.

To your knowledge, how widespread is the issue of restricted access to consulates? Is this something that is occurring solely in the CARICOM region or elsewhere because of COVID? What are the additional resources, innovations or strategies that you have put in place to overcome these issues?

**The Chair:** I'm sorry, Senator Moodie, your five minutes is over.

We now move to Senator Duncan.

**Senator Duncan:** Thank you very much to the minister for attending today. I truly appreciate your attendance.

We have addressed in Bill C-8 the issue of the new citizenship oath. I would like to appreciate the challenges of legal drafting, given the tremendous diversity of negotiations, treaties and modern-day treaties that are recognized in the Constitution that exists across the country.

I would also like to express my appreciation to my colleagues for raising the issue of the citizenship ceremony and to you, minister, for addressing it.

I'd also like to express my thanks to our Member of Parliament, Larry Bagnell, and his office staff for his assistance because they are continually dealing with immigration issues as we do not have a large consulate office in the Yukon, and we deal with Vancouver immigration offices.

The office in Vancouver has advised that in terms of the citizenship ceremony, the protocol is that the speech goes to the member of Parliament and to the MLA where the ceremony takes place, which is generally in Whitehorse. There isn't an invitation extended to the senator, and I would like to follow up on that. The commissioner, who is the equivalent of the lieutenant-governor, usually attends.

Minister, I would like to highly recommend to you that we give not just approval of this new Oath of Citizenship but that we give it life and meaning, and that the protocol for invitations to the ceremony be expanded to ensure that we include the chief of the self-governing First Nation upon which the ceremony takes place, or the grand chief, in our case, of the Council of Yukon First Nations. I believe this change of protocol will truly recognize and give life and meaning to the new citizenship oath if we ensure that, in our case, Yukon First Nations are recognized.

**Mr. Mendicino:** Thank you very much, senator. I will say I'm grateful to you for identifying the member for Whitehorse, who is a good friend and colleague. I look forward to being able to come and visit you again in person as soon as travel restrictions will hopefully ease and permit.

I also endorse the points that you have made around both protocols around invitations. I think if there's one takeaway that is emerging from our exchange this afternoon it is that senators have a great interest in participating in citizenship ceremonies. I commit to you that we'll work with our department to endeavour to make that happen more frequently, but also to work with you and local Indigenous leaders so that ceremonies themselves do reflect the spirit of the Calls to Action, so that as we welcome new citizens to our fold they truly do have the opportunity to experience some of that as they take their oath. I thank you for both questions.

• (1620)

**Senator Duncan:** Thank you. I would emphasize that the invitation to the Grand Chief of the Council of Yukon First Nations is more important than the invitation to the senator, although I do welcome it.

As a Yukon senator, I also would note that border questions are very, very important in the Yukon, particularly to the Champagne and Aishihik First Nations and the White River First Nation on the border with Alaska. We can have situations, minister, where we have First Nations with status who may be a member of, for example, the Champagne and Aishihik First Nations, but they're actually American citizens who happen to be members of a Yukon First Nation. White River, like many, many Canadian communities, has families who live on both sides of the border.

This presents particular challenges for First Nations who were present in our countries long before the borders existed.

Would the minister consider, perhaps in the spirit of truth and reconciliation, ensuring that there is a policy adviser and that there are staff assigned specifically to recognize the somewhat unique situation or recognize the situation of Indigenous people who cross borders?

**The Chair:** I'm sorry. I have to interrupt. The five minutes is over. We are now moving to our next block of 10 minutes.

**Senator Bovey:** Welcome, minister. I would like to thank the CSG for giving me this time.

Minister, I support Bill C-8 and the new Oath. I have spoken with a presiding officer of Senate citizenship ceremonies who likewise is pleased with this change.

You have talked about the different wording from that in Call to Action 94 and your consultative outreach. I'm going to turn to the citizenship guide, an important educational tool for the school curriculum as well as the citizenship test.

Can you assure this chamber that it will include a meaningful discussion of the rich Indigenous cultures and their artistic expressions? How will the material in this new guide be circulated to schools and incorporated in the curriculum? How will it be circulated to citizenship candidates and among Canadians more broadly? I'm looking for content and the "how" of circulation.

**Mr. Mendicino:** Thank you for those excellent questions, senator. With regard to your question around content, we continue to have ongoing discussions and collaborative efforts to update the guide, as I have mentioned on a number of occasions now, in a way that better reflects Canada's relationship with Indigenous peoples and is certainly consistent with Call to Action 93. That work is ongoing.

With regard to the process of circulating the guide, you have really pointed out how important it is that, once you have the content, it gets out, is amplified and is shared as broadly as it can be. Certainly, I have seen over the course of the last year that we

are becoming better at leveraging technology and social media platforms to distribute that information. We can do that with the guide as well.

I'd also point out that, with regard to the curriculum and the schools, it's important that we work with our provincial partners who have the day-to-day administrative responsibility for education.

Certainly, you highlight an area where we should really be thinking forward to ensure that the guide is accessible to schools as a resource. Certainly, I will take that as a constructive suggestion.

**Senator Bovey:** Thank you. For Canadians as well as citizenship candidates, it's really important.

I want to underline one thing for the content. The artistic expressions of Canada's Indigenous artists honestly are among the best Canadian works. We're known internationally for the work by Indigenous artists. It's critically important that that be included in the guide.

I'm going to cede the rest of my time, Madam Chair.

**Mr. Mendicino:** Duly noted. Thank you, senator.

[*Translation*]

**Senator Dalphond:** Thank you for being here today, minister. I have a question about your ministerial discretion. Last week, the Senate unanimously adopted a motion calling on you to grant Canadian citizenship to Raif Badawi, who is being detained in Saudi Arabia. A similar motion was adopted in the House of Commons. Do you plan to take action in response to this motion?

**Mr. Mendicino:** Thank you for the question, senator. My department and I have carefully reviewed the motion adopted by the Senate. This issue is very important to everyone.

We are looking into all of the legal obligations. This is a very delicate situation, as you know.

I'm very concerned for the safety of Mr. Badawi and his family. We are in contact with our counterparts, and I'm committed to remaining in contact with all members of Parliament and senators to work on this matter.

[*English*]

**Senator Dalphond:** Minister, my next question is about those temporary workers who come to Canada. A report was released by Dalhousie University, St. Thomas University and the Cooper Institute about the conditions of these workers in P.E.I. Recently we heard about the condition of these workers in Quebec. The situation is the same. There are appalling conditions.

Are you considering tagging the authorizations given to businesses to bring foreign workers into Canada to a set of undertakings to provide proper accommodation and proper living conditions to these workers?

**Mr. Mendicino:** Thank you very much for the question, senator. I do echo your concerns around the conditions that migrant workers have had to endure over the course of the pandemic.

The pandemic has certainly visited upon that community a high degree of cases. I will just simply assure you and all members of the chamber that the government is very sensitive to that. That is why we have provided over \$100 million intended directly to support migrant workers and to improve their conditions. We are looking at other areas where we can provide certainty for migrant workers, including the essential workers' pathway, which does provide status for some workers who are employed on farms and in food processing plants.

We know there are challenges, but we are certainly committed to working with you, with employers in the sector and, indeed, with the migrant workers themselves. When you come to Canada, whether you're here temporarily or you're here to start the next chapter of your life, it's the government's expectation that people can work in a safe and healthy environment. That is something that we are committed to ensuring.

**Senator Dalphond:** Thank you, minister. We'll be looking forward to concrete results. Thank you.

[Translation]

**The Chair:** Honourable senators, the minister has now been with us for 95 minutes. In conformity with the order of the Senate, I am now obliged to interrupt proceedings.

Minister, on behalf of all senators, thank you for joining us today to assist us with our work on the bill, as well as for dealing with issues within your fields of responsibility. I would also like to thank your officials.

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

**The Chair:** Honourable senators, is it agreed that I report to the Senate that the witnesses have been heard?

**Hon. Senators:** Agreed.

[English]

• (1630)

**The Hon. the Speaker:** Honourable senators, the sitting of the Senate is resumed.

[Translation]

#### REPORT OF THE COMMITTEE OF THE WHOLE

**Hon. Pierrette Ringuette:** Honourable senators, the Committee of the Whole, which was authorized to study the subject matter of Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action

number 94), as well as other matters related to the responsibilities of the Minister of Immigration, Refugees and Citizenship, now reports that it has heard the witnesses.

#### BUSINESS OF THE SENATE

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: third reading of Bill C-15, followed by all remaining items in the order that they appear on the Order Paper.

[English]

#### UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

##### THIRD READING—DEBATE

**Hon. Patti LaBoucane-Benson** moved third reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

She said: Honourable senators, I am a Métis Ukrainian who was born, raised and live on Treaty 6 territory, and it is my profound honour to rise once again in this chamber today as sponsor of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, a bill that answers the TRC Calls to Action 43 and 44. Senators, it's time to finally take action.

Colleagues, you will recall that this bill has seven clauses and two purposes. First, it affirms UNDRIP as having application in Canadian law and, second, it provides a framework for the Government of Canada's implementation of the declaration.

You will also recall that the Standing Senate Committee on Aboriginal Peoples completed a fulsome study of Bill C-15. Our study included 20 panels, dozens of witnesses and a broad spectrum of opinions and expertise that outlined the benefits and challenges of the bill.

We also heard similar perspectives from multiple witnesses which, from an evidence-gathering standpoint, repetition indicates that we've reached saturation and most likely heard all perspectives. The process was well planned, systematic and I thank all committee members for their thoughtful questions and respectful study of the bill.

Colleagues, it's important to discuss and dispel the fears that have been expressed regarding what Bill C-15 will and will not do. We had witnesses who expressed concerns that Bill C-15 would immediately adopt the 46 articles of UNDRIP into Canadian law and cause legal chaos. One witness was also apprehensive that provincial laws would be affected as well.

Colleagues, this is not accurate. The declaration is currently and will remain an interpretive instrument. In fact, since 2010, when UNDRIP was endorsed by the Harper government,

Canadian courts have been able to use UNDRIP to interpret Canadian law. This will not change should the bill receive Royal Assent.

On the other hand, some Indigenous people have said that Bill C-15 will therefore either accomplish nothing or diminish existing rights and/or treaty rights.

Colleagues, I understand the cynicism of Indigenous people and leaders who may not believe or trust that any government would be invested in real change. However, Minister Lametti stated in our committee:

By bringing it into specific implementing legislation, we have reinforced that interpretive role and given greater weight to it as a document. The declaration itself, as well as the rights contained in the preamble, have interpretive force in Canadian law.

The minister went on to say:

It also binds us. To that extent, this is implementing legislation.

This is so important, colleagues, because we are not here debating a policy or a program announcement. Bill C-15 is legislation that binds this and future governments to the process of revising laws to reflect the UNDRIP articles and to develop and implement an action plan. It obliges the Canadian government to work in consultation and cooperation with Indigenous peoples, broadly defined, to accomplish these tasks.

And importantly, Bill C-15 includes a requirement for the development of annual reports, and those reports are then permanently referred to the relevant committee of each house of Parliament for study, consideration and comment on progress. It holds the federal government publicly accountable, and such transparency will no doubt influence the success of these consultations.

To be clear, this means the Senate will continue to have a role to play in providing parliamentary oversight, and the annual report will contribute to accountability for making progress on implementing the declaration.

In fact, Dr. Sheryl Lightfoot told the committee that Bill C-15 is setting a new standard in the implementation of UNDRIP. It's the combination of: one, legislation to set out a systematic and methodical framework; two, the specific provisions for the creation of a national action plan; and three, the reporting and accountability framework that makes Bill C-15 globally unique and precedent setting.

Further, many Indigenous lawyers and scholars have spoken about the power of Bill C-15 to assist in resolving some of the more difficult and complex issues that have plagued First Nations for decades. Mary Ellen Turpel-Lafond stated:

One of the reasons Bill C-15 is important is because we are dealing with a very significant time where work is happening within First Nations, and that work needs to be aided by the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. I don't

view this bill as a bill that strips away the rights of Indigenous people; I view it as a bill that affirms the rights . . . .

She went on to say:

. . . there are debates inside First Nations, in particular about the proper role of who represents who, the continuing role of the Indian Act and the significance of strengthening the position of treaty First Nations. I think Bill C-15 will help us sort through those issues.

That is to say, it is Turpel-Lafond's expert position that Bill C-15 is an important tool that will help us resolve those long-standing issues. This is a position also shared by many Indigenous legal scholars and experts.

In addition, colleagues, much has been said about the consultation process the government undertook to develop Bill C-15. While it is true that former MP Romeo Saganash consulted Indigenous people across Canada in the development of his private member's bill, Bill C-262, and it is also true that the government used that bill as the starting point for the development of Bill C-15 — and, subsequently, the government did hold 70 consultation meetings nationally and spoke with hundreds of Indigenous people — the fact remains that some Indigenous leaders are not satisfied with the way in which they were consulted and therefore do not support Bill C-15.

It is also true that Indigenous people have different expectations of consultation from a lone Indigenous MP than they have of the government in the depth, breadth and scope of consultation on a government bill that is centred on Indigenous human rights. However, there are also many perspectives on how the consultation went and support for the bill.

Take, for example, the leadership in the beautiful Treaty 6 territory where I reside. On one hand, we heard from the Grand Chief Okimaw Watchmaker and other chiefs that they do not support the bill. Of note, Chief Arcand from the Alexander First Nation gave an articulate, thoughtful presentation about how he would prefer to restart the treaty negotiation tables of 1995 than be distracted by consultation on an action plan.

On the other hand, we received a written submission from four treaty rights-holding chiefs, including the past two grand chiefs of Treaty 6, current Cree Nation chiefs and Alberta regional chiefs supporting Bill C-15, stating:

The processes contemplated in C-15 are sufficiently flexible to implement the UN Declaration at the Treaty table and as part of an ongoing Treaty relationship. In our view, **it will be critical for First Nations to proactively take the lead in the processes mandated in Bill C-15 . . . .**

Senators, it should not be alarming that there are different opinions about a bill across 600 First Nations. In the same way that we do not expect all actors in any other level of government to agree on an issue, we should not expect consensus across Indigenous leadership either. First Nations, Métis and Indigenous communities are diverse culturally, politically and geographically and will hold a variety of valid opinions.

