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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, November 30, 2021

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, today's sitting is once again taking place with senators across Canada attending by video conference as well as in the Senate Chamber.

In order to ensure an orderly sitting, I would like to remind you of a few guidelines to follow.

Senators on video conference are asked to have their microphones muted at all times unless recognized by name, and will be responsible for turning their microphones on and off during the sitting.

Before speaking, please wait until you are recognized by name. Once you have been recognized, please pause for a few seconds to let the audio signal catch up to you.

When speaking, please speak slowly and clearly, at a normal volume, and use the microphone attached to your headphones.

When speaking, please do not speak English on the French channel, and do not speak French on the English channel. If you plan to alternate from one language to another, you should turn interpretation off.

Should senators want to request the floor to raise a point of order, please unmute your microphone and say your name followed by "point of order." This process can be used if senators are experiencing serious technical difficulties related to interpretation.

If you experience other technical challenges, please indicate this via the chat function at the bottom of your screen or by emailing ISD using the instructions in the confirmation email.

Please note that we may need to suspend at times as we need to ensure that all members are able to participate fully.

Video conference screens should not be copied, recorded or photographed. You may use and share official proceedings posted on the SenVu website for that purpose.

To avoid any confusion, however, I would ask senators to avoid posting any pictures of the public broadcast of our proceedings while the Senate is actually sitting. Otherwise, there may be uncertainty as to the source of the pictures and whether they were from the Zoom conference, which would not be permissible. I know colleagues would not want to cause such confusion.

Senators must set up in a private area and to be mindful of their surroundings so they do not inadvertently share any personal information or information that could be used to identify their location. Only senators should be visible.

Finally, to avoid the risk of acoustic shock to people listening on video conference, senators must avoid shouting.

SENATORS' STATEMENTS

INDIGENOUS VETERANS DAY AND REMEMBRANCE DAY

Hon. Jane Cordy: Honourable senators, we now find ourselves, unbelievably, on the last day of November. I did not want to let the month pass without acknowledging, in this place, National Indigenous Veterans Day, which was November 8, and Remembrance Day on November 11. It is important that we continue to honour and remember those Canadians as well as those First Nations and Métis people who bravely served in the Canadian military. I am particularly proud of contributions made to the Armed Forces by my father, Private Lauchie MacKinnon, and my brother, Commander Charlie MacKinnon, during their time in service.

Throughout my time in the Senate and working with the NATO Parliamentary Assembly, I have had the opportunity to travel to many countries where I met with many of our incredible service men and women. Despite the many horrors of war and the toll it takes, not only on their physical bodies but on their mental health as well, these Canadians choose to serve. Their families also sacrifice in not having their loved ones near. Of course, with texting, Zoom, MS Teams and even email, things are much different than they were back in my father's time when a letter home across the Atlantic could take weeks or months to arrive.

Honourable senators, last year I became an ambassador for VETS Canada. I am honoured to support this wonderful organization that aims to help veterans in need. VETS Canada was started in 2010 in Halifax by Jim Lowther, himself a veteran, to keep veterans who were living on the streets in high-risk situations from slipping through the cracks. Since then, he and his wife, Debbie, and a small team have grown the organization to provide aid of all sorts to veterans in need, including anything from groceries or helping to pay a power bill to emotional and mental-health support. They operate from coast to coast to coast with three drop-in support centres across the country and over 1,400 active volunteers.

One of the most successful initiatives run by VETS Canada has been the Guitars for Vets program. This program matches veterans or still-serving members who suffer from PTSD or other service-related disabilities with a gently used guitar, and it provides them with 10 free lessons with a guitar teacher online in order to put "the healing power of music in the hands of heroes."

Earlier this month, I had the good fortune to attend a Guitars for Vets program in Halifax and to witness first-hand its profound impact. In this Circle of Service event, veterans were able to express themselves musically through songs they had written or learned to play through the Guitars for Vets program. The guest teacher and artist that day was Alan Doyle of Great Big Sea. Alan Doyle and Speaker Furey's son Premier Andrew Furey were instrumental in starting the Dollar a Day Foundation, which provides funding to front line mental health and addictions programs across Canada. I thank them for their community spirit. This foundation provides funding to Guitars for Vets.

• (1410)

Honourable senators, I encourage you to check out VETS Canada and Guitars for Vets to see the valuable work they are doing. It is important that we not just acknowledge our veterans and their service on two designated days in the month of November, but that we do so all year round.

THE HONOURABLE ROBERT BLACK

CONGRATULATIONS

Hon. Scott Tannas: Honourable senators, I rise today to pay tribute to our friend and colleague, the Honourable Rob Black. Last week, the senator for Ontario was celebrated at the Canadian Western Agribition in Regina, Saskatchewan, as one of Canada's top 50 most influential leaders in agriculture. He was recognized in the "Designated Hitters" category of leaders that you go to when you really need a home run.

Senator Black's tireless, lifelong dedication to supporting Canadian agriculture — both on and off Parliament Hill — amounts to a staggering effort to strengthen the sector. Generations to come will be able to enjoy the fruits of his labour.

Indeed, earlier this year, he was named 2021 Produce Champion by the Canadian Produce Marketing Association for advancing the priorities of its members and the fresh fruit and vegetable industry.

A vital and little-known way that we as senators do our jobs is by meeting with people in our home provinces to encourage a lively exchange between Canadians and their senators.

Senator Black went above and beyond to stay engaged with the rural regions throughout the pandemic. He spent last summer touring farms and agricultural facilities all over Ontario, as well as in Acme and in Lethbridge, Alberta. He has plans to visit more rural communities across the Prairies, the Maritimes and the Territories when it is safe to do so.

Senator Black's advocacy for rural regions and agriculture, while considering all Canadians, has earned the confidence and support of an entire industry.

Rob, your CSG colleagues are proud to serve with you in the Senate of Canada. Congratulations on your two well-deserved national awards.

Hon. Senators: Hear, hear.

NATIONAL CHILD DAY

Hon. Rosemary Moodie: Honourable senators, before I begin I would like to offer my condolences to the families of Senator Keating and Senator Forest-Niesing, as well as to our colleague Senator Seidman who lost her husband earlier this month.

Welcome to our eight new colleagues in this chamber. I offer you my congratulations and support as you begin your journey here in the Senate.

Today I rise to celebrate National Child Day, which took place on November 20. This year marks three decades since Canada made the commitment to actively ensure that all children in our land are treated with dignity and respect, and that all have the opportunity to reach their full potential.

Although this was already a significant challenge, it is much worsened by the pandemic and Canada continues to fall short. I would like to thank all the parents, families, teachers, activists and organizations who have worked night and day to ensure the well-being of our children and youth. We appreciate all that you do.

I want to thank and acknowledge our children for being our sources of joy, pride and motivation. Thank you for wearing masks and washing your hands, for staying home when it was nice out and for giving your grandparents space to keep them safe.

Thank you to our young people. Many of you put your own health on the line so that essential businesses could operate during this pandemic. Many of you did not really get to fully enjoy the final years of high school, spending time with friends and loved ones. I hope you know that your sacrifice has made a difference.

As parliamentarians, we must remember that all issues we face are children's issues. We must remember that it is our responsibility to serve our children and to create a better Canada for them. We can be proud of the progress that has been made in health care in particular, the advancements in telehealth for children and the vaccines that are now available across the country for children aged 5 to 11.

Yet there is more to be done. A recent report from Campaign 2000 found that, in 2019, nearly one in five children continue to live in poverty — one in five children, colleagues. We must do better.

As we begin the Forty-fourth Parliament, let's place children in the centre of every policy so that they are not left out. And once more, thank you to all our kids for all that you do every day.

Meegwetch, thank you.

[Translation]

DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today to emphasize the importance of participating in the 12 days of action to end violence against women. This event is being held from November 25 to December 6 this year.

Every year, throughout Quebec and Canada, far too many women fall prey to violence and die as a result. It is unacceptable that, in Canada, women are overrepresented in the incidents of violent crime reported to the police, including domestic violence, sexual assault and the sexual exploitation of minors.

A United Nations report on violence against women indicates that, in 2020, an estimated 242 million women and girls between the ages of 15 and 49 around the world were subjected to sexual or physical violence by their partners in the preceding 12 months.

Sadly, our country is no stranger to this disturbing violence against women. In Canada, an attempt is made on a woman's life every day and a woman is murdered every second day.

Last year, 50% of the 160 reported femicides were related to domestic violence. This year, 17 women were murdered by their intimate partners in Quebec, and the number of femicides increased by 52% in Ontario. The situation will only get worse in 2022.

Violence can affect any woman anytime. Twenty-four-year-old Romane Bonnier was murdered a few weeks ago by her former partner in broad daylight on a Montreal sidewalk.

Violence happens even when measures are taken to try to protect women. Too many cases prove these measures don't work. We have to do more.

For example, 44-year-old Elisapee Angma was murdered in Kuujuaq by her former partner shortly after a judge granted him parole. He had violated the terms of his no-contact order three times.

Violence against women spares no part of the country, no nationality, no class, no profession.

Let's remember the brave women in uniform in the Canadian Armed Forces, who were sexually assaulted and left out in the cold.

Year after year, violence against women continues to rise even as the government becomes less and less interested and engaged in reducing it.

I can't help reminding you that the next victim could be your daughter, your sister, your friend or your neighbour.

I have been fighting for this cause for 15 years now. You can and should join me by taking concrete action, such as passing bills that can help protect victims of violence and save more lives.

It is in this spirit that I introduced, last week, Bill S-205 to address domestic violence.

The 12 days of action to end violence against women concerns us all. We can do our part by joining forces here in the Senate and giving unanimous support to the bill so that it can be quickly studied, passed and sent to the other place.

I know I can count on all of you. Only courage and political will should guide us in our work on this bill.

As you know, I have been working very hard to end violence against women —

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

Hon. Senators: Hear, hear.

[English]

INDIGENOUS DISABILITY AWARENESS MONTH

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak on Indigenous Disability Awareness Month, or IDAM, on behalf of Neil Belanger from B.C.

IDAM is celebrated each November, with 2021 marking its seventh anniversary.

Currently, over 22% of the Canadian population lives with a disability. For Indigenous peoples in Canada, the disability rate is significantly higher, at over 30%.

• (1420)

Indigenous peoples living with disabilities face multiple barriers to their inclusion and their ability to thrive in Canada. These barriers include accessibility issues, limited access to safe and affordable housing and health and disability supports, low employment and educational attainment, and, unfortunately, they face systemic racism and disability discrimination. Despite this reality, Indigenous disability has been, and largely continues to be, an under-prioritized segment of the population domestically and globally.

In 2015, the British Columbia Aboriginal Network on Disability Society, or BCANDS, took it upon itself to change that narrative by raising awareness of Indigenous disability and the barriers faced, as well as highlighting the overwhelming contributions that Indigenous peoples living with disabilities bring to each of our communities. Thus, Indigenous Disability Awareness Month was born.

Since it's 2015 inaugural year, IDAM has grown exponentially. It is now an officially recognized month in the provinces of British Columbia, Saskatchewan and my home province of Manitoba. In addition, countless Indigenous and non-Indigenous organizations and communities have declared the month. This includes the B.C. First Nations Summit; Métis Nation BC; Council of Yukon First Nations; the Assembly of First Nations; and the capital cities of British Columbia, Saskatchewan, New Brunswick, Nova Scotia and Newfoundland and Labrador. In 2017, the United Nations Committee on the Rights of Persons with Disabilities recommended to the Government of Canada that they proclaim Indigenous Disability Awareness Month nationally — an idea which I personally support.

I would like to recognize and thank BCANDS for their leadership in raising awareness of Indigenous disability in Canada and abroad through their creation of Indigenous Disability Awareness Month. I ask each of you senators, and all Canadians, to join me in celebrating Indigenous peoples. We all play a role in moving Canada toward a more inclusive and barrier-free place. Thank you.

[Translation]

MS. ANTONINE MAILLET, C.C.

CONGRATULATIONS ON INDUCTION AS COMMANDER OF
THE LEGION OF HONOUR

Hon. Percy Mockler: Honourable senators, today I invite you to go back in time with me.

On January 20, 1968, four Acadians were welcomed at the Élysée Palace by the President of the French Republic, Charles de Gaulle. Gilbert Finn, Dr. Léon Richard, Adélarde Savoie and Euclide Daigle travelled to France as representatives of Acadia for what would become a historic visit. This remarkable meeting would become known as the moment that is described as the Acadian renaissance. For the occasion, the headline in the newspaper of the day, *L'Évangéline*, was “L'Acadie renaît” or “Acadia Reborn.”

Now let us travel 53 years later and imagine this small woman, a grande dame of Acadia, being welcomed at the Élysée by French President Emmanuel Macron. Antonine Maillet, Acadian novelist and playwright, great ambassador of Acadia, received from the hands of President Macron the insignia of Commander of the Legion of Honour of France. This recognition is one of the highest distinctions bestowed by the French government to a foreign national.

Ms. Maillet described the event as follows:

Today, Acadia, which is being received at the Élysée by the President of the French Republic and has always dreamed of remaining French, is brimming with happiness . . . I want to say that Acadia has remained French, not just in its language, but also in spirit, in its memory, with its dreams for the future and its aspirations.

Honourable senators, on the same occasion, an oak tree was planted in the garden of the Élysée Palace. President Macron called this a symbol of the strength of the relationship between France and Acadia.

I want to reaffirm that Ms. Antonine Maillet is our ambassador, our oak that will stand for centuries. Ms. Maillet's contribution to the development of the arts and culture in Acadia and throughout the international Francophonie has changed the way the world views Acadia and the importance of the French language in the world.

Today, we pay tribute to you, Ms. Maillet, and you should know that we are very grateful for all you have achieved and for your tremendous contribution to the people of Acadia.

Honourable senators, join me in honouring and congratulating the great lady of Acadia. As the people of Acadia would say, “Ms. Maillet, thank you for your extraordinary leadership.” To the people of Acadia, I say, “Let us continue together!”

Thank you.

[English]

QUESTION PERIOD

FINANCE

CANADA'S INFLATION RATE

Hon. Leo Housakos (Acting Leader of the Opposition): Honourable senators, my question is for the Government Representative in the Senate. Everyday life has become more unaffordable for Canadians under this Trudeau government, much as it did under the previous Trudeau government. Statistics Canada says that the inflation rate is now at its highest point in 18 years, yet we have a government that barely mentioned inflation in the Speech from the Throne and a finance minister who, not that long ago, believed that deflation is the greatest risk facing our economy.

Leader, your government's answer, when asked about the rising cost of living, is to point to creating childcare spaces and building new housing — and that will be five years from now. How does that answer help a senior living on a fixed income struggling to buy groceries or medication? How does that help middle-class and poor Canadians when dealing with their day-to-day expenses? How does that help middle-class families with school-aged children trying to get by? Government leader, can you tell us what your government is going to do about this issue?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. On behalf of all honourable senators, congratulations on assuming this role. I look forward to working with you, senator.

The Government of Canada remains focused on the important and troubling issues of affordability and the cost of living. The Government of Canada has and will continue to support seniors and others in need. This is what it has done throughout the pandemic and will continue to do.

The measures to which you referred, child care and housing, though in some cases will not bear fruit immediately, represent a profoundly important and structural contribution to making life more affordable for thousands, if not millions, of Canadian families. Certainly primary caregivers, most of whom are women, will have the opportunity — as we've seen in the province of Quebec — to return to the workforce as a result of affordable childcare. The Minister of Finance has announced that she will be providing a fiscal update this fall, and at that point we will learn more about the continued and continuing programs that the government is putting into place.

[Translation]

Senator Housakos: The Leader of the Government in the Senate will only say that inflation is a global phenomenon. As was the case last week, you are leading us to believe that the Trudeau government does not take seriously the accessibility crisis in our country and its effect on the lives of Canadians. However, the reality is that Canada's inflation rate is the second highest in the G7. Across the country, the cost of food, housing, home heating and transportation has skyrocketed. What will the Trudeau government do to help all Canadians deal with the cost of living crisis? Will you cut your reckless spending, or will you continue to sit back and do nothing, under the pretext that inflation is a global problem?

• (1430)

Senator Gold: I can give a brief answer; it will be neither of those. The Government of Canada takes the challenges facing Canadians very seriously and continues to monitor the inflation situation, not only in Canada but globally. It will continue to work tirelessly and diligently to help Canadians.

[English]

PUBLIC SAFETY

ASSISTANCE FOR VICTIMS OF FLOODING

Hon. Yonah Martin (Deputy Leader of the Opposition): My question is also for the Leader of the Government in the Senate, and it concerns the impact of the catastrophic flooding and landslides in various communities across my home province of B.C. Even before the current emergency began, local businesses in B.C. were dealing with the ramifications of the pandemic on their operations. According to the Canadian Federation of Independent Business, as of last week, only 37% of small businesses are earning their normal revenue or higher here in B.C. The outlook is now much worse for many businesses in small and remote communities devastated by the flooding. Leader, what is your government doing specifically to support the immediate needs of small businesses affected by catastrophic flooding in British Columbia?

[Senator Gold]

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. The government is working closely with the Government of B.C. to provide assistance. In general terms, initially, as you know, military personnel were sent to help evacuate, and the government will continue to work with the Government of B.C. as it is working with other governments in the Atlantic area who are also suffering from problems related to weather and such.

With regard to your question, disaster financial assistance arrangements — or emergency management, more accurately — is a shared responsibility with the provinces, but the government remains committed and ready to respond to specific requests from the Government of B.C. to provide assistance, whether it's to businesses whose situation has been affected, as you point out, or in other respects.

Senator Martin: I want to just acknowledge the incredible work of the military as well as community leaders and various organizations working on the ground. But I know there will continue to be issues here. The rainfall warnings are here again today. The rain is falling. The gas rationing is extended for two more weeks. The Port of Vancouver remains in distress, according to the premier's words. CN has decided to proactively close a key portion of its rail network. Leader, you mentioned there is a shared responsibility, but part of the problem with the very first flood we experienced a few weeks ago is there was a lot of finger pointing and the usual blame game by different levels of government. There is the current emergency situation, but in the recovery ahead and planning to ensure there is greater coordination, would you speak to what the government will be doing to ensure there are no gaps and no more finger pointing? We did see that on the ground here.

Senator Gold: Thank you again for your question. I can assure this chamber that the government continues to work closely with the B.C. government to not only address the immediate issues and needs but to plan for the future. In that regard, I'm advised that Minister Blair has talked with his counterpart in British Columbia and has made it clear the Government of Canada will provide financial support to the province.

[Translation]

FIREARMS CONTROL

Hon. Éric Forest: My question is for the Leader of the Government.

Municipalities, especially large urban centres, are grappling with a resurgence of gun violence. Over the past two years, shootings in Montreal have claimed the lives of many young people. One of them was 15-year-old Meriem Boundaoui, who was shot to death in February in Saint-Léonard. Twenty-two-year-old Duckerns Pierre-Clermont was murdered not long ago in front of his home in Villeray. Sixteen-year-old Thomas Trudel was senselessly killed in Saint-Michel.

The Premier of Quebec and the Mayor of Montreal are urging the federal government to crack down on gun trafficking. Recently, the Union des municipalités du Québec's executive committee called for tougher border controls and legislative amendments banning handguns. As the Mayor of Montreal said:

Cities are stepping up and continuing to do everything in their power to prevent violence, fight organized crime and keep our communities safe. We can't do everything alone. The government of Canada must do its part.

Contrary to what was put forward in the Throne Speech, the federal government must ban handguns from coast to coast to coast immediately. It also has a moral obligation to collaborate with the provinces and municipalities to improve gun control.

How will this government finally act on its responsibilities and work with the provinces and municipalities to better control guns?

Hon. Marc Gold (Government Representative in the Senate): I thank the senator for the question.

I would like to begin by expressing my condolences and those of senators and the Government of Canada to the family and loved ones of Thomas Trudel, who lost his life recently. The Government of Canada has done many things to reduce gun trafficking overall, including creating a cross-border task force to address smuggling and gun trafficking, creating a fund to provide financial support to the provinces and territories, and not only giving money to Quebec, but also granting \$250 million to the municipalities to meet the needs of the communities.

To answer your question more specifically, as announced, the Government of Canada is prepared to work not only with the provinces, but also with the municipalities that want to ban handguns in their jurisdiction, and it will continue to provide financial support to the provinces, municipalities and territories that want to move forward.

Senator Forest: Why does the government not simply abolish handguns in Canada?

Senator Gold: That is a good question. As all members here know full well, although the issue divides the provinces, there are also diverging views within a same province, namely between urban and rural centres. The government is aware of this issue and will hold consultations. In a federation, it is important that the provinces and municipalities find the right path. As the Governor General said in the Speech from the Throne, we expect that a bill will be introduced to address this issue. Once it is introduced, we can continue this important conversation.

[English]

FOREIGN AFFAIRS

COVID-19 PANDEMIC—INTERNATIONAL AID

Hon. Peter Harder: My question is for the Government Representative in the Senate. The recent emergence of the Omicron variant of the virus reminds us all of the need for

countries to have their citizens vaccinated against COVID. The most effective way to protect ourselves and our loved ones here in Canada is to ensure that our fellow citizens around the world are also protected.

One of the crucial tools the international community has developed to distribute vaccines is an initiative known as COVAX, which aims to provide equitable access to COVID-19 vaccines. As a wealthy country, Canada is one of the contributors to the system, and rightly so.

• (1440)

Last month, however, the medical journal *The Lancet* reported that COVAX will not reach its goal of delivering 2.1 billion doses to low- and middle-income countries by the end of this year. In addition, at a conference I attended last week with European and Canadian experts, I was disappointed to learn that only Norway and Sweden have delivered on commitments in the time frames to which they had committed.

I would like to ask the Government Representative in the Senate if he would please provide this chamber with information on the level of support pledged by Canada to COVAX; the amount of that support that has so far been delivered; whether we are on schedule with that support; and whether there are discussions taking place to increase our commitments, including a schedule for those commitments.

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

The government remains committed to supporting equitable global access to COVID-19 vaccines and therapeutics, as well as diagnostics. Since the start of this crisis, the government has contributed \$545 million to the COVID-19 vaccine Global Access Facility for vaccine procurement, distribution and delivery for 92 low- and middle-income economies that are eligible for the COVAX Advance Market Commitment. It is reported that, as of November 22, the government has delivered more than 8.3 million doses of the vaccine through COVAX.

Canada has also shared 763,080 doses of AstraZeneca through direct bilateral agreements with countries from Latin America and the Caribbean. At the recent G20 summit, the Prime Minister announced Canada's commitment to donate the equivalent of at least 200 million doses to the COVAX Facility by the end of 2022.

Senator Harder: As a follow-up, could the government please include, with the report that I asked to be tabled, a reference to a joint request this week from COVAX, the African Vaccine Acquisition Trust and the Africa Centres for Disease Control and Prevention that donor countries help improve vaccine coverage in Africa by improving predictability with respect to the quantity of doses being delivered, providing earlier notice in advance of delivery and ensuring that donated doses have a shelf life of at least 10 weeks?

The group has also asked for more ancillary supplies, such as syringes. Having to plan on short notice and administering doses with short shelf lives have created immense problems in Africa in health systems that are already overstretched. I would be grateful if the Government Representative in the Senate would table a response regarding both the schedule and amount.

Senator Gold: Thank you, senator, for the question. I will pass it on to the government and table a response in as timely a fashion as I can.

CANADA-CHINA RELATIONS

Hon. David Richards: Honourable senators, my question is for the Government Leader in the Senate.

Senator Gold, the Olympics are not only a sports venue but a political showcase. I'm wondering if we have any contingency plans if any one of our athletes is held up in any way by Chinese authorities. We have been treated dishonourably by a dishonest regime for the last three years and been lectured to by arrogant and pompous diplomats, and yet, here we are, still ready to send some of our greatest athletes into their domain.

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada, as I have stated before in this chamber, is deeply disturbed by many aspects of what is transpiring in China.

With regard to Canada's participation, as I have mentioned as well, the Canadian Olympic and Paralympic committees are independent from the Government of Canada. We are not alone in facing this particular challenge, and Canada will do everything it can to secure and protect the well-being of Canadian athletes, should they be in China.

IMMIGRATION, REFUGEES AND CITIZENSHIP

AFGHAN REFUGEES

Hon. Marilou McPhedran: Honourable senators, before the fall of Kabul on August 15 — ironically on the same day that a federal election was called in Canada — a letter from women civil society leaders, such as Senators Mobina Jaffer, Rosa Galvez, Julie Miville-Dechêne, Donna Dasko, Paula Simons and me, went to Prime Minister Trudeau, to key cabinet ministers and to key ambassadors, urging Canada to take a strong international lead by applying our feminist foreign policy skills and resources to helping the people of Afghanistan, in particular to recognize that women leaders were at extremely high risk.

This week, every member of the Canadian women's soccer gold medal team signed another letter to the Prime Minister, with many international sports leaders and organizations, calling for leadership and follow-through on evacuation and resettlement promises that Canada has made since mid-August, noting that Canada has helped fewer women athletes at extreme risk than Australia, Portugal, Switzerland and the U.K., for example.

[Senator Harder]

Senator Gold, Afghanistan's women athletes are targeted by the Taliban. "Athlete" is listed on their passports. I ask you "when?" Even though donations have poured in and there are planes waiting, why, after months now, are so many of these athletes still without their visas to Canada? When will Canada start issuing visas more efficiently to save those lives?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question, for raising this important issue and for your continued devoted advocacy for human rights.

Your advance notice of this question permitted me to make inquiries with the government, but I have not yet received an answer with respect to visas, in particular for women athletes. However, I would like to note that the government is working in close collaboration with international and Canadian partners to implement a second humanitarian stream focused on resettling the most vulnerable Afghan nationals, including women leaders and their immediate family members.

When I hear back from the government on the question of visas, I will report to the chamber.

Senator McPhedran: Actually, what we are told from inside the IRCC, when many of us in this room try to get more women parliamentarians and athletes to safety, is that the second 20,000 of the promised 40,000 is held up in cabinet right now. For some reason it hasn't been cleared. Lives are at risk.

Senator Gold, would you please ask them why they are not following through, activating and becoming much more efficient, as is needed, for all of the 40,000 promised?

Senator Gold: I'll be pleased to make those inquiries.

NATIONAL DEFENCE

ARCTIC SOVEREIGNTY

Hon. Dennis Glen Patterson: Honourable senators, my question is for the Leader of the Government in the Senate.

Senator Gold, the Russians are very actively developing their Arctic. This past decade has seen Russian forces consistently building up their Far North capabilities and stationing tens of thousands of troops in state-of-the-art bases. We have seen assets such as advanced missile launchers and nuclear submarines strategically positioned throughout their Arctic region. Earlier this year, Russia flew two fighter jets over the North Pole for the first time, refuelling in mid-air — an obvious example of military posturing by a foreign entity in an area where Canada has a competing claim.

Senator Gold, in light of everything that is happening in the Russian Arctic, what is Canada's response to this increased Russian military activity?

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada is committed to doing what it needs to do to safeguard Canada's sovereignty in the Arctic. It's committed to equipping the Royal Canadian Navy with the ships they need to serve Canadians in safeguarding Canada's Arctic sovereignty.

• (1450)

I have been advised the government is acquiring six Arctic and Offshore Patrol Ships, two having already been delivered with a third in the water, which will deliver armed surveillance of Canada's waters, including in the Arctic. The ships will be there to assert Canadian sovereignty in these regions. While the first ship recently crossed the Northwest Passage, the government looks forward to the first operational deployment of the second ship in 2022 as part of Operation NANOOK, which contributes to Arctic security and is a key part of the Canada-U.S. defence relationship.

Furthermore, the government is making investments to increase our ability to operate in the Arctic, including conducting joint exercises and enhancing surveillance and intelligence capabilities in that region.

Senator Patterson: Senator Gold, speaking of surveillance, Canada has known for years that we need to modernize the outdated North Warning System. In 2016, the defence policy where Canada tabled Strong, Secure, Engaged placed emphasis on defence innovation and long-term investments in defence. Renewing the North Warning System was included in the last mandate letter, and on August 14, 2021, a joint statement between the U.S. and Canada underscored the importance of upgrading and modernizing our outdated defence infrastructure command and control systems.

Right now, we don't even have the capacity for the over-the-horizon monitoring to watch for hypersonic missiles, which we know China and Russia have. My question, Senator Gold, is what is the specific timeline your government has set to complete this critical security upgrade, and what concrete steps have been taken since the directive in 2016 to renew the North Warning System?

Senator Gold: With respect to your question on a specific timeline, I do not have the answer. I will ask the government and report back, but there are a number of points I would like to underline.

First of all, as I mentioned, Canada is collaborating closely with the United States on the deployment of technologies to improve Arctic surveillance, including the renewal of the North Warning System. I have also been advised the government is investing more than \$100 million in the All Domain Situational Awareness Science and Technology Program, which will also contribute to our security and sovereignty in the North. This program aims to produce innovative solutions to the challenges of surveillance in the North and improve our continental defence.

Furthermore, while our work with the United States to modernize the North American Aerospace Defense Command, or NORAD, will further augment our Northern capabilities, the new Arctic and Offshore Patrol Ships are designed to operate in Northern waters, once again adding to our capability in that area.

FINANCE

PUBLIC ACCOUNTS

Hon. Elizabeth Marshall: Honourable senators, my question is also for the Leader of the Government in the Senate. It's about the Public Accounts of Canada for the year that ended eight months ago. The public accounts, as you know, include information from the audited financial statements of the government and other relevant financial information. The government has now introduced an appropriation bill requesting additional money. Yet, the public accounts from March 31, 2021, are still not available. Can you tell me where the public accounts are and when can we expect them to be released?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I don't have the answer. I will make inquiries and report back.

Senator Marshall: It's been eight months, and we've been asked to approve an appropriation bill. There is information in the public accounts that we need in order to complete our review of the appropriation bill. However, there is a commitment there, not only to table the public accounts, but also to produce an accountability report on the debt of Canada. As you know, the government has assumed a lot of debt in the last several years. When can we expect to see that debt management report because that is also eight months old?

Senator Gold: Thank you. I will add that to my list of inquiries and will report back when I have an answer.

[Translation]

EMPLOYMENT AND SOCIAL DEVELOPMENT

LABOUR SHORTAGE

Hon. Leo Housakos (Acting Leader of the Opposition): My next question is for the Government Representative in the Senate and has to do with another big problem facing our economy.

The Quebec Retail Council recently stated that there was an unprecedented number of jobs to be filled in various sectors across the province. There are more than 20,000 job vacancies. The Manufacturiers et Exportateurs du Québec association has said that the labour shortage is the main barrier to Quebec's economic recovery and that Quebec manufacturers have lost \$18 billion over the past two years, which is a direct consequence of this shortage.

Last week's Throne Speech made no mention of the labour shortages in Quebec and elsewhere in Canada.

Why is that, leader? Is it because the Trudeau government does not want to acknowledge the problem or because you have no plan to address it?

Hon. Marc Gold (Government Representative in the Senate): As Government Representative in the Senate, and at the risk of repeating myself, I have to say neither of those.

As part of Budget 2021, the government invested in helping workers reskill to meet the needs of employers. I have been told that the government has a plan to address this labour shortage by welcoming talented workers to Canada, keeping experienced workers in the workforce, boosting the participation of diverse Canadians in the skilled trades and address the specific needs of evolving sectors.

The problem in the sector that you mentioned is clearly not just a problem in Quebec, but elsewhere as well.

The Government of Canada will continue to work on this issue with its provincial and territorial partners.

[English]

Senator Housakos: This is a serious problem across the country. It requires more than just talking points. There are more than one million jobs unfilled across Canada and, according to Statistics Canada, there are record-high job vacancies in sectors all across our economy, including accommodation, food services, health care, construction, manufacturing and the retail sector. As we approach the holidays, it is traditionally one of the busiest times for small businesses and entrepreneurs. Yet, this year, we see countless examples of businesses cutting their hours and their days of operation per week because they can't find enough workers. It is a problem right across this country.

Leader, can you tell these entrepreneurs why the Trudeau government didn't think the severe labour shortage was worth mentioning in the Speech from the Throne last week or bringing forward a concrete plan for how to address this issue besides talking points?

Senator Gold: The government's plans, activities and actions through this period and going forward are not talking points. They are concrete steps to assist Canadians. I will not hide behind the constitutional jurisdiction over businesses, employment and labour, all of which are provincial. The government is working with provincial and territorial counterparts to address this problem, which we all recognize is a serious problem.

That said, this chamber should rest assured that the government continues to take the well-being of small businesses seriously, whether in our province or elsewhere in Canada, and will work with its partners to attempt to make life better for them.

[Senator Housakos]

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Peter Harder moved second reading of Bill S-2, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts.

He said: Honourable senators, I'm back, and perhaps more appropriately, it's back. A few short months ago, having risen to seek support for Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts, I stand again to reacquaint you with the particulars of the same bill in this new Parliament. Indeed, I was tempted to move fifth reading of the bill a few moments ago, but I didn't want to inspire the Speaker's ire. The bill is now known as Bill S-2, and I stand to move the bill.

Before moving forward, I would like to acknowledge that we are gathered on the unceded territory of the Algonquin Anishinaabe people. I do so in recognition of the remarks of the Governor General who noted, in the recent Speech from the Throne, that this acknowledgement is not merely a symbolic declaration but a real reflection of our history. I can think of no more important bill than the one before us, which speaks to the role of our Parliament as an occasion to follow the advice of the Governor General.

• (1500)

Let me start by saying that the legislation and objectives laid out in Bill S-2 are precisely the same as those we voted on last spring. As you know, the bill did not come to a vote in the other place prior to the calling of the federal election, regrettably. This is an issue I'll speak a little more about towards the end of my comments.

For the moment, though, I'd like to discuss the need for this bill and to outline its specifics, to both remind those who were here during the spring debate and to provide some detail to new senators sworn in just recently.

As I mentioned in the spring, this legislation would update the Parliament of Canada Act to better reflect the new reality here in the Senate. Those who are new to this place are no doubt familiar with the changes brought about in the aftermath of the 2015 election, given that this is the process that brought you here. Nonetheless, perhaps some history bears repeating to set the context.

Upon the implementation of the new appointment process of independent senators begun in 2016, many of us have spent much time looking for the most effective ways to organize ourselves in pursuit of our duties as reviewers of legislation and practitioners of sober second reflection.

During that period, of course, other senators, many of whom are here today, preferred sitting within established party caucuses. That approach had its organizational merits, of course, not the least of which was its ability to provide support to newcomers and to structure Senate debate. Nonetheless, the system was changing and, speaking for myself, the organizational task was a daunting one. There was no road map, and yet no shortage of advice on how best to go forward.

For example, some suggested that senators sit within regional caucuses for the purposes of establishing committee representation and the sharing of resources. Others wondered whether it might be better to establish affinity groups under which members would come together dependent on a particular issue.

While academics and policy experts debated these issues, senators were being appointed at a fairly regular pace. And one thing most would agree on was that the new members couldn't function as 105 independent silos. So as more and more colleagues were appointed, senators began coming together in support of each other and subsequently organizing themselves into various groups.

While we've often been feeling our way since then — and frankly continue to do so — we have begun to put a new stamp on the institution. These efforts, through much trial and error and also through much goodwill, have led us to where we are today: a very different Senate with five separate groups but still operating in large part on the structure built for a very different time.

The bill we are now debating brings these realities into alignment with new legislation that attempts to treat all senators fairly and which provides this body with increased consultative powers.

To the credit of all senators, the upper chamber has recognized the changes occurring from within and acted upon them. There was a willingness among all members, including those who preferred a two-party arrangement, to make adjustments to the strict rules and procedures of the Senate towards a more modernized approach.

The core premise that all senators are equal led to the sensible review and modification of rules and practices in order to ensure committee seating for new colleagues and for the equitable treatment of all caucuses and groups in the Senate as they came into being. Bill S-2, as did Bill S-4 before it, is a bill that simply catches up to and cements into law many of the practices and sessional orders this chamber has already instituted.

Since 2016, 60 senators have been appointed through the independent, merit-based advisory board process. Also since then, three non-partisan groups have formed in the Senate: the Independent Senators Group, the Canadian Senators Group and the Progressive Senate Group.

As these groups established themselves, the Senate amended its internal rules to accommodate them and to provide them with research funding and committee assignments proportionate to their numbers. Along with the Conservative Party caucus and the Government Representative Office, Bill S-2 reflects a multi-dimensional Senate, and just as the other place provides its leadership in a multi-group chamber under this bill so will the Senate.

The proposed legislation also fulfills a policy commitment to update the act and reflect the Senate's new, less partisan role. Amending the Parliament of Canada Act is a continuation of the commitment made by the Prime Minister when the establishment of the Independent Advisory Board for Senate Appointments was announced in December 2015. That was the first step in a process that is now resulting in this legislative change to the act.

Before discussing the substance of the changes, I'd like to take a moment to thank and congratulate all senators, leaders and facilitators, especially Senators Plett, Woo, Cordy and Tannas, whose cooperative spirit has brought us to this point.

Prior to the drafting of Bill S-4 in the last Parliament, comprehensive consultations were held with all leaders, their perspectives were heard and the proposed legislation, then brought forward and now brought forward again, reflects those discussions. The government recognized its responsibility to consult with those who would be most affected by any changes to the act.

In general terms, Bill S-2 would extend official status to the new groups that have formed. It would include a spelled-out role in Senate governance and the appointment processes. Leaders of the groups would receive allowances commensurate with the relative number of seats held by their group in the Senate. More specifically, Bill S-2 would first ensure that the largest group outside the government or opposition caucuses would receive allowances equivalent to those provided to the opposition. The next two largest groups would receive approximately half of the allowances the opposition receives.

These new allowances would begin on July 1, 2022, and will assist the recognized parties or groups to fulfill their role of providing sober second advice.

Secondly, the bill amends the Parliament of Canada Act and makes consequential and related amendments to other acts that allow the leader or facilitator of all recognized parties and groups in the Senate to make membership changes to the Senate Standing Committee on Internal Economy, Budgets and Administration. This would simply confirm what currently exists.

As well, the bill provides that all leaders are consulted on appointments of the following officers or agents of Parliament: the Senate Ethics Officer, the Auditor General, the Commissioner of Lobbying, the Commissioner of Official Languages, the Public Sector Integrity Commissioner, the Privacy Commissioner, the Information Commissioner and the Parliamentary Budget Officer. All leaders' input would also be required regarding the appointment of senators to the National Security and Intelligence Committee of Parliamentarians, NSICOP. The appointments of these officers and agents are crucial to the functioning of government and, by extrapolation, the country.

Third, Bill S-2 would amend the Emergencies Act to provide that at least one senator from each group be represented on any parliamentary committee that is formed under this act. Currently, the Emergencies Act requires that a parliamentary review committee of both the House and Senate be established for the purpose of reviewing the government's exercise of these powers following the declaration of an emergency. Under the current statute, the membership of this committee includes at least one member from each recognized party in the House of Commons and at least one senator from each party in the Senate. The formal recognition of the ISG, PSG and CSG proposed in Bill S-2 would allow each group a seat on this important body.

Finally, Bill S-2 will add the titles of Government Representative in the Senate, Legislative Deputy to the Government Representative in the Senate and Government Liaison, where appropriate, to reflect the current model of the Government Representative Office. Again, this confirms what is already in practice.

• (1510)

Bill S-2 would also propose to retain leadership allowances for the government and the opposition — five positions each — and provides leadership allowances for the three other largest recognized parties or groups — four positions each.

Because Bill S-2 deals with the Senate's institutional framework and organizational processes, the government has determined, rightly in my view, that this bill should originate in the Senate and that it should be discussed and debated here first since we are the members most affected by these changes. That was why Bill S-4 started here in the last Parliament.

Now, because of the long-standing conventions of not permitting the Senate to expend public funds, Bill S-2 contains a non-appropriation clause, which would only permit the bill to be brought into force once monies have been appropriated by Parliament. Passing this bill in the Senate and moving it forward to the other place will allow the proper chamber to introduce the legislation necessary to finalize the amendments. This has been a long time in the making. The Senate demand for such legislation began several years ago. I can personally attest to that and have the bruises to prove it. It is in the interest of all senators to move Bill S-2 forward so that it can be sent to the other place as soon as possible. We mustn't waste the opportunity.

But I would be remiss if I did not take this occasion to address the fact that we find ourselves dealing with this bill after just having done so a few months ago. The last month of the last Parliament we dealt with it, and now the first month of the new Parliament we're back to dealing with it.

The original Bill S-4 required significant review, discussion, consultation and accommodation amongst all groups within the Senate. In large part, we succeeded in our mission and dispatched Bill S-4 to the other place. We are being given a second chance to do the same with Bill S-2, and this time with the expectation that the Parliament of Canada Act will be studied, put to a vote in the other place, and finally have the act reflected in the reality of the Senate of the 21st century.

[Senator Harder]

It took two parliaments for changes to the act to come forward. It is a reflection of the accommodations we have made over many years. To have worked so hard and pursued our own due diligence and then not to have the bill come forward to the other place was a disappointment to me and, I expect, to many others in this chamber.

I look forward to a respectful review of this legislation in the other place, just as I know that bills coming from the other place will be treated with thoughtfulness and respect by this chamber.

But, colleagues, Bill S-2 is a considerate piece of legislation. It provides for equal treatment of leadership and reinforces the equality afforded to all groups in terms of consultation; something currently occurring in practice but not cemented into law.

Bill S-2 can be considered an evolutionary piece of legislation. It need not be revolutionary to meet our demands. The government is not mandating changes within this legislation. Rather, Bill S-2 can be described as a permissive bill — not a prescriptive one — which, coincidentally, is exactly how we get most things done in this chamber.

Finally, Bill S-2 is not by any means the last word on Senate reform or modernization. It is, however, the legislative change that we need to move forward and address other practices within the competence of the chamber itself that will advance further modernization. This bill reflects what we are, and it doesn't preclude any further changes to reflect what Canadians want the Senate to be in the future. Thank you.

Hon. Denise Batters: Senator Harder, would you take a question?

Senator Harder: Delighted; I almost miss it.

Senator Batters: That's what I'm here for.

Senator Harder, last spring you were the sponsor of Bill S-4, which was, I understand, identical to Bill S-2. The Trudeau government pressed to get that bill passed very quickly through the Senate so that the House of Commons had a considerable time to pass it prior to adjourning for the summer, when they prorogued and called the election. Yet despite Bill S-4 passing the Senate with weeks available before the House of Commons adjourning, the Trudeau government not only didn't call it for a vote, it didn't even call that particular so-called priority legislation for first reading or any debate in the House of Commons. Senator Harder, why not? And how can senators know that your new Bill S-2 will not once again be ignored by the Trudeau government in the House of Commons after they try to rush it through the Senate?

Senator Harder: Yours is a very relevant question and one that I sought to answer in my comments. It was a disappointment to me, and I am sure, hopefully, to most senators, that the other place did not deal with this legislation. It arrived in the other chamber, albeit in May, but we have seen other bills dealt with in that time frame, so it wasn't an improbable mission. But you will also know that in a minority government in the other place, there were discussions amongst leaders, and all of the partners necessary to pass a piece of legislation were not onside to

advance this bill in a fashion which would see it get to Royal Assent. I regret that, but that's politics and the reality we're facing.

The good news is the same bill is being reintroduced within a month of the election to demonstrate to the other chamber, I hope, not only the will of this chamber but the commitment of the Government of Canada to get this done.

Senator Batters: Senator Harder, the Trudeau government has introduced this new Bill S-2 as an identical bill to Bill S-4. The government did have several months to re-evaluate its legislation and make any needed changes. I note that terms undefined in the Parliament of Canada Act and in 150 years of history, like "liaison" and "facilitator" — positions that will, under this very bill, receive taxpayer funded remuneration — are still undefined in this new Bill S-2. Why hasn't the Trudeau government used some sober second thought and provided a definition for these still new terms in the Parliament of Canada amendment act?