• (1640)

However, colleagues, it would be a disservice to the breadth of evidence we have gathered to omit the fact that the majority of Indigenous leaders support Bill C-15. This includes: the national leaders of the Assembly of First Nations, the Métis National Council and Inuit Tapiriit Kanatami.

We also had letters, briefs and testimony from many grassroots rights holders who supported Bill C-15, including: the Chief Councillor of the Haisla Nation, the National Chief of the Dene Nation, the Grand Chief of the Grand Council of the Crees, the Grand Chief of the Gwich'in Tribal Council, the Chief of the Pasqua First Nation, the Chief of Cree Nation of Chisasibi, the Cree Nation of Nemaska, the Chief of the Samson Cree Nation, the Cree Nation of Eastmain, the Cree Nation of Wemindji, Tzeachten First Nation, Oujé-Bougoumou Cree Nation, the Chief of the Lennox Island First Nation, the Chief of the Cree Nation of Washaw Sibi, the Chief of the Whapmagoostui First Nation, the Chief of Enoch Cree Nation and the Chief of Louis Bull Tribe.

We also heard from Indigenous business leaders about how Bill C-15 can facilitate economic reconciliation, and the role that sustainable economic development can and must play in addressing ongoing socio-economic disadvantage. These witnesses include: the Canadian Council for Aboriginal Business, the National Indigenous Economic Development Board, the National Aboriginal Capital Corporations Association and the First Nations Major Projects Coalition.

There is also a large cadre of First Nations, Métis and Inuit lawyers and scholars which want us to pass the bill, even if they have suggested ways to improve it. They include: Mary Ellen Turpel-Lafond, Ellen Gabriel, Dr. Naomi Metallic, Dr. Sheryl Lightfoot, Dr. Val Napoleon, Dr. Brenda Gunn and Dr. Pam Palmater.

Let's just pause, colleagues, to acknowledge this powerhouse of brilliant, thoughtful Indigenous women leaders, dedicated to the full realization of Indigenous human rights. Their voices have been and will remain so important in the implementation of UNDRIP.

In summary, there is an evidence base for the claim that Bill C-15 has broad support.

Finally, I want to be clear, honourable senators. Although I am very grateful to the government for fulfilling the promise it made in this chamber in 2019, implementing the United Nations Declaration on the Rights of Indigenous Peoples is not about this government or its accomplishments. While I'm grateful to our colleagues on the Standing Senate Committee on Aboriginal Peoples, as well as the clerks, translators and other staff for the hard work we completed in the study of this bill, passing Bill C-15 is not about congratulating the Senate or the sponsor of the bill.

Passing Bill C-15 is about honouring the leaders of the 1970s who began this process of reclaiming basic human rights for Indigenous people. It's about the next step after over two decades of work done by Indigenous people at the UN to draft, negotiate and adopt the declaration.

It's about respecting every Indigenous advocate, legal scholar and academic who has worked on bringing the declaration home since 2007. It's about acknowledging every one of over 7,000 residential school survivors who gave testimony about their experiences of living without human rights, and the trauma they and their families carry. It's about the thousands of children who died anonymously at the schools and their families who are still grieving.

It's about every missing and murdered Indigenous woman and girl. It's about the children who are growing up in Indigenous communities right now without adequate housing, water, health care, nor access to the same educational supports as other Canadian children.

It's about access to land and water, to traditional foods and medicines, and to the ability to practise traditional culture and spiritual ceremonies freely and with pride. It's about every pipe that was lifted and prayer that was offered for the healing of Indigenous people, families and communities.

As we move forward and conclude our discussions on Bill C-15, we must remember that the declaration stands for affirming Indigenous people's human rights and self-determination. The declaration is about realizing a full range of economic, social, cultural, political and civil rights that are essential to the dignity and well-being of Indigenous peoples.

It is about addressing the extensive and mounting evidence of systemic racism and discrimination faced by Indigenous peoples and the legacies of colonialism. To this day, the evidence continues to grow through countless reports and inquiries exposing discriminatory practices, whether in health care, policing, the justice system or delivery of public services.

Senators, this is another step, a big step mind you, in the implementation of Indigenous human rights in Canada.

Let's not fumble the ball before we cross the end zone. Let's pass this bill. Our ancestors and our great-grandchildren are counting on us. *Kinanaskomitin. Hiy hiy.*

**The Hon. the Speaker:** Senator LaBoucane-Benson, would you take a question?

**Senator LaBoucane-Benson:** Yes.

[*Translation*]

**Hon. Raymonde Saint-Germain:** Thank you for your remarks, Senator LaBoucane-Benson. You spoke a lot about consultations with the various Indigenous peoples in Canada and their reactions, both positive and negative.

My question is about the consultations with provincial and territorial premiers. I have here a letter dated March 29. It was written by the premiers of New Brunswick, Quebec, Ontario, Manitoba and Saskatchewan, who feel that they were not adequately consulted or heard.

I will quote them:

Canada already has a unique legal and political framework, as set out in our Constitution, treaties and the common law, which affirm and protect the rights of Indigenous peoples. This framework was painstakingly clarified by decades of policy decisions and court cases, and it reflects our country's unique context.

Bill C-15 will replace this known legal framework with decades of uncertainty, and that will jeopardize investments and future reconciliation efforts.

Naturally, I would add my own concern, which is the importance of recognizing the very unique context of Indigenous peoples in Canada, which differs significantly from that of other UNDRIP signatory states.

Here's my question: Under the circumstances, do you believe that all the necessary adjustments were made to Bill C-15 to adapt it to Canada's unique character as a whole? If so, how?

[*English*]

**Senator LaBoucane-Benson:** Thank you for that question.

I would remind our colleagues that the consultation continues. I would also remind colleagues that if we were to pass this bill and it reaches Royal Assent, nothing would change. UNDRIP is an interpretive tool that has been used since 2010 in Canada. After Royal Assent, it will continue to be used as an interpretive tool. The action plan is something that will be developed and will help better express Indigenous human rights. Thank you.

**Senator Saint-Germain:** Do I understand correctly from your answer that my Province of Quebec, which already uses its own effective consultation process based on a nation-to-nation discussion approach, will not have a new federal assessment procedure imposed upon it that could complicate the development of projects in Quebec, or any other province?

**Senator LaBoucane-Benson:** Thank you for that question. I would say that Indigenous people in Quebec already have section 35 rights. These rights have been studied often. Decisions have been made by the Supreme Court of Canada, and all of that jurisprudence would carry forward.

UNDRIP is already being used as an interpretive tool. From that perspective, nothing should change immediately. Now, what happens with the action plan, the development of principles and the definition of free, prior and informed consent, or FPIC, will be developed over time.

[ Senator Saint-Germain ]

**Hon. Dennis Glen Patterson:** I appreciate the chance to ask a question.

Senator LaBoucane-Benson, last June, the government started consultations with the national Indigenous organizations and did not include grassroots organizations in its consultations until the fall, and that was after a draft had been developed.

The consultation list, as submitted by the government, actually included people who clearly said they were never consulted.

• (1650)

Now, free, prior and informed consent, or FPIC, is said to mean consultation *ab initio* — “from the beginning” — before drafts are developed by the government or the national Inuit organizations. I'd like to ask if you would agree that this top-down approach that we heard about in our study is the wrong model and contrary to FPIC, as it's envisioned in the UN declaration.

**Senator LaBoucane-Benson:** I thank my colleague for the question. What I would say is that we have spoken much about consultation in our committee. We heard from the minister saying that they promise to do a better job of consultation going forward. Thank you.

**Senator Patterson:** You talked about the action plan, senator, and we've recently had some experience with an action plan, certainly not as broad as the wide scope of the 46 articles in the UN declaration, and that is the action plan following the recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls. After two years, and a year after the target date, the best that the action plan for that inquiry could accomplish was a report to make a plan — a plan to make a plan — without any actions or clear financial commitments.

On the heels of that experience, just in recent weeks, I'd like to ask you — and maybe in two years we can compare notes — how realistic do you think it is, especially since our committee recommends that the action plan should deal with complex issues like FPIC, to name one, to have approved an amendment to the bill in the other place that reduces the time for completing the action plan from three years to two? Would you bet that's going to be achieved?

**Senator LaBoucane-Benson:** Thank you for that question. I would say that what gives me a lot of hope about this action plan is that there is an accountability framework baked into the legislation, so my sincere hope is that it will be done in two years and that the accountability framework helps us all hold this government and any future government to account and make sure that they're actioning the action plan.

**Senator Patterson:** I was hoping to get you on the record, Senator LaBoucane-Benson. You said you sincerely hope. Don't we all.

But I wanted to ask you, is it realistic, and do you predict, that the action plan will be completed within two years as set out? As you pointed out, this is not a policy. This is legislation without consequences for its breach.

Do you believe that the time commitment solemnly set out in the legislation will be met? Is that your prediction?

**Senator LaBoucane-Benson:** I thank my honourable colleague for that question. As he knows, I don't have a crystal ball in front of me, and I really do not know how the consultations are going to go. It really depends on many factors.

I do have faith that this action plan can be done. I know when we had our very first committee meeting, I asked the government — or maybe it was in another meeting — if they'd consider identifying low-hanging fruit first and get those pieces done so the more complex issues could be addressed later. Again, I have no power over that, and I don't have a crystal ball.

**Hon. Marc Gold (Government Representative in the Senate):** Will the senator take another question?

**Senator LaBoucane-Benson:** I would be happy to.

**Senator Gold:** This is an easy question. A simple “yes” or “no” would suffice.

In response to concerns about the impact of this bill on provincial regulatory authorities, such as in my province of Quebec, would you not agree that the bill is very clear in that it applies only to the laws of the Parliament of Canada — federal laws — and therefore not to provincial laws and the regulatory authorities that flow from provincial laws?

Indeed, would you also not agree that some provinces, like British Columbia where I had the privilege of studying, have also decided on their own initiative to use the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and to adopt it with regard to their own jurisdictions?

**Senator LaBoucane-Benson:** Thank you for the question. I apologize if I wasn't clear the first time. Yes, I completely agree.

**Hon. Pat Duncan:** Would the senator take another question?

**Senator LaBoucane-Benson:** I would be happy to.

**Senator Duncan:** Thank you, Senator LaBoucane-Benson. Following up on Senator Gold's question about the applicability of Bill C-15 to the provinces, may I ask a similar question with regard to the territories? We are in a different situation from the provinces in that, for example, the Yukon Act and the Yukon Environmental and Socio-economic Assessment Act are both federal legislation.

How is it proposed that Bill C-15 will deal with these pieces of federal legislation respecting the Yukon territorial government?

**Senator LaBoucane-Benson:** I thank you for the question, Senator Duncan. It is a good one.

It's my understanding that this bill is only applicable to federal law, the laws of Canada. It's my understanding that it will not affect the laws of Yukon or the Yukon Act.

**Senator Duncan:** As a follow-up to that, the Yukon Environmental and Socio-economic Assessment Act is a federal act, and Bill C-15 is purported to apply. I understand your response regarding the Yukon Act. It is also federal law. Could the senator perhaps revisit the question?

**Senator LaBoucane-Benson:** Thank you, Senator Duncan. I admit that you are most likely more of an expert than I am on the application of this law in the Yukon and so, at the moment, I don't have an answer for you. My apologies.

**Senator Duncan:** Thank you, senator. I do want to make it clear that, as I understand, most Yukoners are fully in support of Bill C-15 and UNDRIP; a unanimous motion was passed in the Yukon Legislative Assembly some time ago.

The action plan will be critically important, particularly how it interfaces with this legislation. It will be very important to Yukoners. I would take the senator's commitment to and faith in the action plan that it will be developed in concert with Yukon First Nations respecting the treaties that have already been recognized under the Constitution. Thank you.

**Senator LaBoucane-Benson:** I thank Senator Duncan for her questions and for her statement. I look forward to this action plan that is developed in a very inclusive way, and inclusive of Yukon.

**Hon. David Richards:** This is a quick question, senator. This won't create a bottleneck in legislation or be a veto in any regard? Is that what you're saying? Because there is a lot of fear that this might create even more of a stagnation between the First Nations and the rest of Canada than there is now.

**Senator LaBoucane-Benson:** Thank you for the question. Some of the most brilliant legal minds in Canada who are contemplating how UNDRIP will be implemented in the Canadian context have spoken on this, and they have been very clear that this is not a veto. We heard witnesses who spoke in a great deal of detail about how consent-driven tables and the consent-driven framework negotiations are perhaps the only way that good projects are going to get approved in Canada.

• (1700)

The idea with a consent-driven negotiation is that Indigenous people are brought in at the beginning, at the very beginning of project proposals. They're part of the decision-making process, and in that way really good projects get to go forward.

So, no, this is not a veto. It's not a veto. It's an opportunity for Indigenous people to participate fully in the economic landscape of Canada.

**The Hon. the Speaker:** Senator Patterson, I see your hand still raised. Did you want to ask another question?

**Senator Patterson:** If I may, Your Honour.

Senator, the issue of the threat of federal intrusion into provincial jurisdiction, with respect to Senator Gold, is not black and white, yes or no. The federation has many areas of shared jurisdiction — health, environment, child welfare, for example — and it is particularly in these areas of shared jurisdiction that, under the cover of the federal jurisdiction regarding Aboriginal peoples under the Constitution, it allows the federal government to intrude in areas of responsibility of the provinces and territories.

There's no better example than child welfare. You may know that Quebec is suing Canada over its invasion of their jurisdiction in child welfare with respect to Indigenous people. I hear there are rumours that the feds are, as we speak, developing health legislation that is going to — under the cover of legislation respecting Indigenous peoples — invade clear provincial jurisdiction in that area.

I would like to ask Senator LaBoucane-Benson: How do we prevent federal intrusion into provincial-territorial jurisdiction and areas of shared jurisdiction? How do we be assured that under the cover of Indigenous rights this kind of intrusion into provincial areas isn't going to continue, which is, I think, what the premiers of six of our provinces, with a majority of our population, are really concerned about?