Senator Harder: That was the same question you asked, as I recall, when I gave my speech on Bill S-4. The Government of Canada, in drafting the bill, made the decision, not the omission, to leave the definition of those officers to the Senate itself and its practices. Remember, it's permissive. It doesn't obviate the future possibility of a return to old nomenclature. It simply adds to the nomenclature available for this chamber.

Hon. Marilou McPhedran: Would Senator Harder take another question?

Senator Harder: Yes.

Senator McPhedran: Thank you. I was struck by your language when you talked about equal treatment, and I wonder — as someone who is inhabiting a new identity here in the Senate as an unaffiliated independent senator — if you could provide any assurance about the impact of this bill on unaffiliated independent senators.

Senator Harder: The Parliament of Canada Act provides no framework for the treatment of unaffiliated senators or, frankly, independent members of Parliament. That is done in the normal practices of each chamber as it deals with, for example, membership on committees. What the bill is intended to deal with is the framework of parties, groups, caucuses and organizational responsibilities that each chamber faces, and this is an opportunity for the Senate to be modernized with the experience of the last now almost six years.

Senator McPhedran: Can you assure me that this bill will not in any way dilute the equal treatment of unaffiliated senators?

Senator Harder: Senator, I see no way in which this bill does that. Yes, I can give that assurance. This bill does not address that issue, and therefore the framework for dealing with unaffiliated senators remains what it is.

Hon. Donna Dasko: Senator Harder, will you take another question?

Senator Harder: Certainly.

Senator Dasko: This is a follow-up to Senator Batters' question. Thank you for your presentation. I'm heartened to hear that the government has placed this high on its list. I want to press a little further on what is going on over in the other place. You suggested earlier that perhaps some of the other parties in the other place were not enthusiastic about this bill. I'm wondering, has that changed? Does the government have a dance partner, if I can put it that way? Can you further enlighten us as to what is actually happening over there and whether we can be optimistic that this is going to happen very soon? Thank you.

• (1520)

Senator Harder: Senator, the government would not be proceeding at the time and at the urgency that it is if it was not assured in its mind and discussions that there is a window of opportunity to get this legislation done. I think it would be foolish for me to pretend that there are — our commitments that I can reference, but let's have Committee of the Whole, have the minister here, and hear how they expect to move forward. My hope is that we get it to the other chamber before Christmas, because that too adds more momentum of expectation on delivery and it's early in the Parliament, so it's not as though the government's agenda on other legislation prevents the normal discussion in a minority Parliament as to how to advance and conclude legislation.

(On motion of Senator Martin, debate adjourned.)

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Patricia Bovey moved second reading of Bill S-202, An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate).

She said: Honourable senators, I speak from the unceded territory of the Algonquin and as a Manitoban, as from the territory for the as-yet-unfulfilled Treaty 1, the traditional lands of the Anishinaabe, Ojibway, Cree, Oji-Cree, Dene and Dakota and the homeland of the Métis.

Senators, I rise today to speak at second reading to Bill S-202, An Act to amend the Parliament of Canada Act (Parliamentary Visual Artist Laureate). This is the fourth iteration of this bill, first introduced in May 2016 by our former colleague Senator Wilfred Moore. Passed unanimously by this chamber twice, it unfortunately died on the Order Paper twice in the other place, despite having all-party support prior to the dissolution of Parliament last June 2021.

It would be wonderful to have it passed in both houses and become law before I retire from this chamber in 18 months. Bill S-202 would create the position of a visual artist laureate, a position which would be similar to that of the Parliamentary Poet Laureate; complementary yet working in different mediums. Like the poet laureate, the visual artist laureate would be an officer of the Library of Parliament, which provides for independence from Parliament like the Parliamentary Budget Officer.

If passed, this bill provides that the Speakers of the Senate and the House of Commons shall select the artist laureate from a list of three names that reflect Canada's diversity, provided by a committee chaired by the Parliamentary Librarian. The committee would include the Librarian and Archivist of Canada, Canada's Commissioner of Official Languages, the CEO of the Canada Council for the Arts, the director of the National Gallery of Canada and the chair of the Royal Canadian Academy of Arts or their designates.

[*Translation*]

The visual artist laureate would serve the Speakers of both chambers for a term not exceeding two years. As I have already mentioned, their mandate would be to promote the arts in Canada by producing or causing to be produced artistic creations. At the request of either Speaker, he or she could produce artistic creations for use in Parliament or on occasions of state. The visual artist laureate could also sponsor artistic events and give advice to the Parliamentary Librarian regarding the Library's collection and acquisitions to enrich the Library's cultural holdings. Either the Speaker or the Parliamentary Librarian could ask the visual artist laureate to perform other related duties.

As I have already mentioned in this chamber, the visual artist laureate would definitely portray Canada's diversity, no matter the medium used — painting, print-making, sculpture, design, video, film, art installation, photography or other. Any artist appointed to the position of visual artist laureate would consider it an honour to serve as an ambassador for the arts and creative works in the Parliamentary precinct. Indeed, the term "laureate" denotes the honour for distinction in a particular field.

[*English*]

This portrayal of our diversity and our need to understand each other — whether on a federal, provincial, territorial or cultural level — is paramount, especially now as we move forward as a country. Artists have always depicted or discussed contemporary issues in their work and drawn attention to critical concerns. It is clear, for instance, that understanding each other will play a key role in reconciliation, for which cultural understanding is essential.

For instance, Alberta artist Joane Cardinal-Schubert's 1990s installation *The Lesson* provided a clairvoyant and clarion call to understanding the redress which predated the establishment of the Truth and Reconciliation Commission. Faye Heavyshield's 1985 work *Sisters* — long before the national inquiry was established — drew attention to the need for sisters to support each other, a truly poignant universal statement with the tragedy of murdered and missing Indigenous women and girls. For years, Jane Ash Poitras's paintings have presented her poignant insights into the unmarked graves at residential schools, while Robert Houle has documented many issues around colonization in our collective treaties. Isn't it time that the work of our two houses become part of these visual conversations? I feel the same regarding environmental and climate change concerns, which artists like Don Proch have been highlighting in their work for decades.

[Senator Bovey]

We all heard Senator Ataullahjan's poignant statement last week depicting the situation in Afghanistan. The *ustad* burying his *rabab*, the symbolic burying of the cultural expression of the Afghan people. She said:

For me, the burying of the *rabab* is a significant act. The strings of the *rabab* pull at the heartstrings of everyone for that region. For me, it signifies the burying of the heart and the soul of Afghanistan.

I repeat that here because culture is a cornerstone of who we are, and without the arts our unique voices go unheard, and I believe those visual voices should carry our parliamentary messages and work.

Colleagues, I could go on with examples to prove that Canada does indeed have many excellent artists who give voice to the various perspectives regarding societal issues, but I won't. We have seen — even in the small installations in this chamber of Indigenous work, the new presentation of Inuit art and our two iterations of honouring Canada's Black artists — that visual expression does make a difference and creates new understandings. I think our work and theirs would indeed be strengthened by the work and the presence of a parliamentary visual artist laureate as it has with our Parliamentary Poets Laureate.

In previous speeches I have highlighted the value of our artistic sector to the Canadian economy and there are compelling economic statistics from Canada's cultural industries. Statistics Canada publishes the Canadian Culture Satellite Account, which for instance, found that the GDP of cultural industries in 2017 was \$58.9 billion or \$1,611 per capita, equalling 2.8% of national GDP.

• (1530)

According to the most recent Statistics Canada and Hill Strategies report, between 2010 and 2017, the GDP of culture products increased by 16%. The number of jobs in that period related to culture products increased by 7%. In 2017, there were indeed 715,400 jobs directly related to cultural industries, or 3.8% of all jobs in the country.

[*Translation*]

Of course, the pandemic has dealt a serious blow to our economy and the arts and culture sector. The federal government has recognized this. The most recent budget provides funding for this sector, as it will be one of the last to recover from the pandemic.

[*English*]

According to Hill Strategies' research, the total value of goods and services in the culture sector decreased by 10% between 2019 and 2020. Between 2019 and 2020, 55% of organizations and businesses in the arts, entertainment and recreation experienced a revenue drop of at least 30%. Organizations have outright closed to the tune of 8% since 2019. The 594,000 employment and self-employed positions in the culture sector in

2020 represented the lowest job total since 2010. The performing arts and festivals have been hardest hit, losing 52% of sales and 36% of jobs between 2019 and 2020.

As I mentioned in debate in the last Parliament, through the pandemic, I've spoken to over 600 artists and they have been telling me that passing this bill, even though there will only be one visual artist laureate every two years, would be an important welcome vote of moral support for our artists in these dark times. Artists working in other disciplines — musicians, writers and actors — have also echoed those sentiments in my meetings and conversations with them. I can assure you that parliamentary support for this will be extremely well received.

[*Translation*]

Honourable colleagues, the arts are a universal language that we all speak. The arts break down barriers and help us understand one another. I like to think that as we look back on our nation's history, we are reminded of the many great artists who have represented Canada through multiple visual media and the rich tapestry of the many peoples and cultures that inhabit this place.

Our story is and has been told by many visual artists who see this land through a myriad of viewpoints and lenses. Each contributes to the vision of Canada. The same is true of the visual artist laureate.

[*English*]

So it is with these thoughts in mind that I thank you all for your support for the arts and culture sector in Canada and ask once again for that same support in making this legislation a reality, hopefully within my remaining time in this chamber. I hope we can help the restart of the arts in this country by moving this bill forward quickly to the other place, recognizing that twice already we have passed it unanimously, and it was so close to being voted on in the other place before the election call. Thank you.

The Hon. the Speaker: Senator Cormier, do you have a question?

Hon. René Cormier: Honourable senators, I want to thank the honourable senator for her determination, her patience and her engagement toward this very important bill for artists in Canada.

Thank you for all the work you're doing for arts and culture for Canada. Your dedication is an inspiration for all of us. Just for more certainty, I want to ask about the definition of videography. Does it include all digital technologies? You know how young creators today use digital technologies in different ways. I want to make sure, when you talk about that, that it's included. Thank you.

Senator Bovey: Thank you for your question, Senator Cormier. Absolutely. We don't know what media artists will be using in the coming years, and that's why I said, "and others." But this is looking at the creative visual expressions of what we on Parliament Hill, in this chamber or in the House of Commons, undertake. As you say, I think it's really important. This is one of the fields of creators among us that really do speak an

international language. I think it would heighten the work that our parliamentarians are doing. That's what I'm hearing from members of Parliament, from colleagues in this chamber and from artists, and that's why I was so excited to hear from so many artists that even this one small gesture will be heartfelt and positively taken by all.

(On motion of Senator Ataullahjan, debate adjourned.)

FEDERAL FRAMEWORK ON AUTISM SPECTRUM DISORDER BILL

SECOND READING—DEBATE

Hon. Leo Housakos (Acting Leader of the Opposition) moved second reading of Bill S-203, An Act respecting a federal framework on autism spectrum disorder.

He said: Honourable senators, I rise today to speak about a subject near and dear not only to my heart but to the hearts of so many of my colleagues, present and past. Of course, I would be remiss without highlighting the fantastic work done by Senator Munson through the years in advocacy in this chamber of causes like autism.

When I came here, of course, he was a bit of a role model, being a fantastic spokesperson for the cause. He was quite a pioneer and ahead of his time and I was happy to jump on that bandwagon. Since then, there have been a number of colleagues as the momentum grows and we come to understand the importance of autism and how many people it touches. Of course, Senator Bernard and Senator Loffreda — who has accepted to be the friendly critic on this bill — and, of course, my dear friend and colleague Senator Boehm, who, right at the beginning, at the embryonic stages of this bill, and I chatted together. We've come to the conclusion that this is about time and is needed.

In many respects, I consider Senator Boehm my co-sponsor of the bill. We hope we can stickhandle this through on a non-partisan basis where all corners of this chamber will speak with a force and a power that will propel this issue to where it belongs.

Each and every one of us have spoken about this. We've had committee meetings and Autism Awareness Months and various events. We've tabled a very cutting-edge report called *Pay Now or Pay Later* here in the Senate, which has been cited for many, many years, but I remind colleagues that report was published in 2007. Now the time has truly come for action, I believe. The time has come for us to stand together as members of this great chamber to support the 1 out of 66 Canadians who receive this lifelong, debilitating diagnosis.

Autism spectrum disorder, commonly referred to as ASD, is the most common neurodevelopmental disorder diagnosed amongst children in Canada, occurring in all racial, ethnic and socio-economic groups. Would you believe that almost 15 years have passed — as I mentioned — since a distinguished group of our colleagues in the Senate reported *Pay Now or Pay Later* and put it on the radar, calling for a national approach in support of autistic persons and their families? The report outlined in great detail how such a framework should be developed in consultation with leaders from the autistic community, medical experts,

researchers, government bodies such as Health Canada and many others, and include a properly defined budget, while respecting jurisdictional regulations.

Colleagues, 15 years is a long time. While successive governments have made some efforts to support specific projects or autism programs across our great nation, these efforts do not, in any shape, way or form, fully meet the needs of Canadian families dealing with the challenges of autism.

• (1540)

This is why I stand before you in a non-partisan spirit of unity and ask each of you to support this bill calling upon the government to implement the framework proposed in 2007 in the Senate by a committee of our own peers.

To understand the challenges faced by many autistic individuals, one must first begin with a definition of autism. According to leading international medical organizations, such as the American Psychiatric Association, autism is a neurodevelopmental disorder that includes impairments in language, communication skills and social interactions, combined with restricted and repetitive behaviours, interests or activities.

While every individual is unique and encompasses specific challenges and strengths, many autistic people often suffer from a variety of sensory issues and the inability to completely regulate their emotions.

At this time, I'd like to reiterate something I have previously stated, and that is that the quality of Canadian expertise in autism care is certainly not in question. Indeed, we proudly boast some of the best and brightest minds in the world who are involved in all levels of autism research and care.

For example, in my own province of Quebec, the Transforming Autism Care Consortium, known by its acronym TACC, is a world-class research network based at the Montreal Neurological Institute. Its stated goal is to connect and mobilize Quebec's strengths in autism research, all in an effort to improve the lives of people with autism as well as their families. According to the TACC, this is accomplished through "accelerating scientific discovery, capacity building, and integrating evidence in practice and policy."

Another organization near and dear to my heart is the Giant Steps Resource and Training Centre in Montreal, a very special school that caters to the needs of autistic students while offering a wide variety of services, including major projects that focus upon employment options for autistic adults in partnership with major Canadian corporations such as Weston.

Indeed, Giant Steps has embarked upon a very ambitious project: the construction of a \$51.5 million centre that will act as a major hub in the autism community and will include the school itself, in addition to three more pillars focused upon community services, adult and vocational services and research in partnership with TACC. The Province of Quebec has committed \$15 million to the project, while the organization has raised millions of dollars in private funds to see it completed.

These are just some of the examples of the incredible work regarding autism being done by a variety of organizations right across Canada. There are most certainly many others, but these types of Herculean efforts are severely hampered by the deeply disappointing fact that we have not adopted a structural national policy.

Fifteen years after the Senate report, we still hear about the wait-list for diagnostic services and availability for therapies critical to the development of autistic children. We still hear the stories about families struggling with ever-increasing financial burdens involved with autism. We still hear the stories of parents being forced to give up jobs and careers to care for their autistic kids. We still hear the scary statistics regarding the challenges faced by autistic adults who face daunting employment prospects with an unemployment rate of 80% and a lack of suitable housing and support.

My fellow senators, as I stated earlier, successive governments have, in a piecemeal fashion, made efforts to support autistic people and their families in Canada.

I think of the example of Prime Minister Harper, who committed \$11 million to support training programs for autistic adults. More recently, I had the privilege of working closely with Senators Munson and Bernard when we met with former health minister the Honourable Ginette Petitpas Taylor. The minister visited Giant Steps and the TACC in Quebec, in addition to other organizations in various parts of the country. These efforts resulted in the successful implementation of several programs, including the autism employment project run by Giant Steps, the TACC, the English Montreal School Board and the Weston corporation.

I would be remiss if I didn't underline and highlight the participation — more than participation — of the former government leader Senator Harder who was the catalyst for bringing then Senator Jim Munson, Senator Bernard and me around the table with the minister, and some of these initiatives were realized by that work. So thank you, Senator Harder, for that.

While we all deeply respect our critical role in this chamber of sober second thought, a role that includes serious debate based upon our respective philosophies and opinions regarding policy, we must work together on basic issues that affect so many of our fellow citizens.

Hence, when one considers the issue of autism, we owe Canadians the spirit of collaboration they so richly deserve, particularly when one considers the specific challenges faced by 500,000 autistic Canadians and their families — a number that rises every year in this country.

My fellow senators, the *Pay Now or Pay Later: autism families in crisis* report was very well thought out, and it speaks volumes. There is a great deal of research demonstrating the often debilitating periods autistic people and their families go through. These include the early stages of a child's development when parents realize their son or daughter may exhibit the symptoms of autism only to discover the lack of diagnostic services and waiting lists in the public system.

Once diagnosed, many families then endure the stress of waiting for therapeutic services such as applied behavioural analysis, speech and occupational therapy. The challenges continue when looking for an appropriate school setting while balancing the realities of therapies that not only impose the already stated financial difficulties but are extremely time-consuming.

Colleagues, these parents are tired and need support. For most, the challenges mentioned only continue when adolescent children reach the age of majority.

The Senate report illustrates what many autism advocates have known for a long time: namely, that families often experience the feeling of falling off a cliff when their child becomes an adult.

Essentially, precious and often fought-for services geared toward autistic children and adolescents disappear as individuals enter the separate realm of services geared toward adults. Parents find themselves desperately restarting the process of finding appropriate medical services and programs for their adult children.

Questions regarding employment, housing and age-appropriate social services are paramount. Families struggle to find programs for their autistic sons and daughters, asking the common question: What happens to him or her when I'm gone?

The simple reality is that our adult years represent a far longer period than our youth years. Incredibly, so many years after the report, we still don't have a policy that takes these factors into account. For a large percentage of families dealing with Autism Spectrum Disorder in Canada, the diagnosis represents not only a lifelong condition for the child but a lifelong commitment for caregivers.

Many opportunities readily available to healthy young adults are often unattainable for people on the spectrum, not because of lack of ability but because of a lack of resources or awareness. Many autism organizations, some national in scope such as Autism Speaks Canada, have worked hard to raise awareness about this critical issue. I cannot help but ask: What is our federal government doing to help?

Like all of you, I'm fully aware of the role our esteemed colleagues at the provincial level play across this great nation. We are fully aware of provincial jurisdictions and must respect our constitutional realities.

Having said that, there is no doubt that the Canadian government has a critical role to play, whether in support of our provinces with funding for provincial programs focused on ASD or through the development of a much-needed, comprehensive national policy that includes the development of programs that fall under the jurisdiction of Ottawa.

We must also look at dealing with autism as more than just a health care issue, especially as it pertains to autistic adults. The issue transcends health care and education and reaches into areas such as housing and employment. This is very much the responsibility of our federal government. We must provide the necessary leadership as senators and as parliamentarians.

Moments ago I mentioned ASD organizations with a national scope. Soon after the release of the Senate report on autism, the autism community came together and established CASDA, the Canadian Autism Spectrum Disorder Alliance. We all know of the great efforts being made by organizations such as CASDA, which has also called upon the federal government repeatedly over the years to develop a national autism strategy. The obvious question is: Is anyone listening? Are we going to respond?

CASDA has worked on a blueprint that takes into consideration all key elements of the Senate report, recognizing that regardless of what province one lives in, parents continuously report that they are responsible for covering any service shortfalls because of the variability in provincial funding and availability of programs. Families have had to move because of the lack of services. My fellow senators, this is unacceptable in a country like Canada. Can we accept the systemic failure by the federal government to develop a national policy when the data clearly demonstrates an increase in the prevalence of autism and the needs of thousands of Canadian families?

• (1550)

I'm hopeful that everyone in this chamber agrees that legislative action at the federal level is absolutely necessary — from coast to coast to coast. We, as well as our elected colleagues, have heard autistic Canadians, their family members, experts and advocacy groups demanding help. We have heard the calls to improve services through a federal policy, and we've heard the calls to raise awareness not only about autism but about the principle of neurodiversity in Canadian society. We have heard the calls to recognize the innate value of each and every unique citizen among us. Why, then, have we not acted in good faith by doing our job and putting into law that which we know to be just and fair?

Colleagues, what I'm proposing is that we pass legislation requiring the federal government to create and adopt a national policy on autism, within a specified time frame, with the expressed intention of working with the provinces and territories while respecting provincial and territorial jurisdictions. In addition to a specific time frame, this framework would be subject to parliamentary oversight.

Again, we all recognize that jurisdictions must be respected. However, I will remind everyone here that we have witnessed successes with federal and provincial cooperation on projects such as the recent example of the federal support for provincial child care programs. In principle, this approach can also be used to establish a national policy on autism that will focus upon, among other things, appropriate levels of funding, services, employment and housing.

While there are benchmarks, including timelines, the legislation is intentionally not being too prescriptive in what the framework itself should entail. The government has to be allowed the flexibility to respect the consultative process of this legislation. The legislation would ensure a coordinated national strategy aimed at supporting long-term solutions for autistic Canadians and their families, who would ultimately benefit from the implementation of a federal framework.

One of the projects the team at Giant Steps embarked upon, which the federal legislation can support and build upon, was based on the notion of inclusive communities that focus on the principle of neurodiversity. Dubbed the Autism-Inclusive Cities Project, Giant Steps worked closely with the City of Laval several years ago in an effort to improve the lives of autistic people living in that municipality. With substantial buy-in from the city administration, the police force and other first responders receiving training — as did local organizations such as Tourisme Laval, which helped to organize a conference in conjunction with the city — the police training expanded to the city of Montreal and is now being used by several municipalities across our nation.

Other local efforts include an autism awareness and sensitization initiative at the former Dorval airport, where hundreds of parents and their young autistic children get to experience the process of arriving at the airport, going through customs and actually entering an aircraft. This gives the children a valuable opportunity, that of understanding the process involved in travelling, thereby easing a highly stressful experience that so many of us take for granted.

Other bold initiatives include a variety of employment projects, such as the already mentioned Polaris Enterprise initiative, the national-based Ready, Willing and Able employment service and Specialisterne Canada, a job placement service for autistic adults based in Toronto. These examples of initiatives are exemplary and are being developed across Canada. In most cases, without the proper support by the federal government, many local businesses, corporations and non-profits — such as the Azrieli and Coutu foundations, among others — have supported these types of efforts. However, they can only do so much in a country the size of Canada. That is why we must provide the necessary legislation to ensure the rights of autistic Canadians. We need to make these efforts the norm and not the exception. Proper support for these types of endeavours, in addition to proper services for individual families, must be supported by the rule and weight of law.

It isn't all about doom and gloom. On the contrary, it's about making sure everyone has the resources and support to realize their true potential. That was the core principle behind the fundraiser — a number of fundraisers, in fact — that my colleague Senator Loffreda and I have hosted in Montreal in support of autism and particularly in support of Giant Steps. Of course, we call those events Children First. We Can. because we believe that that is the right thing to do. Thank you, Senator Loffreda, for your unwavering support through the years.

It was about putting these autistic children first, giving them the tools and their families the support to make sure that they could; to make sure that they won't be left behind. We as Canadians take pride in the fact that we have to harness and emulsify all the skill sets of every single Canadian regardless of what speed they go; we need to get to the finish line together. That's why this national framework is so vital to autistic children and to the autistic adult community in particular. Not only do they benefit from realizing their true potential, but we all benefit.

I hope, colleagues, that we can get this bill headed towards the right direction. Again, I thank Senator Boehm for his unwavering support and cooperation with this and, of course, for his advice

on preparing the bill and on how best to approach government. There's no one in the chamber that has more experience than Senator Boehm in stickhandling things through our administrative process here in Ottawa because of his contacts through the years with government. I'm so happy to see, as well, the answer of so many of my colleagues. When Senator Boehm and I reached out to so many of you, the interest was overwhelming. The campaign and awareness regarding autism seem to be just ramping up in many ways. Senator Gignac, one of our newest senators here, reached out, and we had a good conversation. He, as well, has a keen interest in this issue.

I am excited, happy and hopeful that early in the year we can unanimously send this to the Social Affairs Committee for a thorough review and prepare the ground so we can send it over to the other side and encourage the government to embrace this as their initiative. Because this should be the initiative of both chambers, all of Parliament and the Government of Canada. Thank you, colleagues.

POINT OF ORDER

Hon. Pat Duncan: Your Honour, may I respectfully request that senators present be advised? It's my understanding that there was a gentleperson's agreement and that the Speaker advised we were to wear masks at all times unless a medical exemption was granted, even when we are speaking and addressing our colleagues in the chamber. Would you clarify that point for us, please?

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): The Speaker sent a memorandum on Saturday, November 20. With your permission, honourable senators, I will remind you of the contents of this memo:

Please be advised that commencing on Monday, November 22, 2021, the Senate Chamber will return to full capacity. Senators will be required to wear a mask at all times while in the Senate Chamber, common areas, and in any situation where the 2 metres distance cannot be maintained. This means senators are required to wear their masks when speaking in the Chamber.

[*Translation*]

Any senator who is unable to remain masked due to a medical condition will be accommodated. In this scenario, should an unmasked senator take the floor, colleagues nearby will have the option to move to a free seat that is properly distanced prior to the beginning of the senator's speech. Furthermore, senators who desire social distancing can be seated in the galleries, which is fully operational for Senate sittings.

[*English*]

That said, on November 22, 2021, and November 23, 2021, there will be limited attendance and 2 meters distancing maintained during the ceremonial components of the Opening of Parliament and Speech from the Throne. The portions of the sittings prior to and following these events are not subject to this exception.

[*Translation*]

This solution is made possible by the combined layers of protection that are provided by full vaccination, masks and optimal ventilation.

The contribution of all honourable senators is critical to ensure the safe return of the Senate.

It is signed by our Speaker, the Honourable George Furey.

I hope that answers your question, Senator Duncan.

• (1600)

FEDERAL FRAMEWORK ON AUTISM SPECTRUM DISORDER BILL

SECOND READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith, for the second reading of Bill S-203, An Act respecting a federal framework on autism spectrum disorder.

Hon. Pierre J. Dalphond: I have a question for the sponsor of the bill.

[*English*]

The Hon. the Acting Speaker: Senator Housakos, would you take a question?

Senator Housakos: Absolutely.

[*Translation*]

Senator Dalphond: Thank you, Senator Housakos, for this worthwhile initiative.

[*English*]

There are three bills the Senate has adopted that you are certainly modelling your bill on: the Framework on Palliative Care in Canada Act adopted in December 2017, the Federal Framework on Post-Traumatic Stress Disorder Act adopted June 2018, and the National Framework for Diabetes Act adopted in June 2021.

Do you have any indications or results from these bills? Maybe not the one on diabetes that came in just before we broke for the election, but the bills adopted in 2017 and 2018 all have the same deadlines you have: 12 months for a framework and 18 months to report to the House and the Senate. Do you have any information about how these frameworks have, in fact, been implemented?

Senator Housakos: I'm not aware of each and every one of them. I know, regarding the one on PTSD, that the government was a little bit tardy on meeting the timelines, but they did have the national conference and did table a report in Parliament in regard to that particular motion.

When it comes to motions, as you know, they are suggestions we make to the government, and we hope the government finds it in their benevolence to embrace them.

In this particular instance, one of the reasons why Senator Boehm and I decided to put it into a bill is it comes with more veracity of weight than just a simple motion. But in all fairness, we've tried to make this a non-prescriptive as possible, giving the government all the flexibility it would need.

We are just looking to move the sticks forward incrementally, as they say in football, pointing it in the right direction and shaking the tree a little bit. We find that successive governments have been reticent in tackling this issue, so we feel passing this bill in this state in a flexible and cooperative way will encourage the government to take the baton and run with it, as they have with most motions, even if, as in the case of PTSD, they were delayed six or seven months.

Hon. Peter M. Boehm: Honourable senators, I rise to provide my support for this bill. I commend Senator Housakos for introducing it and for his work in the autism community, particularly in Montreal.

Colleagues, this is not a partisan issue. Autism spectrum disorder, or ASD, impacts families all across our country regardless of their location, ethnic background and how they may vote in elections.

For me, the appeal of the bill is that it is general, recognizing that there are jurisdictional issues and varying approaches in dealing with ASD across the country. Hence it is a framework within which a national autism strategy could be created.

It suggests general measures encompassing financial support for autistic persons, their families, appropriate tax benefits, a research network, a public awareness campaign, using online resources to highlight best practices and measures to ensure accountability.

It recommends consultations across the breadth of the federal government, but also with provincial jurisdictions; relevant stakeholders; experts; advocacy organizations, to which I would also add self-advocates, many of whom have been in touch with me; and, of course, important for us here and in the other place, a mechanism to report back to parliament.

As Senator Housakos has said, the idea for a national autism strategy is not new. However, while much has been talked about, very little has actually been done since the release of the 2007 report by the Senate's Standing Committee on Social Affairs, Science and Technology entitled, *Pay Now or Pay Later: Autism Families in Crisis*. This is a well known and oft-cited report which our current colleague Senator Cordy had a hand in as a member of the committee at the time.

We need to recognize that the government has been preoccupied in the health sector for almost two years with a pandemic that is still not over as new COVID-19 variants emerge. This has engaged policy planners as well as federal and provincial government operational units full time, but, hopefully, this pandemic will soon become endemic. Work that may or may not have begun towards a national autism strategy could be

encouraged by this bill. In fact, former Senator Munson and I had plans to meet with the previous Minister of Health to talk about a national autism strategy, and it was just at that point when the pandemic hit us with full force.

The intention is not to supplant any activity that may or may not be going on but to give it structure and, through the publicity for this bill, purpose.

A number of senators in this chamber have taken a great interest in ASD. Senator Housakos has mentioned a few, but I want to mention Senator Bernard, Senator Loffreda, Senator Harder, Senator Hartling, and my colleague and seatmate Senator Kutcher, who knows a lot about mental illness and mental health.

We cannot forget the great contributions made by our former colleague Senator Munson who championed the need for a national strategy, ensured the creation of an Autism on the Hill event and provided a voice for many advocacy organizations. In fact, Senator Munson was also a member of the committee in 2007 that produced the *Pay Now or Pay Later* report.

Work is not just happening here in the Senate. In the other place, Member of Parliament Mike Lake has been a tireless advocate in pushing the need for a strategy forward, not just in Canada, but also globally.

The Canadian Autism Spectrum Disorder Alliance has set out some clear precepts for a strategy. Senator Housakos has touched on them. I will add a little bit.

On research, we need to realize that there is only fragmented knowledge sharing across the country, without national standards on research. A national leadership framework and regular federal, provincial and territorial ministerial meetings could change that and create a national advisory group that could assess accessibility standards as well as intersectional elements to ensure racialized immigrants and newcomers, Indigenous peoples and those in remote and rural communities are not discriminated against.

Affordability and access to services are important elements to ensure autistic individuals can reach their full potential and live a fulfilling life. This aspect could also include review, renewal or improvement of federal tax measures, including reforming the Disability tax credit, comprehensive training programs to provide greater access to the job market and introducing a national autism waitlist reduction initiative. The waitlists for therapy, assessment, training and placement in special education or living in specialized group homes as adults are horrendous. In my own province of Ontario, the current and previous governments have failed to address this challenge head-on.

Active consideration of placing treatments for ASD under medicare is also a subject that has been discussed by numerous advocates and should be addressed.

It is important to make sure early development intervention services are available on the autism spectrum through what has been called an Enhanced 18-Month Well-Baby Visit so that children can get access to early developmental intervention services. There should be a universal, standardized approach across the country.

As Senator Housakos mentioned, nearly 80% of adult autistic Canadians are unemployed, and many of the remainder are underemployed. This is both a reflection of the breadth of the spectrum but also the lack of pre-employment training programs and funding. There is much to do here and a concerted effort could be made to attract the private sector, including with some federal sectoral incentives.

• (1610)

Regarding housing, there should be a disability supplement to the Canada Housing Benefit. Canada Mortgage and Housing could also be brought into the picture with respect to supply, and establishing contacts between housing developers and autism service agencies.

Finally, data. Data is being talked about in the context of the COVID pandemic. Data systems should be linked to ensure better information sharing. There should be a media campaign to improve the public perception of ASD, equity and inclusion, as in fact the bill before us suggests.

Colleagues, for me this is deeply personal. The third of our four children, Nikolas, is autistic. He was born on posting in San Jose, Costa Rica. We had to bring him back here to have him diagnosed. He was misdiagnosed here in Ottawa. We had to go through more diagnostic procedures. He is now 33 years old and remains non-verbal, but he understands three languages.

Dealing with diagnoses, treatments and navigating supports in a foreign service life that has taken my family from his birth in San Jose to Ottawa, to Washington, back to Ottawa, to Berlin and back to Ottawa during his lifetime has been arduous.

Dealing with his lifelong disability has, without a doubt, been the greatest of challenges, certainly for him, his siblings, my spouse and myself. We have and he has particularly scrambled and persevered. Others have not been as fortunate. Families and relationships have disintegrated. Services have not been offered, diagnoses missed, waitlists extended in perpetuity.

In our travels and in living in other countries, we have learned how other jurisdictions approach autism spectrum disorder. Much can be gleaned from practices abroad in other jurisdictions. Indeed, Nikolas lived in a group home for two years in the state of Brandenburg in Germany, about an hour-and-a-half from Berlin where we lived.

Ironically, Nikolas now lives about an hour and a half away from Ottawa in a small group home. He is doing well. He sometimes comes home. We also go to him, as was the case this past weekend. The pandemic has made meetings difficult, but we were able to go out with him to a restaurant last Saturday. Like many of us, he doesn't like the mask thing. I think the Point of Order just touched on that. You don't have to be verbal to indicate that.

Like other parents of autistic individuals, we worry about his future and who will advocate for him in that future. Colleagues, we have a long history in our great country of helping those who are disadvantaged. In fact, we have built ourselves on this. There are many with disabilities who require our support.

Autism needs to be addressed in a straightforward manner. In my opinion, a federal framework can set the parameters for what will surely be a very tough path that lies ahead. This bill will provide the impetus to do just that; I support it very strongly, and I thank Senator Housakos again for introducing it and recommend that we send it to the committee as soon as possible so it can be further enriched as required.

(On motion of Senator Loffreda, debate adjourned.)

[Translation]

PANDEMIC OBSERVANCE DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Marie-Françoise Mégie moved second reading of Bill S-209, An Act respecting Pandemic Observance Day.

She said: Honourable senators, I rise today to begin second reading of Bill S-209, An Act respecting Pandemic Observance Day.

Philosopher George Santayana wrote that “those who cannot remember the past are condemned to repeat it.” He is essentially saying that if our world is to move forward, it must learn from and remember the past. We must learn from this pandemic to avoid repeating the same mistakes with another future pandemic or with any coronavirus variants that may yet emerge.

March 11 was chosen because March 11, 2020, was the date on which the World Health Organization officially declared COVID-19 a pandemic. As everyone knows, memories can fade, and establishing a pandemic day responds to the twenty-seventh recommendation of the Québec Ombudsman's special report on COVID-19 in long-term care homes, which was released last week.

The recommendation states the following:

Propose that there be an annual day of commemoration for the COVID-19 victims and those who worked with them directly or indirectly, in order to remember what they went through during the first wave of the pandemic and the suffering and loss experienced by these sorely affected people.

It is normal for memories to fade over time, which is why Bill S-209 is necessary.

The Québec Ombudsperson entitled her report *Identify the causes of the crisis, act, remember*. Why commemorate the pandemic anyway?

I see three reasons: the duty to remember, the duty to get through it, and the duty to be prepared for a future pandemic. Our first duty is to remember. Many health care workers in Canada died because of COVID-19.

The Canadian Federation of Nurses Unions has recorded many cases, some of which remain anonymous.

I would like to talk about some of those cases. They are the people who stepped up to help during the pandemic and who did so at the cost of their lives.

Dr. Huy Hao Dao was the first health care worker to die of COVID-19 in Quebec. Dr. Dao was a professor and researcher in the department of community health sciences at the Université de Sherbrooke. One of his achievements was obtaining a grant from the Canadian Institutes of Health Research for a project to detect opioids in order to “prevent overdoses in people who consume drugs alone at home.” He also supported colleagues working on epidemiological studies to track where people who tested positive for coronavirus contracted it. That's when the disease took his life. He was 44 years old.

Marcelin François was a father who had recently arrived in Canada with his wife and children via Roxham Road. He was a machine operator in the textile industry through the week and a personal support worker on Saturday and Sunday. He was “dragged” to various seniors' residences by his “agency.” He died from COVID-19 in April 2020 at the age of 40. *La Presse* columnist Yves Boisvert wrote the following about Mr. François:

He does not appear on any official lists, since he was neither a government employee nor a union worker. Nor anything else. Although I should say, “pending status” . . .

In the meantime, they were denied refugee status. When you only seek refuge from misery, you are not a refugee under the law.

• (1620)

Victoria Salvan, who immigrated from the Philippines in the 1980s, had two children and had been working as a personal support worker for over 25 years. She died of COVID-19. She was 64 years old.

Yassin Dabeh was a housekeeping attendant at a long-term care home in London, Ontario. A Syrian refugee who came to Canada in 2016 with his entire family, he died in January 2021 after testing positive for COVID-19. He was 19 years old.

Honourable senators, these individuals who died helping to care for or save the lives of others who were ill from COVID-19 were working on the front lines. They are called “essential workers” or “guardian angels,” an expression our politicians often use to refer to them.

In contrast, other workers, such as security guards, remain an anonymous group that are not really regarded as “guardian angels.” They have not received the same treatment in their immigration cases. It is important to note that people in those jobs are often racialized individuals. They can be found on the front lines, at the entrances to stores, hospitals, long-term care facilities, COVID-19 testing sites and so on. They are taking care to enforce health guidelines to protect the public and contain the virus. Some of these people are verbally and sometimes even physically abused as they work to keep us safe.

We are also thinking about the truck drivers and the delivery people, who work in a sector that has seen marked growth with the rise in home delivery. They are far too often underpaid and undervalued.

In addition to workers, our duty to remember also extends to seniors who were hard hit by the virus in private and public seniors residences, as well as in long-term care centres. These seniors often died far from their loved ones, who were unable to be by their side as they took their last breath.

Given the current COVID-19 numbers in Canada, we can assume that everyone knows someone who has died from the virus. Many people in my office have also recently lost loved ones, either a mother, a grandfather, a grandmother or an uncle from the ravages of this disease.

Closer to home, in this chamber, Senator Josée Forest-Niesing, our late colleague, fought COVID-19 before returning home. I want to express my condolences to her family and her staff.

This pandemic has prevented many from carrying out the rituals of grieving. Far too many people have not mourned their losses. The grieving process, set aside by many, will take time to heal.

Our second duty is to get through this pandemic. With the sudden arrival of the new Delta and Omicron variants, we can see just how much our daily life continues to be far from normal. Until we manage to immunize the vast majority of people on the planet, it will be difficult to overcome this pandemic.

Given the new concerns over variants, there is only one way to emerge from this pandemic, and that is by doing so together. We must ensure that vaccination is accessible in all countries. This will help us combat the variants, restrict their transmission and reduce the rates of hospitalization and death.

Finally, our third duty is to draw lessons from this experience in order to be better prepared for a possible future pandemic.

The pandemic of 1918, known as the Spanish flu, caused the death of 50 million people around the world. That pandemic led to the creation of Health Canada. It is one example of the measures that helped ensure better health for Canadians. We must learn from the COVID-19 pandemic to ensure that we put the right measures in place or change the current system to save more lives and keep people healthy.

Honourable senators, I opted for the legislative approach in introducing this bill. I wanted to ensure that the subject would move forward in both chambers and that we would be able to reach a consensus quickly in order to designate March 11 as pandemic observance day.

In closing, you are familiar with the motto of Quebec, which is attributed to the architect of the National Assembly, Eugène-Étienne Taché: “Je me souviens.” That motto is very relevant today. In the words of former Quebec minister Thomas Chapais:

This motto has only three words, *Je me souviens*, yet in their simple brevity, these three words rival the most eloquent of speeches. Yes, we remember. We remember the past and its lessons, the past and its misfortunes, the past and its glory.

It is my hope, for the generations of today and tomorrow, that March 11 becomes a time to reflect on the impacts of the pandemic, on how to manage and prevent pandemics, as well as to remember those who have cared for and protected us and all those who have died. Thank you.

(On motion of Senator Duncan, debate adjourned.)

PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Julie Miville-Dechéne moved second reading of Bill S-210, An Act to restrict young persons’ online access to sexually explicit material.

She said: Honourable senators, I rise today at second reading stage of Bill S-210, An Act to restrict young persons’ online access to sexually explicit material.

I introduced the initial version of this bill more than a year ago. The now-defunct Bill S-203 was passed in the Senate, which was a huge step forward. However, that bill died on the Order Paper when the election was called.

We used this long break to conduct more consultations and present a new and improved version of the bill. This bill restricts the scope of the regime and further clarifies the intentions.

I want to briefly remind you why I wanted to take action to protect minors, children who are accessing porn sites that are increasingly hardcore and extreme without being asked for proof of age.

There are reportedly close to 4 and a half million porn sites around the world. The ecosystem changed around 10 years ago when the platforms chose to use content uploaded by users and made that content free. In turn, this removed any barriers to accessing these sites.

Kids are first exposed to pornography at age 11, on average.

These free sites derive their income from advertisements and video games of a sexual nature that target young people. In Canada, 40% of high school boys have seen pornography online, 28% search for it at least once a day or once a week, and 7% of girls say they have watched it. That was before the pandemic. It is worse now.

Renowned pediatrician Megan Harrison, from the Children's Hospital of Eastern Ontario, provided compelling testimony before the Senate Legal Committee. She said the following:

The developing brain is absolutely affected by the images that it sees. As they grow and develop, their brain continues to change at an impressive speed. Neuroplasticity is a process by which our brains create new neural networks and pathways, which means it is constantly optimizing itself. . . .

Neuroplasticity is at its highest in children and even more so in adolescents. This means that repeated behaviours, repeated images, repeated ideas and values that a brain sees and internalizes during childhood and adolescence can have lasting impacts, as compared to adults, where the brain might be less affected.

• (1630)

The pediatrician went on to say:

The teens I see who have accessed these sites either accidentally or on purpose — and it's very, very easy to do and the images are very disturbing — have so much confusion about their bodies and what is expected of them sexually, what is normal, all sorts of things.

Quebec sexologist Marie-Christine Pinel also made troubling observations about young people in her practice. She said:

I am facing emerging and disastrous phenomena: a resurgence of domination, performance anxiety that generates pain on penetration and erectile dysfunction, an explosion of requests for cosmetic genital surgery; all linked to the influence of pornography.

Scientific research is making more and more worrisome connections between the consumption of pornography and the health or behaviour of young people. When adolescents frequently view pornography, it can lead to compulsive consumption, create unrealistic expectations about expected activities, generate fear and anxiety, damage their self-esteem by distorting their perception of their own bodies, cause symptoms of depression and impair social functioning.

What do young people, boys in particular, absorb from what they see? Repeated consumption of pornography by adolescents reinforces gender stereotypes and perpetuates sexist beliefs and the objectification of women.

In total, 37% of online porn scenes depict violence against one or more women. This distorted view of sexuality can traumatize children and teens and damage their own self-image and their understanding of sexual relationships.