**Senator LaBoucane-Benson:** Thank you for the question. First of all, as I said before, this bill applies only to federal law.

I disagree with your assertion that under the cover of Indigenous rights that somehow the jurisdiction of Indigenous children — who has care and control of Indigenous children — should be with the province. I think when we debated Bill C-92 in the last Parliament, this was something that the majority of senators agreed — that the jurisdiction of Indigenous children should be with Indigenous families and Indigenous nations and organizations.

So I don't think Indigenous rights are a cover for anything. I think that part of reconciliation is figuring out where jurisdiction lies for Indigenous people in their ability to self-determine. This isn't a cover. This is reconciliation. This is our country taking the next step in ensuring that Indigenous people have the opportunity to navigate their own ship, that they have the capacity to self-determine. Thank you.

**Senator Patterson:** Would you agree, Senator LaBoucane-Benson, that, given your answer, the federal government should reach out to and do a better job of assuring provinces that in these areas of shared jurisdiction and territories, that their jurisdiction will be respected?

**Senator LaBoucane-Benson:** Thank you, senator. It's my understanding that the federal government did reach out to the provinces and has had numerous conversations with them. So I can't comment on what would be a better job of doing that. Thank you.

**Hon. Scott Tannas:** Senator LaBoucane-Benson, I want to just go back to Senator Gold's question because you will recall that at clause by clause we uncovered a bit of an anomaly in the wording around the laws of Canada — Canadian law and the French translation — which was *lois fédérales*, I believe. Forgive me. But it was surfaced by our intrepid Senator Forest-Niesing as being what appeared to be one way in the French version and potentially a different meaning in the English version. Part of our observations, which have been appended to the report, talk about this.

But I think in addition to the concerns that Senator Duncan has, if it were possible for us to get a document tabled with us that clears up that it is only federal laws that will be impacted, that would go a long way to addressing Senator Patterson's concerns, the concerns of other premiers and clear up this one little question about whether there was a difference in the French version for those who are reading French and would view it as applying to them, and the English version, which would naturally be the purview of other people's interpretation. Thank you.

**Senator LaBoucane-Benson:** Thank you, senator, for that question. The testimonies of officials made it very clear that there was no ambiguity. They mean the same in French and in English. It occurs often within Canadian law that those terms are used interchangeably. I think that, although maybe for English speakers we might feel that they don't mean the same, I've been assured by officials that they do.

**Hon. Patrick Brazeau:** Would Senator LaBoucane-Benson take another question, please?

**Senator LaBoucane-Benson:** I would be happy to. Thank you.

**Senator Brazeau:** Thank you very much. When we're dealing with issues of jurisdiction between the federal and provincial governments, section 91.24 of the Constitution Act of 1867 says pretty clearly that the federal government has jurisdiction for "Indians, and Lands reserved for the Indians."

When that was first put in place, obviously there wasn't much terminology with respect to status Indians, non-status Indians, Métis, treaty, non-treaty; the whole gamut of labels. One of my predecessors, Harry Daniels, who was the President of the Native Council of Canada, which later became the Congress of Aboriginal Peoples, launched a court action. That court action went to the Supreme Court because essentially they wanted to make sure that because the federal government throughout the

years had created different labels of “Indians,” that they have jurisdiction. And the Supreme Court, in fact, said that yes, the federal government does have jurisdiction.

So with respect to the previous questions you had, and with issues of jurisdiction, don’t you believe that if the federal government actually implemented and respected that Supreme Court decision, which is very clear, perhaps First Nations people in the future, and contrary to where they are now, may not get mixed into the jurisdictional wrangling between the provincial and federal governments?

**Senator LaBoucane-Benson:** I thank my colleague for his comments. I think that this is an issue that you have outlined that is part of that whole revision-of-laws piece — clause 5 of Bill C-15 — that is so critical. We need to take a hard look at the laws of Canada, look at Supreme Court decisions, look at the articles of UNDRIP, and make revisions to our laws that are meaningful for Indigenous people and bring Indigenous peoples’ capacity to self-determine and have Indigenous human rights to the forefront. Thank you.

**The Hon. the Speaker:** Senator Brazeau, do you have another question?

**Senator Brazeau:** A quick comment in response. I thank the senator for her response. It’s amazing; when I was National Chief I was approached by a former Minister of Indian Affairs asking me if I would drop the *Daniels* case from proceeding. So I’m very glad that I held my ground, held my principles and that I said, “no.”

• (1710)

[Translation]

**Hon. Renée Dupuis:** I have a question for the sponsor of Bill C-15, Senator LaBoucane-Benson.

I have in front of me the bill that passed in the House of Commons on May 25, 2021.

Clause 4 states that the United Nations Declaration on the Rights of Indigenous Peoples is a universal international instrument with application in Canadian law.

I will read from that clause.

[English]

It says “. . . with application in Canadian law . . . .”

[Translation]

There is no reference whatsoever to federal laws in that text, at least not in the version I have, but perhaps you have a more recent version.

Can we get a clear answer from the government, through you, Senator LaBoucane-Benson, as to what the precise reference is? When we speak of Canadian law, that refers to the laws that govern Canada in its two components, federal and provincial. If

we are talking about federal laws, in principle, that refers to the Canadian Parliament, and if we are talking about provincial jurisdictions, that refers to provincial laws.

Could you, or someone else through you, please clarify that question?

[English]

**Senator LaBoucane-Benson:** I would be happy to. Thank you for the question.

I think it has been said many times that, as you pointed out, clause 4(a) talks about “with application in Canadian law.” That is meant to be specifically and only federal law. Thank you.

[Translation]

**Senator Dupuis:** Following a question asked earlier, the Government Representative in the Senate, Senator Gold, asked a question himself referring to federal laws.

Is it possible to get some clarification on this particular issue, beyond what has been said so far?

What does “Canadian law” mean? Normally, if we want to be very, very precise in reference to Canadian law, we add a definition. I just want to know if it is possible to get some clarification.

[English]

**Senator LaBoucane-Benson:** Thank you, honourable senator, for your question. I cannot provide any further clarification than what I’ve already said. Thank you.

**Hon. Howard Wetston:** Senator LaBoucane-Benson, would you take another question, please?

**Senator LaBoucane-Benson:** I would be happy to.

**Senator Wetston:** Thank you for your work and your sponsorship on this matter.

I was wondering, from a project development point of view, where are the project developers? How do they fit into the framework here as an interpretative instrument? You will remember, of course, the excellent work that was done on Bill C-69 by yourself and other members of the committee. It was at that point in time, looking at many criteria, that it had to be considered in the context of the impact assessments. That becomes a very important matter because I think you would agree with me that project development is key to economic growth, and the balancing of the interests of all stakeholders must be considered in that context.

In thinking about Bill C-15, the specific question that I have is, what if consent cannot be obtained? Are there conditions under which, even if consent is not obtained in the normal course of these consultations, a project can still proceed, and under what circumstances?

**Senator LaBoucane-Benson:** I would remind my colleague that upon Royal Assent, FPIC is not made into Canadian law. The articles of UNDRIP are used to interpret Canadian law. The jurisprudence of section 35, which is actually in the Impact Assessment Act, would go forward.

If you want to talk about how the articles work, there is balancing even in the articles. There is an article that speaks about FPIC, and there's also another article that talks about balancing. Consent is not consensus. There has to be a balancing of all perspectives on that.

When I talk about consent-driven tables in negotiations, the people who have done this successfully in major projects say that when Indigenous people are brought to the table at the beginning, when they're part of the decision-making process all the way through, it's much easier to find the win-win. It's much easier to find the consent of all parties. When we get to a consent table and they successfully negotiate an agreement, Canada wins, industry wins and the First Nation wins. That's what the idea of free, prior and informed consent is. It's not a veto. It's how we get to win.

**Senator Wetston:** The issue for me, when you look at this balancing, and I think you agree, is that it's not a veto. I'm not taking issue with that, obviously. It's an interpretative instrument. The law is well-known for having interpretative documents. This is not the only interpretative instrument. Interpretative instruments can take on the notion or the legal consideration of almost being a substantive document.

How do you go from an interpretative document to something having a more substantive impact? I'm not trying to suggest that I'm looking for some legal insight into how these documents work. It seems to me the most important things, if consent is not achievable, is that you then say to yourself that it can't go ahead, or it still can go ahead. From my own perspective, when I look at an interpretative instrument, you need to step back and ask yourself whether in a democratic society it may still be able to go ahead, provided that there are rights protection and mitigation. I think those are important concepts. Do you see it potentially functioning that way?

**The Hon. the Speaker:** Senator LaBoucane-Benson, my apologies, but your time has expired. Are you asking for five more minutes?

**Hon. Donald Neil Plett (Leader of the Opposition):** No.

**The Hon. the Speaker:** I hear a "no." I'm sorry, Senator LaBoucane-Benson.

**Hon. Dan Christmas:** Honourable senators, I'm humbled to rise today to speak briefly with respect to Bill C-15. I want to share with you the path that got us here today, the third reading of this bill, following its journey through its pre-study and subsequent study by the Standing Senate Committee on Aboriginal Peoples. I can share with you, honourable senators, that getting to this moment was somewhat of a herculean task, completed in the midst of myriad challenges and yet yielding, I hope, significant results, both in terms of receiving the applied

wisdom of expert legal and Indigenous witnesses and hearing the inspired passion of rights holders and those directly impacted by the bill's proposed provisions.

When we received news this spring that the bill would come to our committee, I felt a mix of both exhilaration and trepidation. After all, UNDRIP has been in the domain of civil society and public policy as an international instrument, certainly since its adoption by the United Nations on September 13, 2007, and for many years before that. Honourable senators, we were driven by the notion that we had to get this right. We had wrestled with its legislative precursor Bill C-262 in what has become a very difficult and testing experience for a variety of reasons. We all know that iteration of the bill did not proceed two years ago, but still, many lessons were learned, and your committee did its level best to apply them.

We were determined to have a fair, balanced, transparent and pragmatic study. We set out to listen to equal numbers of supporters and those critical of the bill. And we sought, with steely determination, to ensure that we had the necessary time and means to conduct our study in as fulsome a manner as possible, smack in the middle of a pandemic and a virtual and hybrid sitting reality with which we were forced to contend. But, honourable senators, I'm again humbled to say we got things done in ways that certainly exceeded my own expectations.

In the period from May 7 to June 7, we had 24 hours of meetings over six meeting days. We received 52 written briefs and 23 pieces of "individual opinion" correspondence. During that time, we also managed to fit in two panels of study in respect of the Senate's scrutiny of Bill C-30.

• (1720)

Regarding Bill C-15, we heard directly from 52 witness: organizations and individuals. This number increases to 81 when technical advisers who were "at the table" are included. Our hearings entailed long days of meetings, questioning multiple panels with diverse and sometimes polarized views.

I want to express my profound thanks and appreciation to all Standing Senate Committee on Aboriginal Peoples, or APPA, members. You worked wonderfully together in a spirit of cooperation and collegiality, and your dedication and patience in the face of this heavy undertaking has been amazing. In particular, I would like to salute my three fellow members of APPA steering, Honourable Senators Dennis Patterson, Brian Francis and Scott Tannas. You were committed to getting this done, and you were all singular in your determined sense of purpose. You have been sterling examples of how to get things done in the Senate. I am indeed grateful and thankful for your truly collaborative work.

I hope we've set a new best-practice standard for the way a committee can reach across all lines and perspectives and inform the Senate on its contemplations of complex bills such as this one.

We could not have achieved all that we did without the incredible contributions of the team from the Committees Directorate: our clerk Andrea Mugny, her assistant Nathalie Boutros and, of course, our Principal Clerk of Committees, Shaila Anwar.

Equally critical to the success of this undertaking was the hard work and dedication of our Library of Parliament analysts Sarah Fryer and Brittany Collier. There are so many unnamed people whose contributions we appreciate — translators, stenographers, broadcast technicians, admin staff — those whose efforts we often take for granted but without whom we couldn't have gotten this work done.

We especially give thanks for those on the front line who could not work from home and had to travel to the Senate at the risk of their own personal health so that we might get our study done. None of this remarkable work could have been done without your skilled and dedicated efforts. We remain in your debt, and we give such thanks for your unflinching service.

Last, but certainly by no means least, we all owe a debt of gratitude to former MP Romeo Saganash whose private member's bill, Bill C-262, paved the road to the potential adoption of Bill C-15.

Honourable senators, over the next few days, you will hear much from our colleagues in respect of the depth and breadth of our study of this bill and the key themes our analysis has identified. As you consider perspectives and inform your own voting intentions, I would offer only one thing: Whether ye or nay, I respectfully and humbly encourage you to vote and as best as you can refrain from abstaining.

I do so not in an attempt in any way to sway your choice. Rather, if there is a standing vote versus a voice vote, Indigenous peoples need to clearly know where we as parliamentarians stand. It is for this reason I encourage you, honourable senators, to please cast your vote one way or the other.

This matters, colleagues, so much to First Nations, Métis, Inuit, rights holders, treaty nations and most emphatically to the pursuit of true nation-to-nation relations. It matters, critically, to Canada, as it wrestles with how to move forward in peace and friendship with Indigenous peoples.

*Wela'liog.* Thank you.

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

**Hon. Carolyn Stewart Olsen:** Thank you, Senator Christmas, for that very gracious acknowledgement of a committee that faced a difficult task. I was truly impressed with the kindness and cooperation of people of opposing views. It was truly a delight, actually, to attend and work on that committee. Thank you.

Honourable senators, I rise today to speak at third reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

The bill's intent, as you may surmise from the title, is to enshrine the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, into Canadian law.

UNDRIP has been supported by Canada since the Harper government endorsed it in 2010. A statement from the Assembly of First Nations noted that:

Now is our time to work together towards a new era of fairness and justice for First Nations and a stronger Canada for all Canadians, guided by the Declaration's core principles of respect, partnership and reconciliation.

Advancing the objective of reconciliation is commendable. I don't think anyone in Canada reasonably opposes that. However, for the reconciliation to happen, it must have a genuine foundation. A law that would purport to advance this — again, commendable — objective would have to be credible.

So we must ask ourselves if Bill C-15 is indeed credible. Does it reflect the aspirations of Indigenous peoples across Canada?