[English]

According to the Canadian Centre for Child Protection, and I quote:

Adult pornography is not only harmful to a child's developing brain, it is also used to groom children for sexual abuse and to normalize sexual activity.

Just this week, in the U.K., the Children's Commissioner was quoted saying that she had seen "the hugely damaging effects of porn on children, including a young girl who took her own life." She added:

Kids are seeing things that warp what they think real sexual relationships are like. I've had girls say to me that during their first kiss with their boyfriend he's tried to strangle her because he's seen it on a porn video.

I have to say this disturbs me greatly. Despite the scandal uncovered a year ago, targeting MindGeek, a Montreal-based company, porn sites still do not verify the age of those who view their videos, even as sexual exploitation of children was uncovered on many platforms. For these platforms, it is a matter of competition, because losing customers, even minors, means fewer clicks and less revenue. This explains why porn platforms are apparently willing to implement age verification measures as long as they are imposed on the whole industry.

This is something government can do. Clearly, self-regulation has been a failure. Legal porn sites are supposed to be for adults only, but these platforms only ask users to check a box stating that they are 18. For all those reasons, we must resolve to control the access of minors to porn in the digital world as we do in the real world. Checking the age of users is a public health issue. Harm to children exposed to sexually explicit material is a real and urgent social concern.

Let's talk about the bill before you. It is very focused. As stated in section 4, the objective is to protect the mental health of young people, and more broadly to protect Canadians, young people and women in particular, from the harmful repercussions of porn. It is a public safety issue. In section 5 the bill criminalized making sexually explicit material available to a minor for commercial purposes. The bill sets a maximum fine of \$250,000 for a first offence. For those who might be concerned about the risk of censoring educational or artistic material, I want to be clear. It expressly states that sexually explicit material with a legitimate purpose related to science, medicine, education or the arts is not covered by this prohibition of the law. So there is no censorship or prudishness. I have always strongly defended the importance of comprehensive sex education in school.

In addition, case law shows that the term "sexually explicit material," as used in the Criminal Code, cannot be applied to any nude scenes or tribal sexual contexts like has been mentioned in this house. In its *Sharpe* decision, the Supreme Court concluded

explicit sexual activity refers to acts involving nudity or intimate sexual activity represented in a graphic and unambiguous fashion intended to cause sexual stimulation to some viewers.

The Superior Court of Ontario has also held that the proximity of the camera to the genital or anal region, the duration, the closeups and the importance of these images in a film are additional criteria that help define a porn video — that is one where the dominant feature is representation with a sexual purpose.

Who is targeted by this offence? In the prior wording of the bill, a company or an individual could be prosecuted for distributing porn material to minors without verifying age. However, this wording could have undesirable side effects, as was mentioned by some sex workers. In light of this, we have revised the scope of the offence to exclude individuals and only target organizations as defined in section 2 of the Criminal Code. The word “organization” includes corporate bodies, society companies, firms, partnerships or associations of persons created for a common purpose. They have an operational structure and hold themselves out to the public as such. This approach makes it possible to directly target commercial distributors of porn.

Another significant amendment will better protect the right of porn sites to a full defence. Under the revised bill, the power to send notices to offending sites is given to a designated authority and not to the minister. This should minimize the risk of political intervention.

If the platforms, whether Canadian or foreign, do not comply after a reasonable period of time, the designated authority can seek a court order to block the site in question. This is the most efficient enforcement mechanism against foreign websites. Blocking a site means ordering internet service providers, such as Bell or Vidéotron, to use any means at their disposal to prevent their customers from accessing the site. The result is a blocked URL address, domain name or IP address. Internet service providers have told us that this kind of blocking is perfectly feasible from a technical standpoint. They are already working with authorities to remove images of sexual exploitation of children that end up on their servers.

So the real question is how should websites check the age of their visitor before they access porn material. This is obviously the crux of the problem. The good news is that technological advances have now made it possible to securely verify the age of online customers. Because technology is constantly evolving, it seems wise to set out the parameters of age verification processes in regulations, so they are not included in my bill.

From the outset, experts agree that age checks should not be done by the porn sites themselves but by specialized third-party service providers. The precaution is essential to prevent porn

sites from gaining access to their customers’ personal data. Here is how the Age Verification Providers Association describes the process:

... age verification is not identity verification. They’re very separate. What we try to do is have the minimum amount of data used in the first place and then retained going forward. For quite a lot of uses, you wouldn’t need to retain any personal data at all. All you need to know is that person X—and we only know them as ‘X’—has at some point proved, to a certain standard, that they are over a particular age or within a particular age range or they have a particular date of birth.

• (1640)

[*Translation*]

The simple and fundamental purpose of this bill is to restore some consistency to the actions we are taking as a country to protect our children.

In the real world, people under 18 cannot go to the casino or buy lottery tickets. In the online world, they cannot do that either. It only makes sense.

In the real world, young people cannot buy alcohol or cigarettes. We do not allow them to do that online either. It only makes sense.

Some people seem to believe that even though young people cannot rent a pornographic movie in the real world, they should be able to click on a button and instantly have access to explicit pornographic material in the virtual world. That makes absolutely no sense.

In the past, three objections have been raised against legislation on age verification. Today, I humbly submit that they do not pass scrutiny.

First, it was argued that pornography is protected by guarantees of freedom of expression. That is a fact that no one is disputing, but that does not solve the problem.

In the real world, we limit minors from accessing pornographic material in a perfectly legal and defensible way. Why would such limits be unacceptable when they are applied on the internet?

Courts in Canada and elsewhere had no difficulty accepting the idea that we must protect our children from pornographic content by imposing reasonable limits on its distribution. This reasoning is based in part on the fact that pornography does not deserve the same level of protection as political discourse, for example.

Consider this excerpt from an article by Professor Cass Sunstein, the most quoted legal expert in the United States — a country that certainly does not take freedom of expression lightly. I quote:

The Court has drawn a distinction between speech that may be banned only on the basis of an extremely powerful showing of government interest, and speech that may be regulated on the basis of a far less powerful demonstration

of harm. Commercial speech, labor speech, and possibly group libel, for example, fall within the category of “low-value” speech. . . .

Under this approach, or any plausible variation, regulation of pornography need not be justified according to standards applicable to political speech. The effect and intent of pornography, as it is defined here, are to produce sexual arousal, not in any sense to affect the course of self-government. . . .

These considerations suggest a conventional, two-stage argument for the regulation of pornography. First, pornography is entitled to only a lower level of first amendment solicitude. Under any standard, pornography is far afield from the kind of speech conventionally protected by the first amendment. Second, the harms produced by pornographic materials are sufficient to justify regulation.

The U.S. Supreme Court recognized that the state has an interest in safeguarding the physical and psychological well-being of minors and that that interest extends to protecting minors from the influence of pornography. The government can therefore regulate its distribution, provided that it does so narrowly without unnecessarily interfering with the right to freedom of speech.

Our own Supreme Court expressed support for this idea in its policy decision on this issue, as follows:

. . . the kind of expression which is sought to be advanced does not stand on an equal footing with other kinds of expression which directly engage the “core” of the freedom of expression values. . . .

The infringement on freedom of expression is confined to a measure designed to prohibit the distribution of sexually explicit materials accompanied by violence, and those without violence that are degrading or dehumanizing.

As I have already concluded, this kind of expression lies far from the core of the guarantee of freedom of expression. It appeals only to the most base aspect of individual fulfilment, and it is primarily economically motivated.

In conclusion, although pornography is protected by freedom of expression guarantees, it should be relatively simple to justify reasonable regulations for very good reasons.

Under the bill before us, online pornography would remain accessible to all adult Canadians, subject to an automated three-to five-minute age verification process.

I’m not aware of any inalienable right to instant access to pornography anywhere, at any time, by anyone, that would be violated by this modest proposal.

Let’s keep in mind that freedom of expression is not an absolute right, but a right that, according to the Charter, is subject to such reasonable limits as can be justified in a free and democratic society. When we are called upon to balance the

rights at stake, protecting the most vulnerable members of our society is crucial and should take precedence over causing a minor inconvenience.

With respect to privacy, the second objection we sometimes hear is that, while it is desirable in theory to regulate minors’ access to online pornography, the means proposed in practice are too broad and infringe on privacy rights. Once again, I humbly submit that this argument does not stand up to scrutiny.

First of all, consider how age verification works in the real world. Today, individuals suspected of being under 18 who want to buy cigarettes, alcohol, lottery tickets or pornographic magazines must show their face and ID to the store cashier. As far as I know, no one is seriously challenging that approach.

In the past, there have been legitimate concerns that providing personal information over the internet could expose people to identity theft or other forms of data exploitation. These are certainly valid concerns.

The good news is that technological advances have resulted in age verification processes that do not involve personal identification. In recent years, we have seen the development of effective, relatively unintrusive technology that provides the least restrictive means possible of protecting young people from the harms of online pornography. Nothing is ever perfect, of course, but privacy can be increasingly assured by data systems that are encrypted or destroyed by the age-verification providers.

As Privacy Commissioner Daniel Therrien said in committee, and I quote:

When it comes to privacy, the risk is generally not eliminated. You try to reduce it as much as possible. I think the structure of the bill is such that you can reduce the risk of privacy breaches without completely eliminating them.

As I mentioned earlier, the bill does not set out the acceptable forms of identification, leaving that to regulations. It is the only way to guarantee that our protections are consistent with best practices and emerging standards.

Then there is the famous parental responsibility. That is a topic I heard a lot about in presenting this bill. It may be the most important aspect. We were told that the responsibility for protecting minors from online pornography should fall to their parents. Again, that argument does not hold water.

Would Canadians like the sale of alcohol, cigarettes and gambling activities to be left to parental supervision only? Would Canadian parents like it if bars, casinos, and strip clubs simply required clients to click a button to enter? Of course not.

For years, we have left it up to parents to control minors’ access to online pornography. We know that this does not work. Many of us have experienced this with our own children. We should keep in mind that not every parent has the same level of digital literacy. If parental controls were working, we would know it, and I can assure you that we would not be here today to speak to this bill.

However, the evidence that the current approach is a failure is not just anecdotal.

A 2018 University of Oxford study suggests that internet filtering tools have practically no impact on the exposure of youth to online pornography, and it went so far as to question whether their limited usefulness justifies their cost.

The truth is that most parents have no idea what their children view on the internet, and they need our help.

A survey conducted by the Canadian Centre for Child Protection indicates that 60% of respondents are very worried about their children being exposed to pornographic or violent images. It is not just parents; pediatricians and specialists are concerned as well. Our many supporters include the Paediatric Society, the Canadian Academy of Child and Adolescent Psychiatry, the Association des pédiatres du Québec and several Canadian and international experts. They are all demanding that the government play its part.

• (1650)

[English]

In fact, other countries have already acted or are in the process of doing so to protect minors from this bombardment of pornographic images online.

France adopted legislation a year ago that allows the blocking of porn sites wherever they are in the world if they do not verify the age of their customers. The implementing decree is now in force and the Conseil supérieur de l'audiovisuel has the authority to request a blocking order from the court.

Germany is even further ahead and has begun the process of blocking access to the four biggest porn sites that have refused to ensure their customers are adults. We're talking here about xHamster, YouPorn, Pornhub and MyDirtyHobby.

After a first failed attempt in the U.K., a joint parliamentary committee has just completed a pre-study of a draft bill called the Online Safety Bill, which should be tabled shortly. The new bill will impose a duty of care on porn platforms, requiring them to implement robust mechanisms such as age verification to ensure that children do not have access to harmful content.

Australia has adopted the most rigorous and ambitious approach to consultation and action. Last June, the Australian Parliament passed the Online Safety Act 2021. At the same time, age verification guidelines have been developed by the eSafety Commissioner, and an action plan for porn sites and social media is expected within the year.

Moreover, for those who might worry about setting a dangerous precedent, know that age checks are increasingly adopted around the world. In Japan, those who want to use the Tinder app must prove that they are of legal age. Fans of the popular Roblox game must do so as well. Facebook is exploring age-verification options for adult-only videos.

Another reason to act: Canada has ratified the Convention on the Rights of the Child and, as such, we must consider the United Nations alert regarding threats in the digital environment. As

stated in a recent general comment, state parties should ensure that appropriate protections are in place to prevent children from accessing products that are harmful to them such as strong verification systems.

In closing, I want to express my gratitude for the strong support I have had over the past year for the principles underlying this bill. Despite the constraints related to COVID, we had real debate in the Senate. The predecessor Bill S-203 was praised, criticized in some respects and ultimately improved. The bill succeeded in passing the demanding test of committee study, where we heard from a dozen witnesses over about eight hours. I want to thank Senators Carignan, Cotter, Batters, Jaffer and Dalphond for their suggestions.

Outside the Senate, the initiative generated significant interest and we succeeded in bringing public attention to this threat to public health. Until we took action, the issue worried many parents but was not often discussed in Parliament. But that is the past; let's look to the future.

Dear colleagues, I respectfully invite you to participate in the debate on the strengths and weaknesses of this new bill intended to protect children and young persons from the harms of pornography. We can discuss the modalities, but it is high time to act.

[Translation]

Hon. Paula Simons: Senator Miville-Dechéne, would you take a question?

Senator Miville-Dechéne: Certainly, Senator Simons.

[English]

Senator Simons: I'm very happy to see all the changes to the bill, because I think Bill S-210 addresses a lot of the concerns raised at committee around Bill S-203.

The preamble of the bill makes reference to online age-verification technology being extremely sophisticated and effective, but the bill itself doesn't mandate that kind of technology. You will recall, because we had these debates together in the spring, that I'm very concerned about the implications of face-scanning technology that purports to guess someone's age and what that means, not just for privacy but for the capacity of that kind of AI to guess how old one is. I'm wondering why you've returned to that model rather than having people simply provide photo ID. Is there something I'm not understanding about why having people upload a picture or photo ID would be a problem?

[*Translation*]

Senator Miville-Dechêne: Thank you for the question, Senator Simons. I will respond in French.

Just because the preamble states that the technology must be sophisticated doesn't necessarily mean that it's referring to using face-scanning technology to determine a person's age.

All technologies are now possible, and a range of methods are generally included in the regulations. The use of digital identity technology is one possibility. There is a Canadian company called Bluink, whose technology allows users to input certain information on a cellphone, and these users only share the information when they want to, for example, when they must prove that they are over the age of 18. There are other methods, such as adding a token to a browser. It is obviously important for a third party to conduct the verification.

Nevertheless, we do not advocate for one specific method. The beauty of this bill is that, because verification technology is evolving so quickly, the regulations are the only way to make sure that the latest technologies and privacy protections are taken into account.

You're right about that being an important element. I will say that the reason it now takes a second to erase or encrypt all the information collected is that a lot of progress has been made over the past few years.

Senator Simons: Thank you very much.

[*English*]

Hon. Colin Deacon: Would the senator accept another question?

Senator Miville-Dechêne: Certainly.

Senator C. Deacon: You just focused on an important point: that the efforts be technology agnostic so that we leave the door open for many different approaches. Specifically, would it be helpful if we started to see greater leadership in the federal government around the implementation of digital identity so that this could be done more swiftly and seamlessly across jurisdictions in the country and, seeing the ability to verify and limit the information you're sharing, verify your age online?

[*Translation*]

Senator Miville-Dechêne: Thank you for the question. I know that's one of your major concerns. Digital identity is still in its infancy. Some companies offer the technology, but it isn't very common.

However, it's true that if it were to become a more widespread technology, there would most likely be less concern about what it enables us to do, which is control information shared with this or that company ourselves.

You and I both know that we share a lot of information every day. Why, then, if it takes just a few extra minutes to access a pornography site, would identity verification methods suddenly be seen as too great an imposition?

I believe that, at this point, technology enables us to be relatively secure in that regard. As you said, Senator Deacon, all these measures and all the protection they offer are set out in a bill that would regulate what's required of companies with respect to erasing or encrypting data. All this could be covered by regulations, which do exist. However, we clearly need to enhance them and ensure that the system is appropriate for the 21st century.

• (1700)

[*English*]

Senator C. Deacon: Just to be clear, if the federal government started to show some leadership on the implementation of digital identity, it would be assisting the implementation of this work, correct? Thank you.

[*Translation*]

Senator Miville-Dechêne: Senator Deacon, you are putting words in my mouth.

It is clear that the government should indeed show leadership. You know, as I do, that a bill on this issue died on the Order Paper. It is time to resume these efforts because we are lagging behind.

We are lagging behind on the issue of age verification because it is difficult for people to understand that these verifications can be done while minimizing the infringement of privacy.

[*English*]

Hon. Ratna Omidvar: Senator Miville-Dechêne, my question is more of a political nature. I must congratulate you on the work you have done over the last year, and the searchlight that has been shone on this issue, particularly on MindGeek and other pornography sites. I don't know the answer to this question, but you may: Do you know if any political party included this particular issue in their policy platform during the last election?

Senator Miville-Dechêne: That's a good question, Senator Omidvar. I have to say that Steven Guilbeault, when he served as Minister of Canadian Heritage, publicly said that this was an interesting bill, but he didn't go any further. As you know, he was very involved and busy with Bill C-10, so I didn't have an opportunity to discuss it with him any more than that.

I think one of his concerns was that we shouldn't focus only on porn sites, but that all social media and the internet had harmful material and that our view should be broader. Obviously, it makes sense, but from my point of view, with a private bill, I couldn't just go straight to the internet as a whole. It was too complicated, so I focused on porn sites. To be frank, half of teenagers go on porn sites when they want to watch porn. It's not something that's not used.

I have support among MPs from different parties. What I find incredibly interesting with this particular bill is that it's non-partisan. I have support among people with different ideologies and who are in different parties, because obviously you could be a feminist, or you could be a more conservative person and still want to protect children. The way we do that can be the same. I really think this support is important. But no, there was nothing in the political platforms on that. I'm very sorry about that.

Hon. David M. Wells: Just to make a point on your last comment, you can be both a feminist and a more conservative person.

I understand the intent of the bill, and I agree with it. This would be a law that is obviously within the jurisdiction of Canada. With the prevalence and ease of use of virtual privacy networks, or VPNs, which can mask your IP address, how would you address that with respect to visiting any sites on the internet?

Senator Miville-Dechêne: First, let me say that obviously you can be a feminist, progressive or conservative. Anybody can be a feminist. I'm sorry if I was not very clear in the way I articulated that. I just wanted to say how non-partisan this bill was and that people came from different places. There are quite a few Christians, for example, who support this bill.

Your question about the VPN is an excellent one. The studies show that among younger children — less than about 15% — 13-year-olds have access to a VPN or know how one works. For younger children, this would not be a big problem because most of them often stumble upon porn or just don't know how to use a VPN. It's obviously an issue for older teenagers, but this bill doesn't pretend to stop everybody everywhere from watching porn. It's like when one buys cigarettes. We know a child can buy them themselves, or they can ask an older boy to go and buy cigarettes for them. It's the same thing for alcohol. The idea is to try to restrict access to porn as much as we can.

(On motion of Senator Martin, debate adjourned.)

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Kim Pate moved second reading of Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

She said: Honourable senators, I rise to speak to Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation. This bill will remove unnecessary obstacles to community integration for

those with criminal records who have been held accountable for their actions, have fulfilled all aspects of their sentences and are trying to move on with their lives.

Bill S-212 proposes three key measures: one, the expiry of records rather than mere suspension, with some limited exceptions for records related to sexual assault; two, a return to the original wait periods for the Criminal Records Act, namely, two years for summary convictions and five years for indictable offences; and three, the shifting of responsibility to government actors to ensure expiry of records once these wait periods elapse without subsequent convictions or charges, rather than putting the onus on individuals to shoulder the current costly and onerous application process.

Bill S-212 underscores that record relief is a matter of justice and fairness, and should not be a matter of privilege accessible only to the most well-resourced. It acknowledges and seeks to redress the role of the current records system in entrenching systemic racism. It rejects knee-jerk reactions and assumptions about what it means to be tough on crime and insists on following the facts and adopting policies that will actually make communities safer and more just for all of us. It also saves money and resources, both for the people in need of record relief and for the government.

During the last Parliament, we referred a previous version of this bill to the Standing Senate Committee on Legal and Constitutional Affairs. I look forward to working with all of you to ensure the timely study of this bill this session.

For today, I will recap frequently asked questions and corresponding reasons why Bill S-212 deserves this chamber's timely attention and support.

One, what will record expiry achieve that the current record-suspension system does not? Two, does record expiry make sentences lenient? Three, will removing stringent application requirements put community safety at risk? Four, does deleting records mean that they will lose important data? Five, can the government afford a record-expiry system? Six, does Canada have the necessary record-keeping technology in place for record expiry? And seven, isn't the government already working on criminal records legislation?

• (1710)

The first question is: What will record expiry achieve that the current system does not?

An expiry system would remove barriers to moving on from a criminal conviction that arise because record suspensions are inaccessible. People who have served their time and been held accountable for their actions need employment, housing, educational and volunteer opportunities. Their ability to integrate and contribute positively is vital for the safety, health and well-being of these individuals and their communities.

Despite this reality, more punitive and restrictive rules have increased barriers to record suspensions and, as we will discuss later, they have done so despite research indicating that past criminal convictions are not correlated with recidivism, the commission of additional offences in the future.

When pardons were introduced in 1970, Conservative Solicitor General Critic Robert McCleave insisted staunchly that the only cost, other than time, should be the price of a stamp. That was 6 cents then.

In 1995, the cost of applying for record relief was \$50. This rose to \$150 in 2010, to \$631 in 2012 and today is \$657.77, increasing each year through automatic cost-of-living adjustments. In addition to fees, individuals pay hundreds of dollars in associated costs such as fingerprinting, record search fees and legal supports, not to mention the thousands of dollars paid to companies that claim to have expertise in record suspension.

In addition to fee increases, wait times for applying have doubled and processing times have exponentially increased. Also, certain types of convictions became completely ineligible for record relief.

At the same time, use of criminal record checks is proliferating, increasing by 7% per year, further magnifying the effects of these restrictions. Three in five Toronto employers now require police background checks for all new employees. Individuals face record checks in every aspect of their lives, from parenting to applications for housing, school, volunteer work and even admission to nursing homes.