As a member of our Standing Committee on Indigenous and Northern Affairs, I listened to many individuals and communities, including rights holders, who came before us to tell us what C-15 means for them. While many support the bill without reservation, we also heard from many who could not give it the same seal of approval.

We specifically heard that the language is unclear and insufficient and that the consultative process was incomplete and non-reflective of the views of many large communities.

In a letter to Prime Minister Trudeau, Stephen Buffalo, President and CEO of the Indian Resource Council, stated:

Imagine the irony of introducing a law with no consultation and no real attempt to obtain 'full informed consent' that will give undefined groups of Indigenous Peoples an undefined right to 'full informed consent'.

In the same letter, he said:

Besides us, the National Coalition of Chiefs, the leaderships of Treaty 6, 7 and 8 of Alberta, and dozens of other Nations across Canada have expressed concern about how this bill will work in practice and have called for major amendments.

The Association of Iroquois and Allied Indians, representing seven nations in Ontario alone, has more to say on the subject.

Deputy Grand Chief Stacia Loft noted publicly:

Many Nations do not have an issue with UNDRIP but many take issue with Canada's version of UNDRIP as their process of implementation has been flawed from the start.

In describing the consultation process, the Deputy Grand Chief noted that:

Meetings were capped, time was restricted, and engagement periods were not extended to make proper use of time and information.

Are we then to take this to be the free, prior and informed consent required by the declaration?

Our colleagues in the other place asked the Minister of Crown-Indigenous Relations, Carolyn Bennett, to define FPIC in the context of the bill. She noted that doing so would require consensus among our Indigenous partners. This is something that has certainly not been reached and that cannot be assumed.

In a briefing on the private member's bill that preceded Bill C-15, Ross Pattee, Assistant Deputy Minister in the implementation sector at Crown-Indigenous Relations, said, "There is no international or domestic agreement on the meaning of the principle of free, prior and informed consent."

For a more workable definition, we can turn to our former colleague Senator Murray Sinclair, who defined FPIC simply. He said:

Free, prior and informed consent is . . . before you affect my land, you need to talk to me, and you need to have my permission.

Consultation means more than simply aggregating the views of lobbyists and organizations that are politically friendly with the governing party.

As the Association of Iroquois and Allied Indians said:

Canada has not adequately engaged with Indigenous Peoples and the six weeks they have set aside to do this have only done so with certain national organizations and provinces.

I believe the consultations also require much more than rushed hearings pushed through during a global pandemic.

As Russ Diabo, speaker for the Defenders of the Land, Idle No More and the Truth Before Reconciliation Network, noted:

How do you justify doing engagement on a federal law that will have lasting intergenerational impacts during a pandemic when many Indigenous communities and nations don't even have the capacity to respond or analyze properly how their rights will be impacted? Many don't even have access to Wi-Fi.

• (1730)

Grand Chief Okimaw Vernon Watchmaker, from the Confederacy of Treaty Six First Nations, went even further, when he said:

Honestly, the consultation on this bill has not been honourable. There has been no discussion or engagement process, no draft submitted. The first time we heard that there was legislation was in December 2020, during the pandemic.

Substantive consultation means reaching every community and rights holder. It is not a *pro forma* process with predefined outcomes.

Consultation in particular means speaking to Indigenous women, Indigenous youth and other groups like trans and two-spirited Indigenous peoples.

In the 2019 federal budget, Canadian Roots Exchange was named by the federal government as a leading Indigenous youth organization. Their views on Bill C-15 are elaborated in a submission they made to our committee. They state that:

The youth we've spoken to have been clear: implementing UNDRIP as Canada's framework for reconciliation now and into the future will not reflect their or their communities' needs and values unless it is done in a good way. This means a substantive, accessible, meaningful, and continuous engagement on implementation; for communities to be empowered to implement the Declaration in their own way; and that accountability and oversight must be Indigenous-led . . .

This call for Indigenous leadership reflects the sentiments of Mr. Buffalo, whose comments I opened with. Further in his letter, he notes that:

First Nations' Peoples have had enough, we do not want lip service from Ottawa with a paternalistic pat on the head as they tell us what is good for us. The attitude and approach from Ottawa is that you are making this new law to help us, and we should not worry is a prime example of paternalism and colonialism. . . .

Mr. Buffalo goes further on the topic of consultations, saying:

It is almost unimaginable that Ottawa did not meaningfully consult and did not obtain consent from First Nations on something so fundamental. . . .

And directly to the point, he said, "It is time for the Government to stop ignoring us."

With these shocking gaps in the consultation process, it is perhaps no surprise that some refer to this bill, or at least its predecessor, C-262, as, "The Least We Can Do and Still Claim to Support the UN Declaration."

The federal Liberal Party ran on implementing UNDRIP in 2015 and 2019 and failed to retain the support of the most prominent Indigenous woman in their caucus, not just in general, but specifically on this bill.

Jody Wilson-Raybould, formerly the federal Justice Minister and Attorney General, said this in the *Globe and Mail*:

. . . it has been six years of big promises on Indigenous rights with few substantive and long-term outcomes to show for it. Given this, who can blame certain Indigenous voices for being so against the bill? And who can blame other Indigenous voices for being cautious and lukewarm at best in their support?

Indeed, Indigenous voices that initially applauded Canada's Liberal government for its support of UNDRIP have different things to say now. In a release on Bill C-218, the Mohawk Council of Kahnawà:ke, speaking of Canada, asks, ". . . how can it be trusted to enact legislation that meaningfully implements the principles of UNDRIP?"

Colleagues, they say these things because they do not trust the promises that have been made.

If this is what consultations have produced, it is no surprise that the provincial governments have their own reservations. They too were poorly consulted.

Arlene Dunn, New Brunswick's Minister of Aboriginal Affairs, told our committee of a number of factors from the provincial perspective:

One is a lack of engagement in terms of the consultation process. . . . we had three meetings and very little dialogue with respect to this particular issue.

The issue the minister referred to is the lack of clarity regarding what this bill will mean for provincial jurisdictions, an issue concerning enough to warrant six premiers signing a letter asking the Prime Minister to please delay its implementation.

In the letter, the premiers note, "Engagement on this draft legislation has been insufficient and unresponsive to provincial concerns."

I raised these same concerns with the Minister of Justice at committee and asked him for a simple commitment to further engagement with the provincial governments. He dismissed them as political posturing after complaining that one of the ministers did not pay attention to him, in his characterization of the meeting.

Colleagues, I've listened and what I've heard tells me there are fundamental flaws with this bill that must be addressed. As a regional representative and, indeed, as a constitutional servant of the interests of our province, I stand with New Brunswick in opposing what they believe to be a usurpation of the provincial jurisdiction by the federal government.

I also stand with the Indigenous communities who have loudly and repeatedly told Canadians that they do not give their consent — free, prior, informed or otherwise — to this hastily constructed and inadequate legislation.

As I noted in the beginning, the objective of advancing reconciliation is a laudable one that all governments in Canada should strive for.

When the Harper government endorsed UNDRIP in 2010, the release said:

. . . Canada believes that the UNDRIP has the potential to contribute positively to the promotion and respect of the rights of indigenous peoples around the world.

Opposing the bill would not be a rejection of the goals but a reflection that better is possible.

We would do best in here to remember that reconciliation will never be achieved with a top-down approach. True reconciliation will be defined by Indigenous people and their communities, and it is our job, particularly in this chamber, to listen.

As Ms. Wilson-Raybould said in the article I quoted earlier, if the Trudeau government seeks true reconciliation, it must, ". . . get out of the way of Indigenous Nations as they determine and shape their futures."

Until we have a true consensus on what this means, we cannot claim to have conducted the substantive consultations required by the nature of this bill, and as such we should not proceed with it in this form.

Thank you, colleagues.

**Hon. Marty Klyne:** Honourable senators, I'm speaking from Regina, Saskatchewan within the Treaty 4 territory in the Métis homeland.

Colleagues, I was recently watching CTV's "Your Morning" show interviewing Randell Adjei, whom this spring became Ontario's first poet laureate. This renowned artist and poet released his first book of poetry in 2018 entitled, *I Am Not My Struggles*.

During the interview, Mr. Adjei referred to a line in one of his poems, "Brokenness:"

There's a line in there that says, 'If you've never known brokenness, how would you know when you were whole? If you've never been broken, then how would you measure your growth?'

I searched out the poem and read it in its entirety, and I was moved by it. It made me think about Bill C-15 and upholding Indigenous people's rights. During the interview I referenced earlier, Mr. Adjei said the poem is:

. . . really a reminder to all of us that no matter what we go through in life, that . . . hardships are meant to really define us. I think they're meant to design and prepare us for what's to come in the future, and build our resilience.

Senators, the United Nations Declaration on the Rights of Indigenous Peoples uplifts many oppressed peoples around the world. People have experienced similar injustices of colonialism and racism and their intergenerational consequences. To me, Mr. Adjei's words speak to the plight of too many Indigenous people living in Canada and to why things must change.

The poem also reminds me that Bill C-15 did not originate as a benevolent proposal of government. Rather, this legislation is the product of decades of Indigenous grassroots struggle and advocacy, political organization, litigation, demonstrations, commissions, inquiries, survivor testimonials and incremental wins.

• (1740)

From this legacy, Bill C-15 embodies a long, difficult and peaceful campaign of moral suasion by Indigenous peoples and their allies to see our human rights upheld in Canada, as they always should have been.

Most recently, Bill C-15 is the result of the determination of a private member and Cree legislator, Mr. Romeo Saganash, with Bill C-262. His efforts built a coalition of leaders, faith groups, scholars and citizens, and current and former parliamentarians, including the Honourable Murray Sinclair and the Honourable Lillian Dyck.

Now with Senator LaBoucane-Benson's leadership, the time has come to complete this leg of the historic journey embodied in the provisions of this bill. The time has come to begin the hard work of building a Canada where reconciliation is not a dream but a reality.

The issue before us, senators, is whether we as a chamber say yes to reconciliation through the adoption of Bill C-15.

For some senators, saying yes to reconciliation might mean acknowledging Indigenous people's rights to self-determination, to participation and to ancestral lands and resources.

For some senators, saying yes to reconciliation might mean admitting Canada's historic and ongoing record of rights violations, including the betrayal of treaties foundational to this country; the suppression of Indigenous spirituality; and atrocities across Canada, such as occurred in Kamloops.

For some senators coming from different perspectives, saying yes to reconciliation might involve a difficult decision to place a measure of trust in government with Bill C-15's co-developed action plan, given a record of rights violations and ongoing mistrust.

I of course hear and respect such perspectives but, to all senators, I urge you to say yes to reconciliation with Bill C-15.

Now is the time for all Canadians to move forward together as a federation restored through nation-to-nation relationships, a federation renewed by hope for the future. Now is the time through this bill to empower the younger generations to build a

better Canada. What's more, now is the time for us as senators to rise to the occasion and to use our positions as independent parliamentarians to help ensure that the action plan is successful.

Canada cannot afford to miss this opportunity. The necessity and urgency of reconciliation require us to act. This is the moment.

With the importance of Bill C-15 in mind and the limited window of time before us to Royal Assent, for your consideration, colleagues, I will share three thoughts on the path forward.

In my view, the Senate should adopt this legislation swiftly and without amendment to avoid any risk to the bill. Any issues can be addressed through the co-developed and distinctions-based action plan, with ongoing Senate scrutiny and support, especially at the Standing Senate Committee on Aboriginal Peoples.

Responding to arguments made by Senator Patterson and other opponents of this bill, I emphasize that Bill C-15 will take nothing away from nations preferring to deal directly with government as rights holders, such as at treaty tables, rather than through the action plan. Bill C-15 imposes no obligation on any nation to participate in the action plan, as it is voluntary.

For any nations reluctant about Bill C-15's approach, that should not be reason to hold other nations back from realizing their rights in this way, which, in my view, is promising and practical.

Second, in terms of the reputation of this institution, the Senate must consider the consequences of not passing Bill C-15 or of unduly complicating its passage. After the experience with Bill C-262, and after Canadians voted for this bill in the 2019 federal election, the Senate must not impede reconciliation. Indeed, by supporting efforts on the action plan, the Senate should work all the harder to make a positive and valued contribution.

Third, the Senate should consider that Bill C-15 will advance Indigenous economic inclusion, contrary to the claims of the bill's opponents. As I said over two years ago with Bill C-262, I fully support the adoption of the UN declaration through the lens of having spent several decades working alongside Canada's Indigenous people who are attempting to secure the future through self-determination while maintaining, protecting and, in some cases, restoring their cultural heritage and community values.

Many communities are achieving tremendous success that can be replicated elsewhere, including through the excellent work of national Indigenous business and economic development organizations.

On this point, I reference the evidence presented to the House of Commons and Senate — most recently at the Aboriginal Peoples Committee. The Canadian Council for Aboriginal Business, the National Indigenous Economic Development Board and the National Aboriginal Capital Corporations Association indicated strong support for passing Bill C-15 without delay.

Importantly, the leaders of these organizations — Tabatha Bull, Dawn Madahbee Leach and Shannin Metatawabin — emphasized the need to include economic reconciliation in the action plan. Their collective view was that Indigenous prosperity and rights recognition are inextricably linked. It is their position that the adoption of Bill C-15 will send a powerful message to corporate Canada, helping to establish cultural norms that uphold Indigenous rights and economic inclusion and encouraging private sector commitment to answer the Truth and Reconciliation Commission's Call to Action 92 on business and reconciliation.

Meaningful action from the corporate sector may include equitable access for Indigenous peoples to compete for jobs, additional training and educational opportunities towards a corporation achieving a representative workforce that reflects the demographics of our nation, as well as education for corporate management and staff on intercultural competency, conflict resolution, human rights and anti-racism.

Just as environmental, social and governance have become increasingly prevalent in corporate responsibility and valued in many equity markets, Indigenous knowledge should also be properly valued and combined with science and corporate governance for inclusive and holistic outcomes. Corporations should become sensitive to social and labour market expectations, contributing to reconciliation and making this a better nation.

These Indigenous business and economic development organizations also indicated that rights recognition is important for true business partnerships with Indigenous nations in resource development contexts, such as through ownership and management roles and skills training and employment commitments. Such approaches can further investor certainty and reduce the risk of litigation.

These organizations also noted that Canada has a history of purposeful economic discrimination against Indigenous peoples through the colonial destruction of traditional economies; the denial of Indigenous nations' access to rightful lands and resources; the imposition of racist economic restrictions on individuals and communities through the Indian Act; political exclusion from the development of economic public policy; the policies and legacies of residential schools and related assimilation programs, historically approved by the Senate; the inadequate funding of basic living standards, community services and infrastructure; and a lack of fair opportunities for quality education, skills development and access to capital.

It is common thinking that if treaties were upheld and fulfilled, Indigenous peoples today would be making valued contributions to Canada's economy. Through self-sufficiency and independence, they would be practising their ceremonies, culture and language, and have a proud identity as a nation participating and collaborating within a federation. Instead, they have to campaign and litigate to get the treaties upheld. There isn't one numbered treaty that doesn't mention education, yet it isn't until recently that the gap is being closed on per-student funding and access to education compared to the rest of the country.

• (1750)

Past policies have created ongoing barriers for Indigenous peoples to have full and fair participation in the Canadian economy. I can see clearly how this has held back this country from being all it can be — not to mention the injustices.

Meaningful action from government should include: providing resources and supporting capacity building; enabling all nations to exercise economic self-determination; and allowing them to take full advantage of participating in, and competing for, opportunities that arise. Otherwise, we have the status quo — a lack of access to quality education, skills development and barriers to capital continuing to be an anchor that holds back nations from self-sufficiency and independence.

To achieve economic reconciliation, the action plan will be key. I would encourage the government, and all senators, to give ongoing attention to the need to closely involve Indigenous business organizations in policy development, and to consider Indigenous lenses around economic issues. The result will be greater prosperity for Indigenous communities and the entire country.

In closing, senators, in keeping our eyes on the prize, I quote the Honourable Murray Sinclair's statement at the introduction of Bill C-15 last December. As a scholar of Canadian history and an inspiration to many in this chamber, including me, Senator Sinclair said:

The United Nations Declaration on the Rights of Indigenous Peoples is at the absolute heart of the Calls to Action of the Truth and Reconciliation Commission . . . With the passage of this bill, in many ways the hard work of reconciliation will only begin in earnest, as many federal laws must be brought into compliance with Indigenous Peoples' inherent rights. Implementation will be everything. However, this bill is a commitment at the highest level to build the Canada we should have always been, and that we will now build together . . .

The Government's introduction of Bill C-15 is a deeply moving and encouraging step towards reconciliation. I have confidence that we as a country are on the right path, and I look forward to the legislation's passage into law. That day, that we can now see ahead, will be a day for celebration.

Senators, a celebration is right; and after this pandemic, we will deserve it. This year, after we pass Bill C-15 into law, our federation's one hundred and fifty-fourth Canada Day can be the best yet — although sombre and reflective in many ways, realizing the weight of this country's true history. Nonetheless, with this legislation, Parliament — and the Canadians we represent — will have accepted the truth and said "yes" to reconciliation. That, colleagues, is no small feat.

I urge this chamber to adopt Bill C-15 at the soonest opportunity. Thank you. *Hiy kitatamihin.*

**The Hon. the Speaker:** Senator McCallum, did you wish to ask a question?

**Senator McCallum:** Yes.

**The Hon. the Speaker:** Senator Klyne, your time has expired. Will you ask for five minutes to answer questions?

**Senator Klyne:** Yes, please.

**An Hon. Senator:** No.

**The Hon. the Speaker:** I hear a “no.” I’m sorry; your time has expired, Senator Klyne.

**Hon. Mary Jane McCallum:** Honourable senators, I rise today to speak at third reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

I would first like to quote Wendy Lynn Lerat when she stated:

UNDRIP provides hope for a more just, sustainable and decolonized future at a time in history when ecosystems are collapsing as a consequence of global over-exploitation of Creation. Some call this “development,” but in reality it’s a time of human-caused climate change unprecedented in its magnitude and reach.

Colleagues, to be clear, the underlying conflict has always been about land and resources, including the interpretation of the state regarding UNDRIP. Ms. Lerat continues by stating:

Canada began the process by implementing UNDRIP unilaterally and top-down, ensuring that Canada’s own version, with its own definition of self-determination, becomes entrenched in law through Bill C-15. . . .

Also, neo-colonialism is pervasive among those in the positions of power, authority and control within Canada’s colonial Indigenous governance system. . . . We are now being colonized/recolonized by some of our own Indigenous people. I fear the foolish actions of our own will lead to the end of ourselves as distinct peoples.

Truth before all else — that is all that we, as First Nations, have asked of the government. But there has been no truth in the treaty process and no truth in the process of consultation.

Silence — discouraging Canadians from advocating for amendments that would strengthen this bill and then vilifying those who would bring them forward. Behaviours like these are colonizing and not those of allies.

These actions are enemies of sober second thought and our parliamentary duties. What should be a powerful moment of working with government to implement human rights for treaty peoples turns out to be just another face of oppression.

I believe there is much work to be done on this bill and I am willing to sit into July to study this responsibly.

Honourable senators, the amendment I am introducing today — which I will read towards the end of my time — incorporates five different areas of improvement. I would like to explain this amendment now.

The first area is to —

**The Hon. the Speaker:** Excuse me, Senator McCallum.

Senator Plett?

#### POINT OF ORDER—DEBATE

**Hon. Donald Neil Plett (Leader of the Opposition):** Your Honour, I ask this very reluctantly, but we have Rules in this chamber, and one of them is not to allow any types of props. I would consider what Senator McCallum has there to be a prop and I would ask you to rule on it.

**Hon. Pierre J. Dalphond:** Your Honour, I was not expecting such a point of order. I must say that our colleague has an eagle feather in her hands. This is not a prop, nor an advertisement. It is not a sign of anything except of her own culture and identity. We have colleagues who wear a turban on their head or who dress in a certain way according to their culture and tradition. Your Honour, I do not think it is a proper point of order.

**The Hon. the Speaker:** Does any other senator wish to enter the debate?

**Hon. Mary Jane McCallum:** I would like to comment. I had reached out to elders and knowledge keepers with regard to this deep subject that goes to the core of our being. I have with me an eagle fan. It is not a prop. This is a ceremonial object that was given to me as an honour. When I spoke to them last night they said, when you speak it means so much and you’re calling on ancestors, on the people who want us to hear this important topic. They said, you take it with you. That is why I have it with me today because this is who I am, this is what was taken away from me and I will not give it up again.

• (1800)

**Hon. Pat Duncan:** I would like to rise in support of the comments that have been made by my colleagues Senator McCallum and Senator Dalphond. I also believe, Your Honour, that there have been provincial-territorial rulings in this regard where an individual has been holding an eagle feather. My understanding is that, culturally, to hold the eagle feather is to speak the truth and what we are called upon to do each day in this chamber and in other legislatures. I believe there has been rulings accepting this as an element of the individual who is speaking. Thank you.

**The Hon. the Speaker:** Honourable senators, it’s now six o’clock and pursuant to rule 3-3(1) and the order adopted on April 27, 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 will continue debate on the point of order after we reconvene. The sitting is suspended until 7 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

POINT OF ORDER WITHDRAWN

**Hon. Donald Neil Plett (Leader of the Opposition):** Your Honour, I raised a point of order and the fact of the matter is that I do believe it is a point of order. But, having said that, I also believe that, in light of the present — I don't know whether I want to call them circumstances — but because of things that have happened as of late, it was clearly deemed as insensitive. It was not intended to be insensitive. I tried to choose my words, but it was deemed as being insensitive. For that, I ask Senator McCallum's indulgence because it wasn't intended to be that.

I believe that we have very distinct rules in the chamber. Unfortunately, the word that we have to use is "prop." Clearly, what Senator McCallum held was not in her opinion a prop, and probably not in mine, but it was what the chamber would in many times determine as a prop.

Nevertheless, I ask Senator McCallum for indulgence. I apologize if in any way I offended her because that was not my intent.

I am going to withdraw my point of order, first of all, Your Honour. With that, I ask you to take that under advisement over the next period of time and that we create some rules around what is appropriate and what isn't. I do believe we have rules around that. I do believe that what I asked for was within those bounds. I hope Senator McCallum will accept that as not intending in any way to hurt her in light of the present situation that we are in.

I ask that the point of order simply be withdrawn and that Senator McCallum continues with her speech. You will, in your good time, deal with the situation. Thank you, Your Honour.

THIRD READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator LaBoucane-Benson, seconded by the Honourable Senator Gold, P.C., for the third reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

**Hon. Mary Jane McCallum:** First, I would like to thank Senator Dalphond and Senator Duncan for their support. I would like to thank Senator Plett for his apology. I do understand the rules, and I do understand that there needs to be change, and that change will come. Thank you.

The first area is to amend both the title and preamble of the bill to include the word "implementation." These proposals are intended to put an emphasis and bring clarity to the goal of

implementing UNDRIP outright. Even if the bill does not result in the immediate implementation of UNDRIP, the objective of the bill is ostensibly to produce a result whereby UNDRIP is implemented in Canadian law. This portion of the amendment clearly establishes this goal.

The current language used in the preamble — "to achieve the objectives of UNDRIP" — has no binding effect requiring the government to implement the articles of UNDRIP. Incorporating the word "implement" requires that the declaration's articles are given legal force and effect.

According to Minister Lametti, this bill, "recognizes that international human rights instruments, such as the declaration, can be used as tools to interpret Canadian law." Such purpose, then, should be adequately reflected in both the title and preamble.

The second part of my amendment is to add a provision that indicates that this act is binding on Her Majesty in right of Canada. Simply put, the Crown must be held to the words and standards it enshrines in law. As per section 17 of the Interpretation Act:

No enactment is binding on Her Majesty or affects Her Majesty or Her Majesty's rights or prerogatives in any manner, except as mentioned or referred to in the enactment.

While arguments can be made that Bill C-15 would implicitly or necessarily bind the Crown — because its purpose would be frustrated if the Crown were not bound — the courts on this point are by no means clear or consistent in their interpretation. Federal legislation is likewise inconsistent. In light of this inconsistency and ambiguity, clear and unequivocal expression of legislative intent is required.

In addition, UNDRIP itself covers the minimum standards for survival and dignity of Indigenous peoples. These matters do not only relate to issues found within the portfolio of one minister, or indeed only the federal Crown. If the government's intent is the implementation of UNDRIP, it would have implications beyond just Indigenous Services Canada or Crown-Indigenous Relations and Northern Affairs Canada but also for all federal ministries, departments and agencies. As such, at a minimum, it must be clear that this legislation binds Her Majesty in right of Canada to avoid any ambiguity down the road.

The third part of my amendment puts the words "force and effect" into the "Purposes of the Act." This is a particularly important piece as, without it, Bill C-15 grants UNDRIP no legal force or effect in Canadian law. The language that is presently being used in the bill adds nothing new to the Canadian legal landscape, as UNDRIP is already used by courts to resolve statutory ambiguities, as they do with other international human rights instruments.

This portion of the amendment provides a clear and unambiguous commitment that UNDRIP is to be used by courts in interpreting Indigenous peoples' constitutional rights, and federal obligations to Indigenous peoples. Furthermore, my suggested insertion of Article 4(c) ensures that Canada intends UNDRIP to be used in aiding the interpretation of section 35 constitutional rights and obligations. In the past, courts have

indicated that they will not use UNDRIP to “breathe life” into section 35 unless legislation explicitly says that is its purpose. As such, this portion of the amendment provides the courts with the clarity and direction that they need.

The fourth part of my amendment adds the obligation to consult and cooperate with councils, governments and other entities that are authorized to act on behalf of an Indigenous group, community or people who hold rights, and to also adopt an approach that is specific to each group.

Without this portion of the amendment, Bill C-15 acknowledges diversity but does not commit to having diversity steer or inform the actions of Canadian political and legal bodies. Canada has previously stated its commitment to adopt a distinctions-based approach in implementing UNDRIP. Indigenous communities across Canada have a wide variety of cultures, traditions, spiritualities, languages and needs. Without committing to using this diversity to inform the implementation of UNDRIP, the bill will be ineffective in fulfilling the unique purpose and responsibility it has to different nations.

This portion of the amendment ensures that consultation and cooperation occurs directly with section 35 rights holders. To be clear, Indigenous political organizations or advocacy bodies such as AFN, MNC or ITK are not rights holders.

The fifth and final portion of my amendment enshrines a need for the minister, within 60 days of Royal Assent, to make public a process for Indigenous participation in both the development of the action plan, as well as its implementation by groups and individuals who are section 35 rights holders.

As has been stated multiple times, Indigenous inclusion in the drafting and creation of this bill was woefully inadequate. While the government fell short, again, of their fiduciary responsibility in drafting the bill, this part of my amendment would ensure that the government’s intended process for the participation of rights holders be made publicly available with regards to their involvement in the action plan. This assurance and transparency have been sorely lacking to date.

• (1910)

Honourable senators, I am hopeful that this breakdown of my amendment was helpful. Although the bill remains imperfect, these amendments would undeniably improve it. It is my hope that the concerns of peoples who will be directly impacted by this bill are heeded and that we break the cycle of prescriptive, colonial legislation making that has been emblematic of the divide that has continued to plague Canada’s relationship with the First Nations, Inuit and Métis peoples who share this land.

[ Senator McCallum ]

#### MOTION IN AMENDMENT NEGATIVED

**Hon. Mary Jane McCallum:** Therefore, honourable senators, in amendment, I move:

That Bill C-15 be not now read a third time, but that it be amended,

- (a) on page 1, by replacing the long title with the following:

“An Act to implement the United Nations Declaration on the Rights of Indigenous Peoples”;

- (b) in the preamble,

- (i) on page 2, by replacing lines 44 and 45 with the following:

“tion with Indigenous peoples, to implement the Declaration;”

- (ii) on page 3, by replacing line 14 with the following:

“ety to implement the Declara-”;

- (c) on page 4, by adding the following after line 25:

#### “Act Binding on Her Majesty

**2.1** This Act is binding on Her Majesty in right of Canada.”;

- (d) in clause 4, on page 5,

- (i) by replacing lines 3 and 4 with the following:

“human rights instrument with force and effect in Canadian law;”

- (ii) by replacing line 6 with the following:

“Canada’s implementation of the Declaration in Canadian law; and

(c) provide that the Declaration informs the broad and purposive interpretation required of the rights and freedoms of — and commitments owed to — Indigenous Peoples in Canada, including those expressed in sections 25 and 35 of the *Constitution Act, 1982*.”;

- (e) in clause 6, on page 5, by replacing lines 13 and 14 with the following:

“isters, prepare and implement an action plan to implement the Declaration.