Of the 3.8 million Canadians with a criminal record, about 9 in 10 do not have a pardon or record suspension.

All of us, at some point, have done something that we know was wrong, that we regret. But most of us are fortunate not to be forever defined by the negative things we have done. Nor are these how we are introduced to would-be employers, friends or neighbours. A criminal record is not a comprehensive portrait of a person; it is a snapshot of a moment — usually the worst — of their lives.

Currently, only five jurisdictions in Canada — Yukon, British Columbia, Quebec, Prince Edward Island and Newfoundland and Labrador — offer minimal protection against discrimination based on a record that has not been pardoned or suspended. In all other provinces and territories, and under the Canadian Human Rights Act, people from landlords to employers can discriminate against those who have not been able to access a record suspension, even if there is no public safety justification for doing so.

This discrimination intersects with other systemic inequalities. For reasons that have nothing to do with public safety, those who are poorest are least likely to be able to afford the costs of a record suspension. Systemic racism in the criminal legal system means that racialized people disproportionately bear the consequences of inaccessible record suspensions. Recall that African-Canadians represent 3% of Canada's population, but

about 7 to 8% of federal prisoners. Indigenous Peoples represent 32% of federal prisoners. This number climbs to 44% for Indigenous women.

Furthermore, when employers and others make discretionary decisions to give individuals with a criminal record a chance, these decisions too often operate in ways that reinforce systemic racism and other forms of inequality. One study from the United States found that the likelihood of a callback for a job interview drops by 50% for White applicants who have had to reveal a criminal record to a prospective employer. For Black applicants, it drops by 65%.

Where record relief is not accessible, marginalization as a result of criminal records becomes intergenerational. Parents struggle to provide economic and other supports for their children and children bear the consequences of their parents' criminal records.

The record expiry proposed in Bill S-212 aims to ensure that timely record relief is available to all, including those most marginalized, by removing fees and the requirement to make an application. It aims to prevent a criminal record from becoming a lifelong sentence for those who have long since served their time.

This brings us to our second question: Does record expiry make sentences more lenient?

The short answer is no. First, the goal of sentencing is not to deliver the harshest or most punitive sentences, but rather sentences that are proportionate, fair and just. One of the key objectives of sentencing is rehabilitation, and overly punitive approaches interfere with this in ways that disadvantage all of us.

We also need to distinguish between sentences and the effects of criminal records, which linger beyond the end of sentences. Judges impose sentences based on what they determine is necessary and appropriate to hold a specific person accountable, knowing in theory — but not necessarily in practice — how sentences interact with other parts of the criminal legal system.

[*Translation*]

For example, judges may presume that people will assert their right to request parole and will have access to a suspension of their criminal record once they have served their sentence.

[*English*]

The reality stands in stark contrast. As a result of conditions of confinement and limited access to programs and services, sentences often end up being far harsher than what a judge anticipated and determined was fair and just.

Further, mandatory minimum penalties prevent judges from imposing a fit sentence. Overall, prisoners currently spend more time in harsh conditions of isolation and spend more time in prison, often waiting until well past parole eligibility dates before they are released.

Most relevant to our discussion today, the lack of accessible and timely relief from a criminal record extends the stigma and marginalization well beyond the end of a sentence.

Record expiry reflects the principle that when we, as a society, decide to hold someone criminally responsible and accountable for their wrongdoing, inflicting additional hardship perpetuates and perpetrates injustice. This is why section 11(h) of the Canadian Charter of Rights and Freedoms prevents punishment for a conviction from extending beyond the end of a sentence ordered by a judge. The current record system violates this principle.

Our third question is: Will removing complex record suspension application requirements increase risk to community safety?

Current punitive record suspension rules are apparently motivated often by political desire to be seen as “tough on crime.”

Despite the rhetoric, however, it is important to underscore that these changes have not improved public safety. Before the 2010 and 2012 amendments to the Criminal Records Act, a very high proportion — more than 95% — of people who received pardons were never in trouble or criminalized again and continued to meet stringent good conduct requirements. Punitive legislative changes do increase punishment, but do nothing to improve community safety.

What did change was that the number of people applying for record relief fell by 40% after the cost increased and more onerous application procedures were introduced.

The more punitive rules effectively barred access for many who would otherwise have qualified for criminal record relief and who present no threat to public safety.

Research demonstrates that one of the best indicators that a person will not be criminalized again is simply having lived a few crime-free years since the completion of their sentence. People with historical convictions are no more likely to be convicted of a crime than anyone else.

• (1720)

Furthermore, timely relief from criminal records can help people find housing and ways of supporting themselves, which contribute to successful integration. Indeed, as the income of a person with a record increases, their likelihood of being criminalized again decreases significantly.

The negative consequences in terms of public safety of restricting access to record relief is precisely why a former Federal Ombudsman for Victims of Crime described the 2010

and 2012 record suspension amendments as “a stupid thing to do.”

It also is for this reason that more than 60 community groups formed the Fresh Start Coalition to call for the type of measures proposed in Bill S-212. The coalition includes those working with and on behalf of those who have been criminalized, but also those who have been victimized, including the Barbra Schlifer Commemorative Clinic, Huron Women’s Shelter, Luke’s Place, the Ontario Coalition of Rape Crisis Centres, the Ottawa Coalition to End Violence Against Women, The Women and Children’s Shelter in Barrie, Timmins and Area Women in Crisis, Victim Services of Durham Region and Women’s Shelters Canada.

This brings us to question four: Does deleting records mean that we will lose important data?

Bill S-212 would apply to most types of records in the RCMP’s Canadian Police Information Centre, or CPIC, system. It would also prohibit other agencies with copies of records, like police stations, from disclosing expired records. The Criminal Records Act currently provides for two key uses of pardoned or suspended records. Bill S-212 would continue to permit both.

First, where police find fingerprints while investigating a crime or seek to identify someone deceased or incapacitated, information about that person can continue to be disclosed to police even if their record has expired.

The bill also preserves the Criminal Records Act regime for vulnerable sector checks. When someone applies to work or volunteer with children or other vulnerable people, these checks detect and flag records relating to sexual assault convictions. We must recognize that, given the realities faced by women and children who are violently victimized from lack of protection and accountability of perpetrators, record checks alone, though, will never be an effective means of protecting people from harm.

Because of barriers to reporting sexual assault, Bill S-212 also provides one exception to permanent and definitive expiry of records. Records of sexual assault listed in Schedule 1 and Schedule 2 can be retrieved based on subsequent information that a person’s behaviour should render them ineligible for record expiry.

The fifth question relates to cost: Can the government afford a record expiry system? Record relief is currently the only program within Public Safety Canada that is held to a full cost-recovery standard. The idea was introduced only a decade ago, among a host of other so-called “tough on crime” measures. This approach ignores both the public good of individuals integrating successfully into the community and the legal principle that punishment must not extend beyond the end of a sentence.

For many of us with the privilege of sitting in this chamber, an application fee of \$657.77, plus hundreds of dollars in extra costs, may not seem prohibitive. Remember, however, that most people seeking record relief are doing so to try and help lift themselves out of poverty — to obtain training or employment.

Public Safety Canada data demonstrates that of the 11,158 people who had not obtained a pardon or record suspension 14 years after being released from federal prison, only 51% had been able to find jobs, compared to 69% for the general population. Their median income was zero dollars.

For those with paid work, the average income was \$14,000 per year or \$1,167 per month, well below the poverty line and less than half of the median income for Canadians who are not economically marginalized. Assuming monthly rent for a one-bedroom apartment across Canada ranges from about \$753 to \$2,216, most people would be without housing, in inadequate housing, in debt or without food, clothing, transportation or other support for themselves or their children.

Could a friend or family member help with the cost? Even if this is an option for some, those on social assistance would be liable to having their already criminally low income supports clawed back if they receive this type of gift from friends or family. Too many are also at risk of being preyed upon by companies that present as supportive yet charge exorbitant fees for negligible assistance with the record expiry process.

Imagine how many months and years it might take to save up \$657.77 if paying for basic necessities would put you into debt month after month. In a country as wealthy as Canada — a country that says it values justice — people who have served their time and who have been held accountable should not have to go hungry or end up homeless in order to get relief from a criminal record that continues to trap them in poverty and contain them in the margins of society.

In addition to the human and social benefits of no-fee record relief, there are at least two compelling financial reasons for the approach in Bill S-212. First, public safety officials recognize that every dollar the government invests in record relief translates into two dollars of revenue because individuals are able to secure employment and pay income tax.

Second, having records expire after a certain number of crime-free years stands to significantly lessen bureaucratic complexities that have driven up the cost and wait times of record expiry.

[*Translation*]

From a public safety perspective, it is more efficient for criminal records to simply expire after a certain amount of time passes.

[*English*]

Parole Board resources have been significantly stretched by piecemeal changes to the record system that have created four different application paths for the board to administer, each with their own intricacies. One is the general record suspension process; two is the former pardon process for those who are still entitled to use it; three is the expungement process for those

criminalized as a result of historical discrimination against members of 2SLGBTQ+ communities; and four is those eligible for cannabis record suspensions.

Bill S-212 would replace these with one system that allows the Parole Board to redirect its limited resources to other key aspects of its mandate.

Question number six relates to this streamlined system: Does Canada have the necessary record-keeping technology in place for record expiry?

At the Senate Legal Committee, a previous public safety minister testified that administering record expiry without applications would require a comprehensive national record-keeping system. Bill S-212 would require that if police are going to disclose an unexpired criminal record, they must also ensure it is registered in the RCMP CPIC database. CPIC would then serve as the centralized record system required to support automated record expiry, without the need for an application by the individual.

Implementation of non-application-based record expiry is not beyond Canada's technological reach. Countries like the U.K., France, Germany and New Zealand have all implemented automatic forms of record expiry into their systems. In fact, Canada already has this type of record expiry approach as part of our youth criminal records management system.

This brings us to the seventh and final question: Isn't the government already working on criminal record legislation?

Bill C-31, introduced just prior to the last federal election, was a step in the right direction, but it simply fell short when measured against the government's own public consultations. Over 80% of Canadians support some form of record expiry that is administered automatically, rather than requiring an application. Nevertheless, Bill C-31 would retain complex application requirements.

Likewise, 80% of Canadians describe application fees as a significant barrier for those seeking record suspensions; over 60% described the fee and the application process as a further punishment. The government has committed to reducing fees, but has not provided details regarding the amount or the timeline.

For evidence that Bill C-31 will not meet the government's stated objective of addressing systemic inequities in the record system, we need look no further than past criminal record reform bills, particularly Bills C-66 and C-93, which made piecemeal changes, easing some but not all of the burdens of the current system for narrow categories of applicants whose convictions related to historical discrimination against 2SLGBTQ+ communities and those convicted of possession of cannabis.

• (1730)

These bills removed application fees, but Bill C-31 would not.

Even with these attempts to create easier to navigate, more user-friendly applications than what Bill C-31 would offer, shockingly few people have accessed these forms of record relief. When cannabis possession was decriminalized, an estimated 250,000 Canadians had possession records, yet Bill C-93 was expected to help only about 10,000 people get relief from cannabis possession records. More than two years later, only 484 people have actually obtained those pardons. At the same time, the system has turned away approximately 300 people because they did not meet the rules and requirements of the application process.

In the first three years of Bill C-66 being in force, only nine out of an estimated 9,000 people with records relating to 2SLGBTQ+ discrimination — that's a mere tenth of 1% — have obtained record relief. This is simply unacceptable.

We do not know if or when the government will bring Bill C-31 back with the necessary changes to ensure that record relief is meaningfully accessible. If they do, I will be the first to support an effective government bill. In the meantime, however, I humbly urge us to act.

The systemic injustices in the criminal record system are marginalizing people, families and communities and they require our attention now.

Let me conclude by quoting the government's 2019 *Final report on the review of Canada's criminal legal system*. One of the report's recommendations is to:

... adopt a whole-of-government approach to make pardons more accessible, to ensure that certain offenders have the opportunity to move on without a criminal record impeding their attempts to focus on the future.

The current system is not accessible. It is also unnecessarily expensive and bureaucratic. It does not improve safety for Canadians. In fact, it undermines public safety. It creates barriers to reintegration and to the ability of people to contribute to their communities. It pushes people to the margins, away from opportunities for work, education and volunteering and away from necessities like safe shelter and health care.

[*Translation*]

Because of the pervasive racism in criminal justice and corrections, the current system perpetuates and amplifies the systemic discrimination and inequalities faced by Indigenous and African-Canadian communities.

[*English*]

The government has acknowledged that the record system is unfair and untenable. Yet well-intended relief measures like Bill C-66 and Bill C-93 have not reached most of the people they were ostensibly designed to assist.

[Senator Pate]

Bill C-31 likewise fell short. These approaches have barely budgeted the status quo and have therefore, however inadvertently, replicated its injustices. They continue to put the onus on individuals to navigate and fund onerous application processes. Bill S-212 would instead require the government to ensure that the punishment associated with a criminal conviction is not unjustly extended far beyond the sentence served.

When someone serves their sentence, they have paid their debt to society. As the Federal Court has said, "Our society has no place for double punishment or discrimination on the basis of criminal record"

When it comes to life after completing a sentence, according to the Supreme Court of Canada:

Individuals who have paid their debt to society are entitled to resume their place in society and to live in it without running the risk of being devalued and unfairly stigmatized.

This bill recognizes the positions of Canadian courts. It implements the intentions of the government with respect to Bill C-31. Most importantly, it reflects Canadians' understanding of justice and fairness, from the thousands represented by the Fresh Start Coalition as well as those in the general public. Consultations have revealed a broad public consensus that current record suspension costs and procedures are unjust and punitive.

Honourable senators, let us work together to bring about long-overdue, evidence-based changes to the criminal records system in Canada. I look forward to your much appreciated contributions to this bill.

Meegwetch, thank you.

Hon. Ratna Omidvar: Would Senator Pate take a question?

Senator Pate: Absolutely.

Senator Omidvar: Senator Pate, thank you for your ongoing advocacy for reform of the criminal justice system. At committee, when we discussed criminal justice reforms in various aspects, the model of the Nordic countries has always been held out to us. My question is: Will we be the trailblazers with this bill or will we follow the lead of other jurisdictions?

Senator Pate: Thank you for that question. We wouldn't be trailblazers. As I mentioned, there are countries like Germany, New Zealand and others that already have record suspension. You mentioned the Nordic countries. Places like Portugal have essentially created record expiry processes, but they don't call them that. I think we would have a lot to learn in terms of what kinds of approaches if we didn't want to take this approach. But what we are proposing in this bill is a streamlined way of allowing records to expire that has been actually suggested by the government.

Hon. Colin Deacon: Senator Pate, would you take a question?

Senator Pate: Absolutely.

Senator C. Deacon: Senator Pate, I am looking at the Correctional Service Canada mission. It says they contribute to the protection of society by actively encouraging and assisting offenders to become law-abiding citizens.

Do you know what key performance indicators they are monitoring to ensure they are fulfilling that mandate? Have you thought about the sorts of key performance indicators you would like to see to ensure that mission is fulfilled?

Senator Pate: In fact, Senator C. Deacon, Senator Forest-Niesing and I were working on a bill that I will likely be introducing coming forward that will hopefully try to address some of those very issues. I look forward to introducing those next week.

As you rightly point out, there aren't necessarily performance indicators, but there certainly are principles and values that are supposed to be upheld by Correctional Service Canada. First and foremost is least restrictive measures and community integration as well as, of course, public safety and doing all of that within that construct.

As we learned when we examined Bill C-83, there is much work to be done in terms of holding accountable Correctional Service Canada in not just the most punitive areas of their work or the areas that are most restrictive, but across the board in the areas they work. Thank you.

Senator C. Deacon: Thank you.

(On motion of Senator Bernard, debate adjourned.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE

Hon. Mary Jane McCallum moved second reading of Bill S-218, An Act to amend the Department for Women and Gender Equality Act.

She said: Honourable senators, I would like to begin by highlighting why this slight but powerful and timely piece of legislation is so critical. This bill would enshrine the requirement for the Minister for Women and Gender Equality to table a statement that sets out potential effects of the bill on women, and particularly Indigenous women. This gender-based analysis or statement would be a requirement for every future piece of

legislation to assess the gender-specific impacts of policies, legislation and programs on women and men. This allows decision makers to consider gender differences.

• (1740)

You will note specific mention within this bill to Indigenous women. I have heard the concern of some in this chamber that this excluded other women of colour, the disability community, et cetera. That is not so. I would like to illustrate the importance of referencing Indigenous women by referring to an analogy from page 151 of Kimberlé Crenshaw's *Demarginalizing the Intersection of Race and Sex*:

Imagine a basement which contains all people who are disadvantaged on the basis of race, sex, class, sexual preference, age and/or physical ability. These people are stacked — feet standing on shoulders — with those on the bottom being disadvantaged by the full array of factors, up to the very top, where the heads of all those disadvantaged by a singular factor brush up against the ceiling. Their ceiling is actually the floor above which only those who are *not* disadvantaged in any way reside. In efforts to correct some aspects of domination, those above the ceiling admit from the basement only those who can say that “but for” the ceiling, they too would be in the upper room. A hatch is developed through which those placed immediately below can crawl. Yet this hatch is generally available only to those who — due to the singularity of their burden and their otherwise privileged position relative to those below — are in the position to crawl through. Those who are multiply-burdened are generally left below unless they can somehow pull themselves into the groups that are permitted to squeeze through the hatch.

As parliamentarians, will our efforts facilitate the inclusion only of those who are positioned to squeeze through this hatch or those for whom it can be said that when those at the bottom enter, we all enter? What is the ceiling that, as parliamentarians, we need to pay particular attention to? Would applying a gender-lens analysis affect this ceiling for many? It is important to know, as this ceiling prevents many from getting to the upper room and thereby having the privilege of substantive equality in their lives.

Honourable senators, it is important to ask ourselves why this bill is necessary in the first place. Why do many of our ministers continue to shirk their mandates that require them to apply gender-based analysis to government bills? Why has there been inaction and presumed indifference to the equality of women, highlighted by the fact that the application of this analysis is anything but routine, timely and thorough?

Honourable senators, why do I concentrate particularly on Indigenous women in this bill? Gender-based analysis, as it is currently haphazardly applied, applies to citizens whose history and context are understood by Canadian society — non-Indigenous women who live in settings that normally do not generate further marginalization or interjurisdictional gaps. However, in looking at the bills that we have recently passed, Parliament continues to place marginalized people at a disadvantage socially, politically and economically.

On the ladder of marginalized people who want to get through to the top floor, First Nations women continually place at the very bottom, especially First Nations women who have multiple forms of disadvantage, some tied to legislation which only they toil under, such as the Indian Act. Why is that? Why do people resist the idea of removing the obstacles unique to First Nations women and their descendants? If we move one rung up, does it place First Nations women in a better situation? Or does the inherent intersectionality of these obstacles work in a concerted effort to prevent progress?

If society continues to leave Indigenous women without protection while it protects others through the current gender-based analysis, then what does that say about us as a society, especially after the recent report of the National Inquiry into Missing and Murdered Indigenous Women and Girls? What is the greatest obstacle for First Nations women? There are many: race, gender, disability, lack of education, unemployability, homelessness, violence in its many forms, loss of self-determination and self-government, loss of identity, lack of safe neighbourhoods, oppression through laws and policies bolstered by the Indian Act. Removal of one or even five of these obstacles would still leave Indigenous women sidelined by society.

These obstacles require political solutions, as they are politically engineered barriers. In the book *Residential Schools and Indigenous Peoples: From Genocide via Education to the Possibilities for Processes of Truth, Restitution, Reconciliation, and Reclamation*, edited by Stephen James Minton, one of the authors Dr. Natahnee Nuay Winder quotes a poem by Tanaya Winder entitled *Extraction*, 2018. This resonates with me as it represents a glimpse into the “felt” or emotional experiences of residential school.

Before I was born they tried to silence us,
pierced our tongues with needles then taught

our then-girls-grandmothers how to sew
like machines. Even then, they saw our bodies
as land, full of resources
waiting to be extracted and exploited. . . .
For as long as I can remember, we’ve been stolen:
from reservation to Industrial boarding schools
and today our girls, women, and two-spirit still go missing
and murdered. I could find no word for this.
But *yáakwi* is to sink or disappear. Where is it we fall?
When did we first start vanishing?

In the same book, Dr. Winder states that:

Residential schools were based on a model for the extraction and assimilation of Indigenous peoples from their communities, families, and traditional territories.

Dr. Winder goes on to say, as stated by an Anishinaabe writer, scholar and activist Leanne Betasamosake Simpson:

....[t]he act of extraction removes all of the relationships that give whatever is being extracted meaning. Extracting is taking. Actually, extracting is stealing – it is taking without consent, without thought, care or even knowledge of the impacts that extraction has on the other living things in that environment. That’s always been a part of colonialism and conquest.

Honourable senators, the challenges facing First Nations women require special attention. Why? I have previously spoken on the effects of residential school based on my first-hand experience and what was extracted from our lives. In the book *From Treaty Peoples to Treaty Nation* by Greg Poelzer and Ken Coates, the author states:

Consider the exceptionally large number of Aboriginal men incarcerated in the Canadian prison system, and then consider how much of the responsibility for family and community has fallen on the shoulders of wives, partners, daughters, aunts, and grandmothers.

They go on to say:

Women are the bedrock of those communities, even as they bear the brunt of the crises and social pathologies that affect Aboriginal populations. Women provide much strength to Indigenous peoples in Canada; they must play a pivotal role in laying out a strategy for the future.

• (1750)

Colleagues, healing is a continuous process for both Indigenous and non-Indigenous peoples who are doing the hard work to ensure that legislation no longer marginalizes Indigenous peoples, communities and particularly First Nations women, through assimilation and/or extraction.

As senators, we make decisions and amendments to these pieces of legislation that affect Canadians. All of the work we do, in reality, affects Canadians, and using a gender lens while we undertake this duty helps us to consider the full impact of federal bills and initiatives from the perspectives of diverse people and to identify potential challenges at an early stage.