(1.1) In consulting and cooperating with Indigenous peoples under subsection (1), the Minister and other federal ministers must do so in a meaningful way and must

(a) consult and cooperate with councils, governments and other entities that are authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*; and

(b) adopt an approach specific to each Indigenous group, community or people that respects that Indigenous group, community or people's laws, traditions and processes.”;

(f) on page 6, by adding the following after line 11:

**“Participation**

**6.1** In order to ensure effective and timely participation in development of the action plan under section 6, the Minister must — no later than 60 days after the day on which this Act receives royal assent — make public a process for participation in the development of the action plan and its implementation by individuals and groups including

(a) councils, governments and other entities that are authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*; and

(b) Indigenous organizations and communities.”.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today on debate of Senator McCallum's amendments.

First, may I congratulate Senator McCallum for the work that she has done and continues to do on behalf of Indigenous peoples. I know that we don't always agree on policy, Senator McCallum, but I respect your commitment to champion the concerns being brought to you by Indigenous leaders and rights holders, particularly from the region you represent.

I know that Senator McCallum knows my position on her amendments. I agree that there are significant changes required for this bill to achieve what it purports to do. That is, I think, a duty that we have in this chamber of sober second thought: to ask questions and be constructive critics of the legislation we are asked to review in the other place. But I think Senator McCallum also knows that my main concern about this bill is the significant lack of appropriate and meaningful consultation on it. This is something I don't think we can ignore.

As such, it is difficult for me to support substantive changes to this bill without having heard from folks like Treaties 6, 7 and 8, the AFNQL, the Mohawk Council of Kahnawà:ke and others as to their views on this significant amendment; and that we don't have an opportunity for this to happen because of the rush to approve this bill, according to a timetable imposed upon us.

While I cannot support the amendments for this reason, I support Senator McCallum's push to highlight the massive gaps within this bill and to give voice to the many voices of discontent being run roughshod over by the push to pass this bill quickly and without amendment. It is disconcerting that the voices of Indigenous peoples and leaders whose territories cover Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Labrador, among others, are being ignored.

In that connection I would like to read a letter received by senators this week. It's a letter to the Prime Minister from Grand Chief Arlen Dumas on behalf of the Assembly of Manitoba Chiefs. He writes as follows:

I write you to request for you to suspend all parliamentary legislative activities on Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, so that the federal government and Parliament may urgently prioritize a response to the Tk'emlups te Secwepemc First Nation's finding of 215 children buried at the site of the former Residential School in Kamloops, British Columbia, and to provide resources and assist First Nations with investigations at all other residential school sites.

Great political fanfare with the Assembly of First Nations and other national non-First Nation groups accompanied your government's sponsored Bill C-15. The support from First Nations has been muted at best, with some very strong First Nations opposition to it. While the Assembly of Manitoba Chiefs did conduct a leadership forum on Bill C-15, it still has yet to take a formal position on it due to its continued focus on local responses to the COVID-19 pandemic.

Now is not the time for the Government of Canada to push through a contentious bill regarding First Nations rights in the face of the recent and devastating discovery of the mass unmarked grave of First Nations children.

First Nations leaders in Manitoba are calling on Canada to assist with finding all lost children that went to residential schools in Manitoba and to provide appropriate supports to residential school survivors. Bill C-15 does not do that.

Bill C-15 only responds to one Call to Action of the Truth and Reconciliation Commission (TRC):

Article 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

Chief Dumas goes on to say:

It does not go unnoticed that the *United Nations Declaration on the Rights of Indigenous Peoples* deals with genocide and human remains. Bill C-15 does not address the current horror found at the Kamloops residential school:

Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 12(2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

While Bill C-15 is simply just a plan to make a plan, it does not meet the TRC Call to Action 43:

We call upon the federal, provincial, and territorial and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

In context, the TRC made six (6) Calls to Action on Missing Children and Burial Information (Calls to Action 71 to 76) that Canada has not acted on at all. Bill C-15 does not address this current situation.

On behalf of the First Nations leadership in Manitoba, I ask you to work with your colleague Party Leaders in the House, in a non-partisan manner, to suspend all activities on Bill C-15, and devote that time to work with First Nations in Manitoba and all First Nations across Canada to investigate all residential school sites.

Canada's response to the recent uncovering of genocide at residential schools has the potential to leave a lasting impact on generations to come. I call on you to do the right thing for First Nations and Canadians.

• (1920)

Honourable Senators, I'll end with a letter from Treaty 6 Grand Chief Okimaw Vernon Watchmaker to the Prime Minister, dated June 4, 2021:

We request that you immediately suspend all parliamentary and legislative activities surrounding Bill C-15, in order to provide the appropriate time and space necessary to focus on the pressing issues surrounding the disturbing discovery of 215 children that died and went unreported at the former residential school in Kamloops, BC. This Bill is highly contentious, and it would be the prudent thing to do at this horrific time.

As you are likely aware, the process surrounding Bill C-15 was fundamentally flawed. This Bill does not adopt the UNDRIP, or in any way legislate the principles

that UNDRIP sought to achieve. Canada informed the international community that they would fully support without qualification, this has not been the case. Moreover, Rights holders were not consulted, instead Canada utilized national organizations without mandates. Principles of Good Governance are also not being followed with Bill C-15. It is currently being expedited through a parliamentary process, the Senate was asked to do a pre-study on the Bill and will not likely be able to release a report in time for a proper debate to occur. The Senate is also being told that amendments are not being accepted at this time, which is interference in the Senate process. In addition, the Chief Justice of the Supreme Court would provide Royal Assent to the legislation, which will likely be challenged at some point in the Supreme Court. The Confederacy of Treaty 6 First Nations along with Treaty 7 and Treaty 8 First Nations rejected the Bill. At the same time, the First Nations are dealing with a pandemic that is creating very real health concerns and deaths in our communities. These reasons alone should be sufficient to halt and reevaluate the issues with this Bill. However, a more important and recent matter needs to take precedence.

We are requesting that you instruct your departments to shift their focus from pushing this flawed Bill to providing tangible results that will assist the community of Tk'emlups te Secwepemc First Nation deal with the very real and deep trauma that exists with a find of this nature. These issues include dealing with genocide, grief, and loss, dealing with these criminal issues that continue to go unpunished. This will assist in creating a path forward for any other discoveries of this nature. We know as First Nation people that this is the tip of a very large iceberg, this is based on our oral history and teachings. We are all grieving right now and attempting to deal with this horrendous discovery that continues to open the wounds of genocide that we have been dealing with since entering into Treaty. I will point you to the Truth and Reconciliation (TRC) Calls to Action and remind you that the TRC had laid out a path for the government to follow for these types of issues. Calls to Action 71 through to 76 deal with matters that are directly related to Missing Children and Burial Information and speaks directly to murdered children, and grave sites. The Calls to Action were released in 2015 and movement has yet to be made in implementing them.

Your response and action on these issues will forever be a part of your legacy. I am requesting that you work with the Confederacy of Treaty 6 First Nations to do the right thing and truly devote your time, and resources to this matter."

I end my comments with this advice from respected rights holders. Honourable senators, thank you. *Qujannamiik*.

**Hon. Patti LaBoucane-Benson:** Honourable senators, I want to thank Senator McCallum for all her hard work on this bill. I know that she brings her amendments forward with only good intentions and with a deep desire to create a better life for Indigenous peoples, and I thank her for that. I also want to thank her for bringing her eagle fan today. As a sun dancer, I know very well the power of the eagle fan and what energy it brings to this debate. It's a reminder we are all here for the good of the people.

[*Editor's Note: Senator LaBoucane-Benson spoke in an Indigenous language.*]

We need to do this with humility, compassionate kindness and respect. I thank her for that.

I want to speak specifically to the portion of the amendment that speaks to adding “implement” into the bill. I would note that article 38 of the declaration itself says:

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

This article recognizes that countries have many tools available to implement international human rights instruments, including a range of processes, policies and legislation. Bill C-15 proposes a legislative framework for implementing the declaration, but does not propose to be the complete implementation of the declaration itself. Seeking to describe this bill as the complete implementation of the declaration is potentially misleading and detracts from all the other initiatives, which themselves contribute to implementation of the declaration, including negotiation of treaties and other arrangements, subject-specific legislation and new or revised policies and directives. The full transformation of international treaties into domestic law is not the objective of the bill.

I would also say that with regard to the portion of the amendment that deals with binding the Crown, as I mentioned earlier, the substantive provisions of the bill articulate clear objectives on the Government of Canada and on the federal minister. Therefore, Bill C-15 in fact does bind the government to three specific obligations: One, to take measures to ensure consistency of laws with the declaration; two, to develop and implement an action plan; and three, to report annually on progress to Parliament. Therefore, a separate provision in the bill about the act being binding on the Crown is not necessary.

Finally, with regard to the portion of the amendment that deals with the force and effect in Canadian law or incorporated into Canadian law, I would note that I've already addressed the confusion about the purpose of this bill and we've heard witnesses who expressed some confusion.

• (1930)

I repeat that Minister Lametti confirmed in committee that this is implementing legislation, as described in clause 4(b). The purpose of the bill is to provide a framework for the implementation of the declaration, not to incorporate it directly into Canadian law. The proposed amendments would fundamentally alter the object of the bill beyond what was discussed with Indigenous partners, provinces, territories and others. Thank you.

**Hon. Brian Francis:** Honourable senators, I want to first thank Senator McCallum for her speech.

As an Indigenous man and an eagle staff carrier, I am personally offended and appalled by the earlier point of order. In my opinion, to refer to an eagle feather, which is accorded the highest respect by all First Nations, as a prop speaks to the need

for immediate education of all parliamentarians on the rich and diverse cultures, traditions, histories and philosophies of First Nations, Métis and Inuit in Canada.

I also think it speaks to the critical importance of this bill, which seeks to ensure that Canada meets the minimum — not the maximum — standards for the survival, dignity and well-being of Indigenous people who, for generations, have been subjected to forced assimilation or destruction of our culture, language and our very existence.

We have the right, like any other Canadian, to have our beliefs and practices respected and accommodated, both inside and outside of this chamber. It shows leadership to apologize, and for that I thank Senator Plett. However, what we need now is change so that these situations do not continue to repeat themselves inside or outside of this chamber. One time is too many.

Now that I have gotten that off my chest, we are here today to speak to the amendment brought forward by Senator McCallum, for whom I have the utmost respect and admiration. I commend her for all the tremendous work she has done on this bill and on behalf of Indigenous people.

Like her, I share the feelings of distrust, skepticism and even fear of consecutive federal governments, both Liberal and Conservative, that have let us down time and time again. It is hard for so many to trust that Canada and parliamentarians will act honourably towards Indigenous people, but I am hopeful that we have begun a national reckoning and that Canada and Canadians will do better. Like Senator Klyne said earlier, it is time to become the Canada we want to be.

In determining the authority and scope of Bill C-15 and whether it is, in fact, implementing the UN declaration, courts will look to the actual wording of the statute to consider its purpose and intention. As contained in clause 4, the purposes of Bill C-15 are to:

- (a) affirm the Declaration as a universal international human rights instrument with application in Canadian law; and
- (b) provide a framework for the Government of Canada's implementation of the Declaration.

Many of the amendments by Senator McCallum revolve around concerns with implementation of the declaration, including that the purpose of the bill be amended by replacing the word “affirm” with “implementation” to provide greater clarity. However, clause 4(b) does make it clear that the purpose of the bill is to implement the declaration. As a result, I maintain that this amendment is not needed.

The language contained in clause 4(b) indicates that the legislation serves the purpose of providing a framework for how Canada will implement the UN declaration. This position was supported by Crown-Indigenous Relations and Northern Affairs Canada in their testimony before committee on May 7, where they indicated that Bill C-15 will be used in the interpretation of Canadian law. This legislation serves the purpose of providing a framework for how that would happen in ways that can and include its use in interpreting Canadian law.

As well, Minister Bennett also confirmed that the introduction of Bill C-15 fulfills our government's commitment to introduce legislation and to implement the declaration, establishing Bill C-262 as the floor rather than the ceiling.

In addition to language contained in the purpose section, clause 4(a) is an affirmation by Canada that the United Nations Declaration on the Rights of Indigenous Peoples has application in Canadian law. However, this statement is not new because, as we know, the UN declaration does have application in Canada. Presently, it is used as an interpretation tool by the courts, but the courts have lots of discretion to decide how they will apply the UN declaration. That has resulted in rulings that are not in line with the minimum rights of Indigenous people.

This bill will help us begin to correct that. The ratification of the statute provides further weight to the UN declaration and how the courts can use it, not only for interpretation but also to find substantive obligations and rights.

If we consider the language of clause 4(b), this wording would be very persuasive to a court to find that Canada intends to implement the UN declaration through Bill C-15. The court will then look at other clauses of Bill C-15 to determine what that implementation will look like. This is the action plan. It is thus important that the action plan, as contained in Bill C-15, is carefully reviewed, as it will be relied upon by the courts to interpret Canada's commitment to the implementation of the UN declaration.

This bill is not perfect. None ever is. However, I am convinced that we need to adopt Bill C-15 without delay. It would be shameful for this institution to repeat what happened with Bill C-262.