It was through this lens that I saw the negative impacts that resource extraction specifically had on Indigenous women with Bill C-69. We all knew that the impacts of resource extraction did not affect everyone equally and that a certain segment of the population — the Indigenous women — were affected differently. It was our responsibility to know what barriers existed that impeded equality. It was also critical that we didn’t, and don’t, reinforce historical inequities.

With the reference “particularly Indigenous women,” this bill aims to mitigate some of the shortcomings of a single-axis perspective of disadvantage by facilitating the inclusion of those who stand at the intersection of multiple sources of disadvantage, and thereby include the voices which can best articulate the

shortcomings and considerations that are relevant to their situation; in this case, First Nations, Métis, Inuit and non-status women.

The First Nations, Métis, Inuit and non-status women have been and remain inordinately affected by the social conditions in which they live because these social conditions were shaped and continue to be shaped directly or indirectly by the Indian Act. The social conditions that affect First Nations, Métis, Inuit and non-status not only include features of individuals and households such as income, educational attainment, family structure, housing and transportation resources, but also features of communities, both on and off reserve, such as the prevalence and depth of poverty, residential and geographic segregation, rates of crime, accessibility of safe places to play and exercise, availability of transportation for jobs that provide a living wage, welfare status, availability of good schools and sources of nutritious food.

As was evident through testimony on Bill C-69, countless resource extraction sites, toxic waste disposal and environmental degradation are situated near Indigenous communities. No other group has had to experience living with ongoing trauma from so many institutions. Martha Cabrera, who works on trauma recovery programs in Nicaragua, describes it best when she refers to her society as multiply wounded, multiply traumatized and multiply grieving after experiencing several decades of conflict. The ongoing collective multiplied trauma and grieving and grieving can be witnessed through the missing and murdered Indigenous women and girls, children in care, over-incarceration of Indigenous peoples, suicide, sex trafficking, environmental and climate degradation, increased cancers and mental health issues.

Honourable senators, in getting back to the bill itself, the statements generated by this bill would indicate whether or not there are potential effects of the bill on women, and particularly Indigenous women, and if so what those effects are.

This statement would be tabled in the house in which the government bill originated no later than two sitting days after the bill is introduced. Furthermore, this bill would also require a gender-lensed analysis to be undertaken by the minister for all private members' bills once they are referred to committee within their respective house of Parliament. This stage of committee referral was chosen as a statement trigger for PMB, as it is indicative that a bill is meaningfully progressing through its house. For PMB, the analysis must be tabled in the house of origin no later than 10 sitting days after a bill is introduced.

To close any loopholes, the minister would finally be required to table an additional statement on amendments that are made to a bill, theoretically ensuring that any potential effects on women are identified from first reading to Royal Assent. Of equal importance is the requirement of the minister to publish every statement on the departmental website, making them accessible to all Canadians.

The enhanced responsibility bestowed upon the minister has recent precedent. Specifically, a similar clause is used in section 4.2(1) of the Department of Justice Act, which requires that minister to ascertain whether any of the provisions of new legislation are inconsistent with the purposes and provisions of

the Canadian Charter of Rights and Freedoms. That minister is also required to report any such inconsistency to the House of Commons at the first convenient opportunity.

It has previously been insinuated that this Charter Statement would encompass gender analysis for government bills, and this is incorrect. To be clear, Charter Statements do not list all of the possible implications of a bill, that a bill could have on the rights and freedoms described in the Charter. Rather, they focus on only the biggest and most immediately apparent impacts on Charter rights. An analysis under Bill S-219, in contrast, requires that a focus be put on how the proposed legislation impacts women and Indigenous women specifically, which could serve to ensure the rights of all groups, that all groups are not overlooked in broader analyses of proposed legislation. Moreover, since Aboriginal rights are not contained within the Charter, Charter Statements do not outline the impact a bill would have on these rights. Nor would Charter Statements necessarily address equality issues with respect to these rights that could be impacted by a bill.

Colleagues, I would now like to address why this bill does not mention any specific instruments through which to undertake this analysis. The bill does not expressly mention gender-based analysis, the Charter, the Beijing Declaration or any other tool: domestic or international. The reason for that is one of prudence. I wanted to ensure that this bill is protected against change, essentially rendering it future-proof. If a statute were to mention the government's gender-based analysis and a new or better technique is developed, the statute would need to be amended to keep it current. The bill, in giving discretion to the minister, ensures that analyses undertaken do not fall out of step with trends in policy analysis. The minister will be expected to use the most current and relevant means of undertaking this gender-lensed analysis, whether that be other statutes, legislation, declarations, agreements, treaties and so on.

Any time you give discretion to the minister, there is a risk that a narrow-minded minister could interpret this provision in an under-inclusive way. However, that is where Parliament plays a role in questioning and pressing the minister on their statement if it becomes evident that they only engage in this responsibility in a half-hearted way.

Colleagues, in the *2015 Fall Reports of the Auditor General of Canada under Report 1 — Implementing Gender-Based Analysis*, the finding was that:

Overall, we found that in the 20 years since the government committed to applying gender-based analysis (GBA) to its policy decisions, a GBA framework has been implemented in only some federal departments and agencies. In the departments and agencies that have implemented a GBA framework, we found that the analyses performed were not always complete and that the quality of the analyses was not consistent. This finding is similar to our finding in 2009.

• (1800)

The Hon. the Speaker: Senator McCallum, it's now six o'clock. Unfortunately, I'm obliged to interrupt you. Pursuant to rule 3-3(1) and the order adopted in November 2021, I'm obliged to leave the chair unless there is leave to continue. Accordingly, the session is suspended until 7 p.m. You will be given the balance of your time when we return.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Mégie, for the second reading of Bill S-218, An Act to amend the Department for Women and Gender Equality Act.

Hon. Mary Jane McCallum: The auditor continues:

However, the government did not make it mandatory for federal departments and agencies to conduct gender-based analysis and did not give authority to Status of Women Canada to enforce its application.

In the recommendation 1.61 the auditor states:

The Privy Council Office, Status of Women Canada, and the Treasury Board of Canada Secretariat, to the extent of their respective mandates and working with all federal departments and agencies, should take concrete actions to identify and address barriers that prevent the systematic conduct of rigorous gender-based analysis. Such actions should address barriers that prevent departments and agencies from taking gender-based analysis into consideration during the development, renewal, and assessment of policy, legislative, and program initiatives, so that they can inform decision makers about existing or potential gender considerations in their initiatives.

All three agreed.

In the recommendation 1.63 the auditor recommends that:

Status of Women Canada should assess the resources it needs to deliver its gender-based analysis mandate and assign sufficient resources to its periodic assessments of and reporting on gender-based analysis.

Status of Women Canada was in agreement.

In 2019, the Treasury Board of Canada Secretariat, in consultation with Women and Gender Equality Canada, developed *Integrating Gender-Based Analysis Plus into*

Evaluation: A Primer (2019). The purpose of the document was to provide advice for evaluators, particularly those at the junior and intermediate levels, on how to integrate GBA+ into every stage of Government of Canada evaluations in order to support commitments and directions. The document is a general discussion of each key stage of an evaluation: planning, conducting and reporting.

Honourable senators, currently speaking, the memorandum to cabinet indicates that proposals for new bills must include a gender-based analysis. Although this is a positive step forward, it is insufficient for several reasons. The first is that this analysis is not a statutory requirement, so this or any future government can stop the practice at any time. Moreover, the results of this internal GBA are not public and there is nothing stopping the cabinet from proceeding with a proposal for which the GBA is not positive or the analysis is not done at all, ill practices that may be happening now. Finally, this internal analysis, if done, is only being undertaken for government legislation and not private members' bills at the present time.

Through the requirements of this bill, the undertaking of a gender-lensed analysis would be enshrined into law and not determined by the whim of the government; it would require that the analysis be made public; and it would ensure an analysis was done for all legislation, government and private members' bills alike.

Colleagues, as our world views come from different contexts, I feel it is important to understand the real-world application of this bill. Equality and equity for Indigenous and other women means equality and equity in real conditions — including material outcomes — and therein lies the need for a consistently applied gender-lensed analysis.

It is my hope and belief that other women, and men for that matter, within this chamber will add their voices to mine over the course of debate on this bill and share their own stories and perspectives of why this bill is so crucial.

The perspective that I bring, colleagues, is that of a First Nations woman who grew up on the reserve system and whose life was controlled by the Indian Act. I didn't see the inequality and marginalization as something wrong. We were treated differently in residential school and on the reserve from the others who lived among us — teachers, nurses, nuns and priests — and I came to accept that inequality was the norm for us Indians and I didn't challenge that.

The need for gender-lensed analysis as an additional protection and oversight for all women in Canada is important. Within that context, First Nations, Metis, Inuit and non-status historical and current oppression is unique in Canada, hence the need to highlight, particularly for Indigenous women.

As our colleague Senator Boyer has stated at page 4 of her 2007 document entitled, *Culturally Relevant Gender Based Analysis and Assessment Tool*:

Section 35(4) of the *Constitution Act*, 1982 provides that notwithstanding any other provision, the Aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons. This is a fundamental constitutional recognition of the equality of Aboriginal women, and we find a similar fundamental acknowledgement of that equality in the *Charter of Rights and Freedoms*. Section 25 of the *Charter* prevents the guarantees of the *Charter* from detracting from Aboriginal treaty and other rights and freedoms; section 25 is subject to section 28 of the *Charter*, which provides that all *Charter* rights are guaranteed equally to women and men. Thus, the Aboriginal rights protected by section 25, like those protected by section 35(1), must be made available on an equal basis to women. Not only do sections 35(4) and 28 protect the position of Aboriginal women within Aboriginal politics, but section 15 of the *Charter* guarantees that Aboriginal women cannot be discriminated against vis-à-vis non-Aboriginals. For Aboriginal women, the development of a culturally relevant gender-based analysis is therefore a constitutional obligation.

Honourable senators, as parliamentarians, we need to re-examine and challenge the ideal of equality and claims to fairness, and that this ideal applies to all Canadians. It doesn't.

We need to disrupt the ideas of a monoculture, including assimilation, as well as universality or pan-Canadian approaches as solutions. These approaches have never worked due to the lack of equity for those groups who require resources to overcome the barriers and challenges that have been placed in their way.

When all women are treated as a homogeneous group having a homogeneous interest, it contributes to the invisibility of Indigenous women and the marginalization of their concerns and voices.

The right to vote and status were closely tied to gender as well. "Indigenous women were excluded from the Canadian suffragette movement, which was dominated by middle and upper-class White women."

For all of their important work, leaders in the Canadian suffragette movement, specifically Nellie McClung and Emily Murphy, worked to keep female Indigenous voices out of the arena.

It should be noted that, historically, Indigenous women had a very different traditional role than their European counterparts. This is described, in part, by author Cynthia Wesley-Esquiaux within the book, *Restoring the Balance*, which states, on page 16:

Native women were removed from their traditional roles and responsibilities and pushed to the margins of their own societies. The missionaries brought into the New World an old-European social hierarchy where "a woman's proper place was under the authority of her husband and that a man's proper place was under the authority of the priests."

• (1910)

In a policy paper entitled *Indigenous Gender-based Analysis for Informing the Canadian Minerals and Metals Plan*, Adam Bond and Leah Quinlan of the Native Women's Association of Canada state on page 4:

Indigenous women have unique and more proximate social and cultural relationships with nature than non-Indigenous groups. The intersectionality of their gender and indigeneity equip Indigenous women and girls with special roles, knowledge and responsibilities, but also expose them to greater risks. The socio-cultural relationships of Indigenous women with nature and their physiology result in pronounced negative effects of local mining-related environmental impacts. . . .

The purposeful exclusion of Indigenous women from community decision making, consultations, and negotiations with the private sector perpetuate the continued disproportionate negative environmental and social-economic effects of industrial activities on Indigenous women and girls. Consultation processes require good faith on the part of both the Crown and community. The marginalization of the voices and concerns of Indigenous women from these processes undermine the legitimacy of the ultimate decisions and agreements.

Sexual violence, harassment and discrimination are prevalent realities for Indigenous women that are often exacerbated by the presence of industrial projects . . . The persistence of "rigger culture" in . . . work camps perpetuates a form of racism and misogyny [that] undermines the human worth of Indigenous women —

— and girls —

— and exposes them to heinous and entirely intolerable acts of sexual violence and discrimination. Whatever the positive economic effects of mining activities are or may be, the continued prevalence of these offences slides the scale firmly against a net socio-economic benefit for Indigenous women.

The failure of mining companies to exterminate rigger culture and the failure of governments to impose adequate administrative conditions and legislative and regulatory requirements to protect Indigenous women is not only a mammoth burden for Indigenous women to shoulder, it is a major obstacle for the industry to access a much-needed workforce and stands firmly in the way of developing trust-based relationships with local communities. Ultimately, so long as the presence of mining activities constitutes a threat of sexual violence, there cannot be a reasonable conclusion that the industry is a positive force for Indigenous women and girls. No community can ever be reasonably expected to support a project that puts their women and children at risk of rape.

Honourable senators, this bill is about minimizing the deleterious effects while maximizing the benefits in the environmental, social and cultural realms of exploration and resource activities.

This shows that when capitalism is a major component in bills, those bills will require gender considerations to be applied in future federal policies and laws. While I use the example here of the impacts of the resource industry on Indigenous women, it is important to stress that there are other areas such as health, law, geography and so on that impact different groups of women in unique and complex ways. In some circumstances, the intersectionality of capitalism, health, geography and law with identity, gender and indigeneity affects people as is shown in the above. In the CRI-VIFF No. 6, January 2011, it states:

This means that girls and young women often find themselves at the crossroads (intersecting sites) of various systems of oppression such as patriarchy, capitalism and colonialism as they encounter different forms of violence related to these systems simultaneously.

Colleagues, when it comes to resource-rich areas, First Nations remain in an apparently unbreakable deadlock. Breaking out of this deadlock would allow the forces of modernization to flow through First Nations, Metis and Inuit communities. Yet, being intentionally placed in a powerless position allowed industry to overwhelm First Nations communities when these communities were in the way. Research has found mostly negative outcomes regarding social, economic, cultural and health impacts for Indigenous and non-Indigenous women when a resource development project is situated near their community. These include child care challenges; temporary low-skilled and low-paying jobs; increases in violence and harassment; increases in sex work, homelessness; affordability of housing; decreasing health resources due to the influx of workers; and so on. Again, this is but one facet of life where discriminatory policies result in excessive hardships for women to deal with.

There is a term used by Steve Lerner to describe places as “sacrifice zones.” These are low-income and racialized communities shouldering more than their fair share of environmental harms related to pollution, contamination, toxic waste and heavy industry.

In the Senate, do we create our own type of sacrifice zones, or support the existing ones, by not taking into consideration how legislation we consider and pass affects the marginalized and oppressed? How do we use the power and privilege we have been bestowed to address the disparities in environmental burdens? We need to take resistance by First Nations, Metis and Inuit seriously rather than treating the concerns and protests as merely obstructionist.

Honourable senators, recognizing the extent of the problem and calling attention to it is the most basic step toward actually addressing it. To stop there is an overt abuse of the privilege that creates and reinforces a flawed system. It is on us to go beyond this at every opportunity.

With that, I see the impacts of Bill S-218 as twofold. The first is creating equity amongst all Canadian women. How has privilege afforded equality to one group of women and why are certain other groups left behind? The underlying issues and individual needs of underserved and vulnerable populations must be effectively addressed by ensuring policies do not discriminate against marginalized groups. This includes the unique needs of all women and girls; First Nations, Metis and Inuit people;

LGBTQ2 and gender-nonconforming people; those living in northern, rural and remote communities; people with disabilities; newcomers; children and youth and seniors.

Alongside equity amongst all Canadian women, the second step this bill will take is to ensure equity of women to men. These two steps will naturally occur at the same time as every instance during which a gender lens is thoroughly applied to legislation. It ensures women from all walks of life will be further protected from any negative consequences, intended or not. Once these steps are taken and equity is achieved, that is when we can begin to operate on a sustained level of equality amongst all Canadians. Equality is the foundation from which everyone can lead happy and fulfilling lives.

Honourable senators, an ounce of prevention is worth a pound of cure. It is time to act to prevent further avoidable, discriminatory policy-based and legislation-driven issues at the outset to avoid the need for future generations to correct our wrongs.

As First Nations, Metis, Inuit and non-status peoples — the most vulnerable — we want substantive equality and equity on par with other Canadians. There should be no place for inequity in this land of opportunity with a history of treaty relations. Unfortunately, the sidelining of First Nations, Metis, Inuit and non-status peoples — and especially the women — from economic activity, employment and culturally appropriate education is a reality that needs to be addressed. Remedying this, in part, will be one of the many accomplishments of this bill.

• (1920)

I urge you to join me in supporting Bill S-218 and the consistent application of a gender-lens analysis to all future legislation.

I just wanted to mention that I’m meeting with a group of women on Thursday, and they have developed their own Indigenous GBA. The women are doing this to protect themselves because nobody else is protecting them. Isn’t it egregious that they have to do that? We are trying to do our part in the Indigenous community to move forward. We are not just sitting there. I urge you to join me and support this bill. Thank you.

(On motion of Senator Duncan, debate adjourned.)

NATIONAL RIBBON SKIRT DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mary Jane McCallum moved second reading of Bill S-219, An Act respecting a National Ribbon Skirt Day.

She said: Honourable senators, I rise today to speak to second reading of Bill S-219, which would establish January 4 of each and every year as “National Ribbon Skirt Day.” Through this bill, Canada would have the opportunity to further their understanding and education of Indigenous culture and heritage — specifically the ribbon skirt, which is a symbolic piece of clothing used in Indigenous tradition and ceremony.

I want to thank Chief George Cote of the Cote First Nation in Saskatchewan, as well as Isabella Kulak and her family, for their strength and determination in being who they are and their ways of being and knowing.

Colleagues, this bill represents an initiative that is very meaningful to many Indigenous people and communities across the country. Chief Cote of Cote First Nation, the home of Isabella Kulak, shared this statement with my office:

On behalf of Cote First Nation, we are honored to have January 4th as National Ribbon Skirt Day across our great Nation. Bella Kulak has demonstrated the importance of sharing our culture to other nations. Our First Nations, Metis, Inuit women are a symbol of life givers and their resilience in looking after the home fires is our strength to move forward. We thank Senator McCallum for bringing forward such a recognition and encourage all Parliamentarians to offer their support for this bill in the year of Truth and Reconciliation. Meegwetch from the Saulteaux First Nations of Treaty 4 Territory.

Honourable senators, I would now like to read a statement that was sent to my office by Isabella Kulak herself, the 10-year-old girl whose bravery and resolve turned an unfortunate incident into a platform for change through understanding and education. Ms. Kulak said:

Dear Senator McCallum

My name is Isabella Susanne Kulak and I would like to start off by telling you what the ribbon skirt means to me. The ribbon skirt represents strength, resiliency, cultural identity and womanhood. When I wear my ribbon skirt I feel confident and proud to be a young indigenous girl.

When I was 8 years old I was gifted my very own ribbon skirt from my auntie Farrah Sanderson. I wore it with pride and honor to my traditional ceremonies and pow wow's. On December 18th 2020 it was formal day at Kamsack Comprehensive Institute where I attend school, so I chose to wear my ribbon skirt just like my older sister Gerri. When I got to school a teacher assistant commented on it and said it didn't even match my shirt and maybe next formal day I should wear something else like another girl was wearing and pointed at her. Those words made me feel pressured to be someone I am not. I eventually took off my skirt as I felt shamed.

Today I no longer feel shamed and I feel proud and powerful enough to move mountains because I know that people from around the world are standing with me. I am very grateful to be Canadian, to be Indian and to represent my people by wearing my ribbon skirt proudly! Thank you to Senator

McCallum and to all the people who supported me from around the world, from Canada and from all the First Nations across the nations of the earth.

Sincerely Isabella

I want to thank Isabella for taking the time to provide such a profound statement so that her voice can be incorporated as part of the public record. Isabella, I want to tell you that there are senators wearing their ribbon skirts, both on the floor and those attending virtually, and that we stand behind you.

I would also like to thank Chief John Dorion from Kaminstikominahiko-skak Cree Nation, or KCN, who wrote to our office to support the request to establish Ribbon Skirt Day on January 4.

Colleagues, Bill S-219, while another step down the path to reconciliation, comes in response to an incident that occurred last December. As Chief Dorion stated:

Just before Christmas in 2020, a school in Kamsack, Saskatchewan was protested because a 10-year old student [Isabella Kulak] was shamed because she wore her ribbon skirt to school. After the shaming and due to hurt feelings, she went home, she took off her skirt and acted withdrawn. As a result of breaking news on the issue, the 10-year old has received support far and wide receiving skirts arriving from around the world. The young girl went back to school with members of her family wearing ribbon skirts and was drummed into the school. The division's education director admitted that the incident was a major error and accepted full responsibility for what happened. Since then, the Good Spirit School Division has apologized for what was believed to be racially motivated.

Chief Dorion goes on to say:

Research shows that the ribbon skirt is a symbol of womanhood and its' reflective of our identity and other Turtle Island Nations. The skirt is also sacred, spiritual and political. It gives strength to our young people and it reminds us that we are not alone and we are connected to our communities and generations of ancestors who are with us at all times.

Colleagues, in the article “The Ribbon Skirt: Symbol of surviving cultural genocide” by Kelly Anne Smith, she interviews Tala Tootoosis, a Nakota Sioux, Plains Cree and Mohawk woman, about her healing journey. Miss Tootoosis is a social worker, addictions counsellor, motivational speaker, partner, daughter and mother. She states:

We are not submissive. We are not quiet. We are not waiting for our Indian Warrior to come and save us. Or our prince to come and save us. We are waking up. We're getting up. We are taking care of our kids. We are getting degrees. We're getting sober. We're learning to sew, bead, quilt, paint, sing, dance, everything again.