The Aboriginal Peoples Committee heard from numerous witnesses during our pre-study of Bill C-15 who urged us to pass the bill without amendments because of the fear that it would be defeated. Among them were Indigenous leaders and rights holders, such as the Assembly of First Nations, the Métis National Council, ITK, Nunavut Tunngavik Inc., the Grand Council of the Crees, the Dene Nation, the First Nations Leadership Council of British Columbia, and Indigenous academics such as Brenda Gunn, Val Napoleon, Pamela Palmater, Dr. Sheryl Lightfoot, Naomi Mettalic and former TRC commissioner, Dr. Wilton Littlechild. As a rights holder, I stand in support of this view. This is an historic opportunity to move forward in the right direction. It will not be without problems, but it is long overdue.

I will not go any further into why I am not supportive of the amendments. Indigenous people, like non-Indigenous people, do not always agree on policy or other matters. This is one example. There is a diversity of opinions. We can respectfully agree to disagree on the amendment. Thank you. *Wela'liog*.

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

Those opposed to the motion who are in the Senate Chamber will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it. I see one senator rising. No?

Do I hear any senator attending virtually who wishes to have a standing vote?

**Senator McCallum:** I do.

**The Hon. the Speaker:** We need two senators, one in the chamber and one virtually. I see a senator rising.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Is there agreement on the bell?

**Senator LaBoucane-Benson:** Fifteen minutes.

**Hon. Donald Neil Plett (Leader of the Opposition):** Your Honour, it has to be two senators in the chamber who agree to the length of the bell.

**The Hon. the Speaker:** We need leave from the chamber to shorten the bell to 15 minutes. If you are opposed to 15 minutes, please say "no."

The bells will ring for 15 minutes. The vote will take place at 7:53. Call in the senators.

• (1950)

Motion in amendment of the Honourable Senator McCallum negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Greene	Ngo
McCallum	Oh—4

NAYS  
THE HONOURABLE SENATORS

Anderson	Gold
Batters	Griffin
Bernard	Harder
Black ( <i>Alberta</i> )	Hartling
Black ( <i>Ontario</i> )	Housakos
Boisvenu	Klyne
Boniface	Kutcher
Bovey	LaBoucane-Benson
Busson	Loffreda
Campbell	Manning
Carignan	Marshall
Christmas	Martin
Cordy	Mégie
Cormier	Mercer
Cotter	Miville-Dechéne

Coyle	Mockler
Dagenais	Moncion
Dalphond	Moodie
Dasko	Munson
Dawson	Omidvar
Deacon ( <i>Nova Scotia</i> )	Ravalia
Deacon ( <i>Ontario</i> )	Richards
Dean	Ringuette
Downe	Seidman
Duncan	Simons
Dupuis	Smith
Forest	Tannas
Forest-Niesing	Wetston
Francis	White
Gagné	Woo—60

ABSTENTIONS  
THE HONOURABLE SENATORS

Brazeau	Patterson
MacDonald	Stewart Olsen—5
McPhedran	

**The Hon. the Speaker:** Honourable senators, we resume debate on the main motion.

**Hon. Pat Duncan:** I move the adjournment of the debate.

(On motion of Senator Duncan, debate adjourned.)

• (2000)

THE SENATE

MOTION TO AFFECT TODAY'S SITTING ADOPTED

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

That order No. 59 under the rubric Motions, under Government Business, be brought forward and called now; and

That, notwithstanding any provisions of the Rules, usual practice or previous order, the sitting continue until the completion of deliberations on Bill C-8 for today.

**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.)

ADJOURNMENT

MOTION ADOPTED

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of June 9, 2021, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 15, 2021, at 2 p.m.

She 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.)

CITIZENSHIP ACT

BILL TO AMEND—THIRD READING

**Hon. Margaret Dawn Anderson** moved third reading of Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94).

She said: Honourable senators, I move that this bill be read a third time.

**The Hon. the Speaker:** Honourable senators, it is moved by the Honourable Senator Anderson, seconded by the Honourable Senator Duncan, that the bill be read a third time.

On debate, Senator Simons.

**Hon. Paula Simons:** Honourable senators, I'm so pleased to have this chance to speak in support of Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94).

I want to start by telling you a story about one of the best, most Canadian, most Albertan moments I have ever witnessed.

The event took place in April 2016, as Canada was in the midst of accepting hundreds of Syrian refugees. The Edmonton Mennonite Centre for Newcomers, which does a lot of refugee settlement work in Alberta, was hosting a dinner event to honour

the families and community groups that were acting as private sponsors and to welcome some of the Syrian refugees families who had been resettled in Edmonton.

The dinner took place in the Portuguese-Canadian Cultural Centre, and the halal food was donated by local chefs. It included Italian, South Asian and French dishes, as well as shawarma, fatayer and baklava. A multicultural choir sung in English, Swahili, Tagalog and Arabic.

• (2010)

But the highlight of the evening was an honour song and a series of performances from the singers, drummers and dancers of the Thundering Spirit Drum group.

Lonny Potts, one of the leaders of Thundering Spirit, spoke to the newcomers in both Cree and English, telling his audience with the help of an Arabic interpreter:

Just open your ears and feel the song. We understand that you come from hardship. May you come here and find comfort and solace among our people.

It was one of the most remarkable moments I'd ever witnessed. So many different members of the Treaty 6 community gathered together with First Nations leaders and artists, giving a formal and joyous welcome to refugees who had only just arrived. The symbolism was so powerful and so critical. A chance for these Syrian newcomers to understand the deep roots and history of the country they were about to join. A chance for the Indigenous performers to feel themselves — not just seen and respected — but as integral to the refugee settlement process.

I took a moment to speak to Mr. Potts after his group's performance was over. He told me what a connection he felt with the displaced Syrians. He talked about the parallels between his own community's experience and the experience of the refugees. His welcome to them was heartfelt and rooted in a deep sense of empathy.

Later, I chatted with one of the Syrian refugees, a young man named Basel Abou Mamrah. He was Druze and he and his family had fled their home near Damascus after their house was destroyed by shelling. He had been profoundly moved by the performance of Thundering Spirit. "When I hear them, they take me to another world," he told me. "It's amazing."

I still think back to how important that was, that his first impression and the first impression all these newcomers had of Indigenous people was so positive, so celebratory, so joyous, so numinous.

And that's why I think this bill is so important too.

As Senator Omidvar noted this week, there can often be a disconnect between new Canadians and first Canadians. If we are being frankly and uncomfortably honest, we need to acknowledge that it's all too easy for new immigrants and refugees to absorb ambient racist prejudices and fears about their Indigenous neighbours, and for Indigenous people to sometimes feel equally suspicious of newcomers. That can be especially true in lower-income neighbourhoods where the two communities may be in competition for jobs and social resources.

Adding recognition of treaties and of Aboriginal constitutional rights to the citizenship oath is an important step. It is a profoundly important symbolic gesture, one that properly centres the importance of treaties in the development of this country; one that pledges every new citizen to uphold the honour of the Crown, not just offering allegiance to the Crown.

It is a powerful reminder that most of us are settlers here, whether our families arrived in 1815 or 1915 or 2015, and a testament to the fact that treaties are living documents, as relevant today and tomorrow, whether they were signed a century or a decade ago. The revised oath is a guarantee that new generations of new Canadians will be encouraged, indeed required, to learn about the Indigenous rights in the Constitution and why those rights are relevant to them too.

Changing the citizenship oath is a start. If I might suggest, the people who organize citizenship ceremonies might want to take that inspiration one further.

I've had the pleasure and privilege of attending a good number of citizenship ceremonies in my time, sometimes as a journalist, more often as a friend, welcoming people I care for into the Canadian family.

And it must be said that though the swearings-in are meaningful for those who participate and those who love them, the events themselves are a bit dull and bureaucratic. There is no music. There is no poetry. There is no sense of the numinous. It is not a ceremony of transformation, not of the solemn transformation that it represents.

My colleague Senator Cormier, a man of the theatre, has argued that it might be of value to add something more to the ceremony, perhaps to ask local elders or drummers to take part. Not just on an occasional basis as Minister Mendicino described to us today, but as a routine or requisite part of the proceedings to start or end the citizenship ceremony with something meaningful or beautiful from the culture of the specific local Indigenous communities of the region where a swearing in takes place, be that a prayer, a dance, a song, a smudge. That's not something to put into a piece of legislation; it's just an inspiration to drop into the ears of those who put together the events.

But adding some words to the oath, even adding some Indigenous cultural elements to the ceremony, isn't nearly enough.

We need cultural and community leaders who are building and tending relationships between First Nations and new Canadians.

I'm proud to say that my hometown of Edmonton has been excelling in this regard. I want to boast, for example, about the unique partnerships that the Bent Arrow Traditional Healing Society, one of the city's leading Indigenous community support groups, has forged with the Edmonton Mennonite Centre for Newcomers and also with Islamic Relief Canada, the Muslim Association of Canada, Edmonton, and the Islamic Family & Social Services Association. Together, they offer joint programming to their client communities and welcoming ceremonies for new immigrants. Before COVID-19, sometimes that meant sending drummers, dancers and singers to the airport

in Edmonton to greet new arrivals. During COVID-19, Bent Arrow staff had been recording prayers and welcome songs in Cree to be played for new arrivals.

So far, people are really just planting seeds. But as every gardener or farmer knows, you have to start with seeds before you can harvest. Sustaining meaningful, lasting relationships takes time. But those are the relationships we need to grow and tend as we move forward.

Sadly, much of what connects immigrant and Indigenous communities is a shared experience of economic and social injustice and raw racism.

This Sunday, four members of the Afzaal family from London, Ontario, were killed when they were run down as they took an evening walk. Police have charged a 20-year-old man, Nathaniel Veltman, and alleged that he was motivated by racial and religious bigotry. They allege, indeed, that this was a targeted hate crime.

The very next day, indeed the day the story of what happened in London broke, Brayden Bushby, a 22-year-old man from Thunder Bay, was sentenced to eight years for manslaughter in the death of an Indigenous woman, 34-year-old Barbara Kentner. She died after Bushby hurled a heavy trailer hitch at her as she walked along the road. How horrific, how surreal, that the simple act of taking a walk in Canada should be something provocative enough to incite a lethal attack, a mindlessly malicious and fundamentally cowardly assault, launched from the safety and security of a vehicle.

The fact that Indigenous and immigrant Canadians should be united by being the victims of racism is a telling indictment of this country we love.

But an alliance based on discrimination isn't the strong foundation we want for healthy, positive, forward-looking relationships.

What we really need to support and incent are strong alliances of political, social and economic opportunity, where new Canadians, and First Nations, Métis and Inuit Canadians pool their talent, their entrepreneurial drive, their artistry, their strategic savvy, their professional and technical skill, to come up with business opportunities, artistic creations, inventions, research projects and political movements that will propel our country toward a better future.

Such alliances grounded in mutual respect and understanding should be the bedrock of the Canada we want to share.

So no. The words of a citizenship oath are not a magical incantation. They won't instantly transport us to some better place. But an oath is always a promise. And an oath is a pact. It is a vow to be honoured, or all honour is lost. Would that we could all take such oaths, as Canadians, to honour our treaty and constitutional obligations.

I'll leave you with one more story tonight, if I may.

Almost a decade ago, I had the joy and the honour of spending a day at St. Francis of Assisi Elementary School in north Edmonton. The school had a unique demographic catchment. Roughly 40% of the kids in the schools at that time were refugees or the children of refugees from South Sudan, whose families had fled a land ravaged by civil war.

About 55% were First Nations kids, who were part of the school's popular Cree bilingual program. But the principal faced a dilemma. The student body was so divided. There were two distinct streams at the school. The Cree bilingual students had very few classes with the South Sudanese classmates. There were tensions in the hallways and on the playground. So the principal — her name was Katherine Dekker — made a pretty radical choice. She brought the kids together. The day I visited, a member of the award-winning Indigenous singing group Asani was visiting the school to teach a special music class to all the Grade 4 and 5 students. All the kids together, learning to drum and to sing a song in Cree. All learning and all celebrating the deep history of their shared community.

• (2020)

As one 9-year-old boy told me:

No matter what culture it is, we allow kids to come into this school. Being friends with everyone is a good deed — and you get to feel good inside.

Those Grade 4 and 5 students I met that day would be about 18 today, coming of age, stepping up to lead, in a country that has yet to learn to keep its own promises. We've not quite found the courage to be friends with everyone.

When we do, maybe we'll feed good inside too. Thank you, *hiy hiy*.

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

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today to speak to Bill C-8, An Act to amend the Citizenship Act (Truth and Reconciliation Commission of Canada's call to action number 94).

I would like to preface my comments by saying that I was engaged as deputy chair of the Aboriginal Peoples Committee by Minister Hussen on December 6, 2017, alongside Senator Omidvar and Senator Christmas and former senators Dyck, Sinclair and Watt, on this bill's predecessor. That was a constructive meeting, but I have not been engaged further on Bill C-8 nor its predecessors, Bill C-99 and Bill C-6.

In fact, colleagues, I must reiterate to you, as I did to Minister Mendicino in Committee of the Whole today, that I have never received a briefing nor have I received any briefing materials on this bill. My office first received outreach on the bill late last night, and I was able to connect with the minister briefly at noon today in between committee meetings. Some may blame that on timing pressures, but I would note that this bill concluded clause-by-clause consideration in the other place on February 4 of this year and was reported back on February 5.

Inexplicably, for a government that consistently touts its commitment to a “renewed nation-to-nation relationship,” report stage was only completed on June 1, and third reading completed in a single day, June 3, in the lower chamber.

I would also note that movement on another bill recently passed by this chamber, Bill C-5, was also quickly whisked through the other place after languishing for months on the Order Paper. That bill was reported back without amendment on November 25, 2020, and only completed report stage on May 28, and third reading on June 6, 2021.

Again, there was no time to study it in this place following second reading in committee.

During all of these debates, limited as they were by an emergency debate motion, almost every speaker mentioned the tragedy of Kamloops. And I spoke in this chamber about the tragedy myself and offered personal stories that I very seldom speak of in public. Kamloops, rightly top of mind for everyone, was clearly the impetus for the government to finally move on Indigenous-related bills again.

But I have to wonder aloud at why it took a national tragedy for the government to move on legislation that it tells us is a priority — they say there is “. . . no relationship more important . . .”

Bill C-8 had two previous iterations. First, there was Bill C-99, which was introduced in the dying days of a majority government right before the election. It didn’t make it past first reading on May 28, but I guess technically the Liberals can point to having tabled it within their first mandate.

Then there was Bill C-6, and that at least made it to second reading in February of last year, only to die on the Order Paper in the other place when the government abruptly prorogued Parliament on August 18, 2020, apparently due to the WE Charity scandal.

That said, I would like to return to my previous point. Why did this government not deign to seek the support of the Senate using the usual methods, such as a technical briefing, a critic’s briefing or by providing a deck even after the bill passed the committee stage in the other place?

Is it a lack of knowledge of the legislative process? Or worse, is it a disdain for the Senate and the constitutional role that it plays in reviewing legislation? Or is it, once again, an “oversight?” I am not content seeing the official opposition role, which I argue is an important component of our duty for sober second thought, being relegated to an oversight.

May I respectfully say, I believe it is the duty of the GRO to coordinate these things and ensure we are given the respect we deserve as parliamentarians. We cannot allow this precedent to

stand. Senators require information and answers in order for us to do our jobs of sober second thought.

Now, due to the inability once again of this government to manage its legislative agenda, we find ourselves rushing through consideration of yet another bill, a bill that, on the surface, doesn’t require a second thought. It did, after all, pass the House of Commons with support from everyone except the Bloc Québécois. In spirit and intent, this bill is an important step on the path to reconciliation. It ensures that all new Canadians recognize and affirm that Indigenous rights are woven into what it means to be Canadian.

However, colleagues, please spare a thought for this: When a bill calls for the inclusion of Indigenous peoples in something that historically they have been left out of, like this solemn Oath of Citizenship, it makes sense to me that Indigenous peoples should be consulted.

In written responses to the committee in the other place, IRCC departmental officials listed 10 organizations that they consulted with, and only four were Indigenous: The Assembly of First Nations, or AFN; Métis Nation; Inuit Tapiriit Kanatami, or ITK; and the Land Claims Agreements Coalition, or LCAC. Once again, we see no attempt being made to include representatives of the 11 numbered treaties. Their inclusion is vital as this change to the Oath of Citizenship attempts to capture how Indigenous people want new Canadians to be introduced to the complex interrelationships between the Crown, non-Indigenous Canadians and Indigenous Canadians, including, of course, the sacred Crown-Indigenous relationship enshrined in historic treaties.

Instead of wide consultations with Indigenous peoples — and there was time to do that — this government once again limited its efforts to the three national Indigenous organizations, or NIOs, and an organization focused on modern treaty implementation. I hasten to add that one of these NIOs, the AFN, has in particular repeatedly been pointed out by Indigenous leaders during consideration of Bill C-15 as a lobby and advocacy organization that does not get to speak on behalf of some in this country, such as Treaties 6, 7 and 8. And I’ve heard AFN National Chief Perry Bellegarde admit to this himself.

However, the treaties were not the only people left out. I was saddened to read testimony like that of Elmer St. Pierre, National Chief of the Congress of Aboriginal Peoples, or CAP, who clearly said in committee in the other place that he was not consulted. He testified that:

One of our biggest problems is — I might as well say it — the racism and discrimination that CAP has to go through to try to get to these meetings. Sometimes it’s a last-minute thing. Most of the time we don’t even get to speak, and if we do, it’s normally about half an hour or an hour before they throw it to us like, “Okay, you have a chance to speak”. That doesn’t give us time to put something together.

• (2030)

The general lament over the lack of consultation with regard to this bill was echoed by the Native Women's Association of Canada President, Lorraine Whitman, who said:

. . . I am speaking to you at what can only be described as the last minute. I hope that the members of Parliament sitting around the table will excuse the fact that NWAC seems to be offering an opinion so late in the day. The truth is that it was only last week that we were advised about the contents of Bill C-8 and the committee's work.

If you have further legislation that will affect the lives of Indigenous women, girls and 2SLGBTQQIA+ people in Canada, we would be pleased to be part of the discussion right from the start, at the same time as you hear from the male-led Indigenous organizations. I urge you to keep in mind that NWAC, which has been in existence since 1974, is the largest organization representing Indigenous women, girls and 2SLGBTQQIA+ people in Canada. When you consult with us, you are consulting with grassroots First Nations, Métis and Inuit women in every part of Canada.

Colleagues, Ms. Whitman agreed with the distinctions-based approach to recognizing rights, but asked for the inclusion and recognition of the realities of gender in the oath.

Despite my disappointment at yet another dismal consultation effort by this government, who spent more time discussing an Indigenous-related change to the citizenship oath with organizations working with new Canadians than it did with actual Indigenous people, I would point out that the feedback received by the national Indigenous organizations, or NIOs, and the Land Claims Agreements Coalition, or LCAC, weren't even fully taken into account.

Natan Obed, President of the Inuit Tapiriit Kanatami, or ITK, told committee members in the other place that his organization had proposed the following wording:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, including treaties, agreements and constructive arrangements with First Nations, Métis, and Inuit peoples, and fulfill my duties as a Canadian citizen.

Meanwhile, Marlene Poitras, Regional Chief of the Assembly of First Nations Alberta, shared language put forward by the Assembly of First Nations executive council that wanted to see the express inclusion of "inherent rights" in the oath.

I would point out to senators interested in concordance between the English and French version of bills that while the English version of the oath in Bill C-8 states that a newcomer to Canada "recognizes and affirms the Aboriginal and treaty rights of First Nations, Inuit and Métis peoples," the French version states that a newcomer can either recognize or affirm, and I translate "the rights, either inherent or treaty-based, of First Nations, Inuit and Métis . . ."

This discrepancy — and we saw the same in Bill C-15 — seems a significant one to me. Why do we not expressly recognize inherent rights in the English version as Chief Poitras requested, or else why did we not just say "les droits autochtones" in the French version?

Well, colleagues, we never had the chance to study that important question in committee because of the rush. So two of the four Indigenous views that were considered are not reflected in the language before us. The committee did not hear from the Métis and the LCAC on this bill, and the Senate has not been given an opportunity to do our own study, so I have no way of knowing if they agree with this wording or not.

I am also concerned, colleagues, because this chamber purports to defend the regions. However, this bill includes a requirement for new Canadians to affirm the Constitution Act, as it is that act that includes section 35 rights of Indigenous peoples.

As we know, this is not acceptable to many in Quebec, as it would have new Canadians affirm something that no Quebec politician has recognized. As the Member of Parliament for Saint-Jean explained during clause-by-clause consideration of this bill in the other place:

The current wording of the oath of citizenship in the bill means that they will be asked to recognize something that Quebec has never recognized, namely the Constitution, or rather the Constitution Act, 1982. In his testimony, Professor Cardinal explained the difference between the Canadian Constitution and the Constitution Act. The Constitution is the set of rules and court decisions that govern Canadian law. The oath of citizenship refers specifically to the Constitution Act, 1982. . . .

Future Canadian and Quebec citizens will be asked to recognize the Canadian Constitution when no Quebec government, either sovereignist or federalist, has signed the Constitution with honour and enthusiasm. A question arises. Is it necessary to mention the Constitution in the oath of citizenship?

The witness quoted by the member was Éric Cardinal, an Indigenous law professor who told the committee in the other place:

. . . the new wordings of the declarations proposed for both the oath and solemn affirmation do not require the person to promise respect for Indigenous rights, but rather respect for the Constitution.

Honourable senators, this government has demonstrated, sadly, once again that it is not successfully applying a whole-of-government approach to reconciliation as promised by the Prime Minister. Progress on the Calls to Action remain slow. Every mandate letter includes a section that reads:

Many of our most important commitments require partnership with provincial, territorial and municipal governments and Indigenous partners, communities and governments. Even where disagreements may occur, we will

remember that our mandate comes from citizens who are served by all orders of government and it is in everyone's interest that we work together to find common ground.

The Prime Minister goes on in those mandate letters to reiterate that, "There remains no more important relationship to me and to Canada than the one with Indigenous Peoples." Yet we have the inclusion of a reference to the Constitution Act that Quebec does not agree with and evidence of poor consultation with Indigenous peoples.

Meanwhile, the suggested wording of the Truth and Reconciliation Commission's Calls to Action are based on six years of work and were written by Indigenous people. I also recognize that what little consultation was done clearly indicated that not all Indigenous people view themselves as treaty people, and that there was a desire to distinguish the three groups of Indigenous peoples in Canada, while explicitly referencing their inherent rights. Further explanation of what those inherent rights are and what the term "inherent rights" even means will be explained, we should hope, in the forthcoming citizenship guide update that should — and I emphasize "should" — follow the passage of this bill. This would be in line with Call to Action 93 — though we all know, I am sorry to say, that this government's record on timelines, whether court-imposed or self-imposed, has not been good.

• (2040)

The intent of Call to Action 94 was explained by former TRC commissioner Marie Wilson, who stated that we need to help newcomers to Canada:

That means helping them understand, from the very beginning, that there is a context in Canada, that we are a huge, beautiful country, but that wherever you are in Canada, you are on someone's traditional homeland. We need to get better at equipping ourselves from an educational point of view and a societal point of view to know that context and to understand it as the basis for ongoing reconciliation.

Colleagues, I put it to you that if this Oath is the first time any newcomer to Canada will learn about Indigenous peoples and their importance to all things Canadian, then we should ensure that they know there are three distinct groups with inherent rights as the First Peoples of Canada and as recognized and affirmed by Canadian jurisprudence, as well as traditional treaties entered into by the Crown. Completion of the citizenship guide before this bill is proclaimed into law is an important element in allowing for this education and understanding, especially on the part of new Canadians.

I am once again disappointed in this government's inability to conduct meaningful consultation and in the rushed nature of this bill. Once again, we are expected to rush through consideration

of legislation that is not without its red flags, with no opportunity to consider thoughtful amendments or even observations. I am happy that at least I still get a critic's speech and am able to put some points on the record. I will not vote against this reconciliation measure, but I am noting my strong objection to the process, to the lack of consultation and to the lack of consideration for the concerns of Quebec in this proposed wording. Thank you. *Qujannamik. Taima.*

[*Translation*]

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Would Senator Patterson take a question?

[*English*]

**Senator Patterson:** Yes.

**Senator Gagné:** Senator Patterson, you mentioned that you did not get a briefing or any information on the bill and that this bill is being rushed.

Are you aware of the fact that Bill C-8 was tabled in the House of Commons on October 22, 2020; that the Government Representative Office organized an all-senators technical briefing on this bill on November 19, at 11 a.m.; and that a legislative summary and briefing deck were attached to the invitation that was sent out to all senators?

**Senator Patterson:** Thank you for the question. Senator Gagné, I was a critic for over 10 bills in the last Parliament and 3 in this Parliament. There has been a well-established tradition and good practice on the part of the government — or the government relations officer in the Senate — to provide a critic's briefing for the official opposition critic. I mention that because this is different than an all-senators briefing. This allows the critic to have a one-on-one with departmental officials, which has two benefits.

The first benefit is that it gives the departmental officials and the political staff in the minister's office a heads-up on issues that will come up in committee or in debate, which they would be wise to address. It is also beneficial in that there can be, and has been, an exchange between the critic and those parties on the issues, which can provide enlightenment and assistance to the senator.

The all-senators briefings are useful, during which one might have a single opportunity to ask a question amidst a large group. I have attended some of those briefings. I probably received notice of the all-senators briefings on Bill C-8 that you mentioned. I do not deny that. However, I must say that I think it is in the government's interest to reach out to critics on these bills.

Back in October, I had not been named the critic of the bill. It was not even known to me that I was going to be so focused on this bill.

[ Senator Patterson ]

I hope that answers your question. Thank you.

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

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

**Some Hon. Senators:** Agreed.

*(At 8:47 p.m., pursuant to the order adopted by the Senate earlier this day, the Senate adjourned until Tuesday, June 15, 2021, at 2 p.m.)*

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

## APPENDIX

For more information, please see <https://www.publicsafety.gc.ca/cnt/trnsprnc/cts-rgltns/frwr-d-rgltr-pln/tfow-vcaa-en.aspx>.

### DELAYED ANSWERS TO ORAL QUESTIONS

#### PUBLIC SAFETY

##### BILL C-71—FIREARMS REGULATIONS

*(Response to question raised by the Honourable Pierre J. Dalphond on February 17, 2021)*

#### **Public Safety Canada (PS)**

The passage of Bill C-71 enables certain regulations to be brought into force: (i) background checks of a person's entire life history, (ii) licence verification for sales of non-restricted firearms, and (iii) vendor record-keeping of non-restricted firearms.

The Government is working on several concurrent pieces to implement these changes, including: (i) funding for the new operational requirements (e.g., licence verification system); (ii) implementation of the operational and system requirements; and (iii) a Treasury Board package for the regulations, which require tabling for up to 30 sitting days in both Houses of Parliament.

The Government is looking to bring important provisions into force this summer, including the enhanced background checks covering a person's entire life history. The Government aims to bring the remaining provisions into force sequentially, with the entire process completed around fall 2021.

#### CROWN-INDIGENOUS RELATIONS

##### INDIGENOUS HEALTH SERVICES

*(Response to question raised by the Honourable Paula Simons on May 5, 2021)*

Indigenous Service Canada (ISC), in partnership with provincial health services, continues to monitor the developing COVID-19 situation in Alberta and work closely with communities, including the Regional Municipality of Wood Buffalo. As of May 14, 2021, Fort McMurray has 1526 active cases, or a rate of 1921.4 active cases per 100,000 people.

Indigenous leadership from the surrounding Nations continue to advocate on behalf of their communities regarding case management and vaccinations. Albertans aged 12 and over are now eligible for vaccination. ISC continues to work with Nations on vaccine rollout and uptake.

The surrounding Nations have expressed concerns that the local hospital will soon be unable to meet the needs of their members residing in and around the city of Fort McMurray. Regional ISC leadership are participating in ongoing meetings with Athabasca Tribal Council, Alberta Health Services, and other stakeholders to discuss the Council's request for a support centre in the Fort McMurray area which would provide supplementary support for Indigenous clients who have received or sought care at the Northern Lights Hospital and are recovering from COVID-19.

ISC remains committed to a comprehensive response to COVID-19 and towards improved health and social services for all First Nations in Alberta.

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