We're learning to heal. We're lawyers. We're doctors. We're judges. And at the same time, we are women. We are capable of carrying life, creating life, with or without a man. But at the same time remembering the balance. The man has a purpose and we create a balance together.

She continues, stating that ribbon skirt teachings are not about a woman learning not to get raped:

It's teaching them to be empowered and that they already are resilient. Women already have power. A woman is protection because she is a woman. And when you have that understanding you learn boundaries.

Tootoosis states the ribbon skirt is almost a declaration of being a survivor of attempted genocide.

• (1930)

They tried to murder my grandmother. They cut her hair. They tried to beat and rape the language out of her. But she still taught me that it's okay to wear a skirt. She told me she was so proud of me. She was able to say that from her own lips. That's resilience. That's power.

She continues by saying that the power is in the ribbon skirt:

You could be on your first day sober and put on the ribbon skirt and remember you are not what happened to you.

Honourable senators, this bill aims to provide social justice for Bella and other young Indigenous youth who must struggle against racism, colonialism and gender violence in their day-to-day lives. By keeping this request for a national day of recognition situated within a framework generated from and led by the Cote reserve, it ensures that the families' and communities' tradition and intergenerational knowledge is secure while they're navigating modern Indigenous struggles. This also helps to resist the colonial images of Indigenous women, girls and transgender peoples.

The acts of resistance by women — including mothers, aunts, grandmothers, sisters and friends — against ongoing violence and colonialism is very important, as their resistive acts are models for young Indigenous girls. They are acts against cultural genocide. Both mother and daughter are no longer willing to leave their spirits at the door and are ready to take that challenge to a different level that is bringing ceremony to everyday living, not only in their home but taking it to the outside world.

In her paper *Red Intersectionality and Violence-Informed Witnessing Praxis with Indigenous Girls*, Natalie Clark quotes Madeline Dion Stout in her powerful memoir of residential schools. Within this, she describes how Dr. Stout's parents' resilience is working through her now and how even her triggers give her life. She said:

Their resilience became mine. It had come from their mothers and fathers and now must spill over to my grandchildren and their grandchildren.

This knowledge transfer of resistance and activism to youth is vital and it's ongoing. According to Natalie Clark's paper, she states:

Zitkala-Sa and other Indigenous feminists remind us again and again in their writing that violence has always been gendered, aged, and linked to access to land.

Honourable senators, acts of resistance inform the Indigenous struggle for self-determination. Although Bella might have been unaware of her activism, she has already committed to actions that were anticolonial and focused on the goals of transformation and liberation — free to express her cultural heritage and make people worldwide aware that she's helping to transform the colonial picture of Indigenous youth.

In the words of Indigenous scholar Linda Tuhwai Smith:

Storytelling, oral histories, the perspectives of Elders and of women have become an integral part of all indigenous research. Each individual story is powerful. But the point about the stories is not that they simply tell a story, or tell a story simply. These new stories contribute to a collective story in which every indigenous person has a place.

By doing what she did, Bella's story is providing space in which girls can be seen in the circle and allows the world to better understand her experience of violence. Her act of resistance and education is medicine for her and other youth, and allows them to practise from a safe space.

Natalie Clark goes on to say she and her mother-in-law:

. . . were discussing Indigenous girls who are strong, resilient young women in spite of the violence, abuse, and ongoing colonial legacy that surrounds them. Together we questioned what made the difference in the girls who managed to navigate the "colonialscape" (Hunt 2014:1) of adolescence and those who struggled. We both identified that in the health of the girls we knew the key role was played by their connection to culture and language and identity, as well as by their strong female role models, including Elders.

Honourable senators, Bella is to be commended for fostering a healthy resistance strategy and activism through wearing her ribbon skirt. I would also like to commend her parents, Chris and Lana Kulak, who have fostered these admirable values in not only Bella but in all of their daughters. Chris and Lana Kulak also provided a statement to my office regarding the ordeal that their daughter Bella endured.

Dear Senator McCallum,

It is with great humility and honor that my family makes comment on the events regarding the shaming of my daughter Isabella Susanne Kulak of Cote First Nations Saskatchewan.

It has been a long road for the First Nations people of Canada since the landing of European peoples on our great shores. Much has happened since that has been of great insult and injury to many people in this country of

Indigenous descent, and much of it to do with race and interpretation of what it means to be Canadian AND Indigenous.

Through the events that led to my daughter receiving National and International attention in regards to her wearing of her sacred traditional attire (her Ribbon Skirt) to school and her subsequent shaming by her teacher's aide, we have come to a great crossroads that all of us as Canadians must recognize and come to terms with together as the great nation we are. We must face down and defeat the mighty enemy we call Racism and Intolerance. There is no time like the present to evoke change that will ultimately change the course of the history of Canada's relationship with the people who are the original Landlords, the First Nations People across this country.

Our hope in all of this is that all Canadians see the relevance of what has occurred, and that this forever define what is truly unacceptable in our public institutions and our society as a whole. We as a family feel a great sense of responsibility to all Canadians, both Indigenous and non-Indigenous, to create a safe space and a dialogue that will continue on in a mutual respect between nations that lasts for generations. The creation and discussion around Bill S-219 has brought hope that these discussions lead to a greater sense of pride for all our country's Indigenous peoples, and foremost a greater sense of urgency as it pertains to the reconciliation process and the decolonization of Canada.

In the words of the great artist Alex Janvier of my home province of Alberta, a true beacon of hope and perseverance and testament to the resiliency of Indigenous peoples of Canada, 'The Original Landlords have returned to take back control of these lands. The Earth is us and we are the Earth.' As a residential school survivor and a true warrior in the battle for equality Alex has shown us through his art what is possible when you never give up even when told that certain things are not possible. He and Bella have shown that anything is in fact possible.

For all the people in this country who have lived through racial intolerance and fought to preserve the inherent rights of Indigenous people, we thank you as a family and as a First Nation. I am proud that my Bella is so supported by so many in this country and around the world, and it is our hope that all of this will evoke the change that is necessary to achieve true respect between nations and between peoples that reside here as Canadians.

'Bella The Brave' is how I refer to my daughter and this has instilled a fiery resolve in all my daughters and my beautiful wife Lana who I love and respect very much. My family has taught me so much about what it means to be a daddy and a husband, and the Ribbon Skirt with its sacred cultural teachings and spirituality has galvanized us to be true change makers in our community and our country. I thank all of the Native and Metis people as well as our Inuit family who fought so hard for so long to preserve and maintain our cultural traditions and identity. Without the sacrifice of our ancestors the Ribbon Skirt may have been lost long ago, and this National Ribbon Skirt Day is not only a testament to

"Bella The Brave" but to all the brave warriors who came before her that never cease to amaze us when we read about them and the many obstacles that they faced every day of their lives because they were Indian. Let us always remember this National Ribbon Skirt Day as a true showing of the cultural and spiritual identity that is intertwined in the seams of the garment and the sacred hands that make them!

Kici Miigwetch — A great big thank you,

Christopher & Lana Kulak

Cote First Nations — Kamsack Saskatchewan Canada.

• (1940)

Honourable senators, sacred stories move us deeply. They change us and bring us closer together. There are two essential elements of sacred stories. These powerful vehicles tell us about ourselves and in that way transform us while simultaneously connecting us to our fellow human beings. We are aware that some profound lesson has been imparted. As we continue to search for ways to heal ourselves, each other and Mother Earth, stories and storytelling will continue to flourish.

Colleagues, as listeners and receivers of the sacred story of Isabella Kulak, we in Canada become essential partners in her resistance against the colonial presentation of Indigenous girls. This bill, colleagues, is very short and very straightforward. Although being recognized federally, national ribbon skirt day would not be a legal holiday or a non-judicial holiday. To me, this bill is not only a helpful and important initiative of reconciliation; it is also nonconfrontational in its nature, scope and goal. It is my hope that debate on this can be swift and that ideally when the time comes we can reach agreement to have second and third reading votes occur back to back without jeopardizing this bill by sending it to committee, where it may face a prohibitive wait time.

Honourable senators, I urge all parliamentarians to join me in supporting this bill and this young girl who feels proud and powerful enough to move mountains because people from around the world are standing with her. Let's also stand with her. It shows that we collectively support youth through the healthy transitions into adulthood. We need to offer them support to resist stereotypes and to replace this with strong and affirming messages and images of themselves. This includes naming and challenging negative cultural messages and abuse of power in society. Thank you.

(On motion of Senator Duncan, debate adjourned.)

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Diane F. Griffin moved second reading of Bill S-222, An Act to amend the Department of Public Works and Government Services Act (use of wood).

She said: Honourable senators, I rise today to speak to Bill S-222, An Act to amend the Department of Public Works and Government Services Act (use of wood). Some of my colleagues will already be familiar with this bill. I have introduced it before and I've also sponsored a version introduced in the other place by my friend Richard Cannings, an MP from British Columbia.

For the benefit of my colleagues who have recently joined our chamber, I will offer an overview of the bill and an argument as to its importance.

Engineered wood beams can be used in place of concrete and steel in the construction of tall buildings. These are large beams, so they are not a fire hazard. It's like holding a match to the trunk of a 100-year-old maple. It just won't light. These beams can be used to build huge structures.

For example, in 2018 the Standing Senate Committee on Agriculture and Forestry travelled to British Columbia on a study tour and went to see Brock Commons, which is a 17-storey student residence on the UBC campus. You were there, Senator Black; Senator Gagné was too. It was really impressive. My lasting impression, in fact, of that building is that it just didn't feel like a university building. You know what I mean. Those big old buildings that are all steel, glass and concrete. Brock Commons had a warmth to it. Not only were the wood beams used in its construction an excellent carbon sink, but they made a much more pleasant environment for those who live and work in them.

This weekend I was talking to my dear friend Dr. Ann Howatt about this bill. Ann spent her career in artifact conservation and worked for years at the Canadian Conservation Institute in the Glenbow Museum in Calgary which, by the way, is currently undergoing a renovation. A core project goal of the renovation is sustainability. The term is "utilizing the existing 'bones' of the building and repurposing the assets that [they] already have, while improving the mechanical systems to ensure [their] future building will be efficient and environmentally responsible."

Ann also pointed out to me that mass-timber buildings are built in accordance with green architecture. In a 2016 paper entitled *Green Architecture: A Concept of Sustainability*, Amany Ragheb and others described green architecture as architecture that:

... produces environmental, social and economic benefits. Environmentally, green architecture helps reduce pollution, conserve natural resources and prevent environmental degradation. Economically, it reduces the amount of money that the building's operators have to spend on water and energy and improves the productivity of those using the facility. And, socially, green buildings are meant to be beautiful and cause only minimal strain on the local infrastructure.

This is certainly what I observed when we visited Brock Commons.

Last week Senator Omidvar and I discussed this bill, and she mentioned the agreement that Prime Minister Trudeau signed at the recent COP26 climate summit agreeing to end and reverse deforestation by 2030. This is a pledge I wholeheartedly support.

[Senator Griffin]

Our forests are an excellent renewable resource but one that must be nurtured. Our forestry industry is doing a good job. According to Natural Resources Canada:

Since 1990, Canada's low annual deforestation rate has declined even further, dropping from 64,000 hectares per year to about 34,300 hectares per year in 2018,

and "Canada's overall deforestation rate is expected to decline even further over time."

Natural Resources Canada is already monitoring this indicator to ensure our compliance with the United Nations Sustainable Development Goals.

If we continue to manage our forests properly, engineered wood has huge potential to reduce the carbon intensity of our buildings. In 2018, Mr. Gérard Beaulieu of the Quebec Forest Industry Council told the natural resources committee in the house that:

One cubic metre of wood emits 60 kilograms of carbon, compared to 345 kilograms for the same volume of concrete and 252 kilograms for steel.

We have a fantastic opportunity here for a made-in-Canada solution to one of our more carbon-intensive industries.

• (1950)

So where does Bill S-222 come in? The bill would require Public Services and Procurement Canada to consider any potential reduction in greenhouse gas emissions and other environmental benefits of materials, products or sustainable resources used in the construction, maintenance and repair of public works. This doesn't tie the department's hands but would instead remind it that engineered wood is an available option that may be desirable for use in its projects. This, in turn, could lead to the construction of more buildings like UBC's Brock Commons, which could start to change the industry norm of using only concrete and steel.

Colleagues, changing this norm would lead to a meaningful reduction of our greenhouse gas emissions, to more jobs in our forestry sector and to the increased use of materials whose environmental impact we can meaningfully measure because they are grown, harvested and processed here in Canada. It would give our forestry industry a win in the face of repeated trade disputes with the United States. Changing this norm would start the process of changing the norms in the building industries as a whole so that other innovations like green architecture and passive environmental controls would change from the exception to the default.

In fact, just this morning I was speaking with maritime representatives from the Canadian Construction Association, and Vivek Tomar from Nova Scotia mentioned that the new academic tower at the University of Toronto will be constructed using engineered wood. I'm thrilled to see this leadership.

Honourable senators, I hope you will join with me in supporting this bill and getting it to committee so that we can hear from expert witnesses in the new year. Thank you.

The Hon. the Speaker: Senator Griffin, would you take a question?

Senator Griffin: Certainly.

The Hon. the Speaker: Senator McCallum, do you have a question?

Hon. Mary Jane McCallum: Yes, I do.

On First Nations' lands — and not even First Nations' lands — harvesting has been done with no replanting of trees. When I'm back in Manitoba, I can see large areas that are hidden, so when you drive on the highway, you can't see what's happening.

Would there be protection of old growth in preventing the lumber industry from harvesting old growth like they were trying to do with Avatar Grove and Fairy Creek in B.C.?

Senator Griffin: Thank you for the question. This bill would not do that, but other things have to do that. A lot of national resources, of course, fall under provincial jurisdiction, and most provinces have either a natural areas act, a wilderness areas act or an ecological reserves act. There's the Nature Conservancy of Canada and various provincial nature trusts.

There's a lot of work being done by a lot of people across the country on this, and all of this has to come together and hopefully be coordinated on a national basis. That's why groups like the Nature Conservancy of Canada are important, because they've developed a plan where they're trying to protect all the representative features of our natural resources across the country, whether they be wetlands or old-growth forests.

There are a lot of groups and people that have to play the role of protecting these areas. First Nations, of course, have to look after their lands in the same way.

One thing I'm really pleased about is the partnerships that are starting to evolve with Parks Canada, First Nations, and with First Nations and the Nature Conservancy of Canada. So there are a lot of people and groups that have to play a role in this.

But I'm not pretending that this bill is that kind of a comprehensive bill. It has more to do with sustainable use of the forests, which has to be backed up by policy to not only ensure sustainable use but to ensure that prime, protected areas like old-growth forests remain for the future. Thank you.

Hon. Terry M. Mercer: I move the adjournment of the debate.

The Hon. the Speaker: Just a moment, Senator Mercer. Senator McCallum, do you have a supplementary question?

Senator McCallum: I will make a comment.

I went to Avatar Grove and Fairy Creek to look at the forest. When I went to Fairy Creek, the people were forced to put up a protest group. The RCMP was there, and we went there.

They have to act to protect the lands. The provinces don't work with First Nations, so there are a lot of existing problems right now. I'm worried that the lumber companies would see this as "we can do this," because right now, the province has jurisdiction over it and does not consider First Nations issues.

So I'm just concerned about that. Thank you.

Senator Griffin: We're in agreement.

(On motion of Senator Mercer, debate adjourned.)

FOOD DAY IN CANADA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Robert Black moved second reading of Bill S-227, An Act to establish Food Day in Canada.

He said: Honourable senators, I rise today to speak to Bill S-227, An Act to establish Food Day in Canada, which seeks to establish the Saturday of the August long weekend as Food Day in Canada.

First, I would like to thank my colleague the Honourable Senator Diane Griffin for tabling this bill on my behalf in the Senate last week.

I have risen on a number of occasions to highlight the important role of our local farmers, producers and processors, and the roles they play in ensuring Canadians have access to safe, nutritious and affordable foods. The food day in Canada act represents an opportunity to celebrate those same farmers, producers and processors, and to highlight and appreciate the diverse and nutritious food products that we all have access to.

At the outset, I would like to pay tribute to a great "advocate" whom many of my colleagues on the Agriculture and Forestry Committee will remember: Anita Stewart, a founder of Food Day Canada. Anita was a food activist, a cookbook author and the first Food Laureate at the University of Guelph. She was a champion of local food and the stories behind that food. Sadly, Anita passed away last year at the age of 73 after losing her battle with pancreatic cancer.

While I've introduced the food day in Canada act to establish a national day, the first Food Day Canada was born from Anita's concern for beef farmers during the 2003 bovine spongiform encephalopathy, or BSE, crisis. That year, she organized what she called the world's longest barbecue, where she invited her network of friends, farmers and chefs to share their recipes using Canadian beef.

It evolved into what we know now as Food Day Canada, where Canadian food is promoted, celebrated and shared across this country.

I had the privilege of collaborating with Anita on a number of occasions and found her to be a staunch supporter of the Canadian agricultural industry. Her spirit and passion for Canadian cuisine from coast to coast to coast and the people who grew, harvested and cooked it was unrivalled. Anita was a

trailblazer who made a tremendous impact on the health and well-being of our Canadian food system. She will be missed by all who knew her, and her memory lives on in the legacy of her recipes, her family and Food Day Canada.

Her legacy of celebrating Canadian cuisine is part of the reason I have chosen to introduce this bill. She inspired me and many others with the way in which she loved Canadian ingredients, recipes and dishes. I hope that by establishing a food day in Canada, Canadians for generations to come will have the opportunity not only to learn about the many foods grown and produced in Canada but also about Anita and the way she honoured Canada through food.

• (2000)

Today, Food Day Canada embodies a celebration of Canadian culture, cuisine and ingredients. Farmers, chefs and restaurateurs and organizations from coast to coast to coast honour this annual event each summer.

While things weren't quite "normal," due to the ongoing COVID-19 pandemic, we still saw a huge outpouring of support for Food Day Canada this past summer. Chefs from leading establishments such as Jason Bangerter from Cambridge's Langdon Hall and Anthony Walsh of Oliver & Bonacini participated as friends of Food Day Canada. Restaurants big and small from across the country, including Champlain Restaurant at Le Château Frontenac in Quebec City; Fauna, just a few blocks away from Parliament Hill on Bank Street here in Ottawa; Toronto's award-winning Canoe; the Yellow Door Bistro in Calgary; and Vancouver's Forage all highlighted local cuisine in honour of Anita and Food Day Canada.

Individuals also had the opportunity to sign the Food Day Canada pledge to shine a light on Canadian food and farming. I proudly took that pledge to cook and eat like a Canadian. In addition to many individuals supporting Food Day Canada by taking this pledge, 47 iconic landmarks, including the clock tower in Charlottetown, the Elora Gorge near my home in Wellington County, Niagara Falls, the CN Tower, Halifax's city hall and Calgary Tower were lit in Canada's red and white to honour our farmers, fishers, chefs and home cooks.

As many of you know, I have been involved in the agricultural arena for most of my life. I am proud that Canadian farmers are known to be among those who produce some of the safest, highest-quality food that feeds not only our country, but the world.

In fact, the Canadian agricultural sector is one of our nation's oldest industries. Today, agriculture and agri-food in Canada represent a multi-billion-dollar annual business and a vibrant network of farmers, their farm families and workers, as well as many agricultural organizations.

From coast to coast to coast, our agricultural community is busy producing top-quality food products. We are known worldwide for potatoes from Prince Edward Island, beef from Alberta, maple syrup from Quebec, peaches from Ontario, wine from British Columbia and wheat from the prairies, among many other things. Canada is a leader in agriculture, and will continue to be, with the right support.

At this time, I must express that I was extremely disappointed again this year by the lack of attention to Canadian agriculture in last week's Speech from the Throne. The government frequently speaks about its commitment to agriculture, yet the sector never seems to make the cut into their top priorities.

I am incredibly disheartened to share that the term "agriculture" was not mentioned a single time in this year's speech. To me, this is unimaginable given not only the importance of agriculture in the daily lives of each of us and all Canadians, but also the way in which food security and sovereignty have been highlighted by the COVID-19 pandemic.

Furthermore, agriculture is intrinsically connected to so many other areas that have been highlighted by the government as priorities, most notably their focus on the effects of climate change and the environment. Farmers are stewards of our land, and they must play a role in our fight against climate change. In fact, farmers often face the brunt of climate change, as Canadian agriculture suffers greatly from the effects.

For example, the frequency of extreme weather events has doubled since the 1990s. There has been an increase in floods, droughts, forest fires and storms that, unsurprisingly, interfere with planting and harvest and disproportionately affects farms of all sizes. We have seen over the past few weeks just how devastating the effects of extreme weather can be, as floods ravaged British Columbia's agricultural heartland, destroying lives and livelihoods.

Time and time again I have highlighted the way in which farmers have risen to the challenge of addressing climate change. Many have already introduced greener methods of farming. However, they are rarely acknowledged for doing so, or supported in any way.

Canada's agricultural community knows they have a critical role to play in preserving ecosystems and resources, as well as in minimizing the environmental impacts of their activities through the implementation of beneficial agricultural practices. In order to be truly successful in their fight against climate change, Canadian agricultural producers and food processors will need the government's support in transitioning their operations to be more sustainable, and they will also require the government and the public's support while they seek to change decades-old and decades-long practices and procedures.

It is clear that agriculture plays a major role in Canada. And, in spite of facing unimaginable challenges over the past few years — from the issues relating to the COVID-19 pandemic, to widespread destruction by extreme weather — our farmers, producers and processors remain resilient. I am confident that this industry will continue to play an important role, especially in the post-pandemic economic recovery. The only thing they need now is our support. We can start showing our support here in the red chamber by establishing food day in Canada.

As I've mentioned, food day in Canada calls attention to our agricultural industry and the pride we share in growing food. Canada is one of the largest producers and exporters of agricultural products in the world. From the huge wheat fields and cattle ranches in Canada's prairies to the field crop, dairy, fruit and vegetable farms across the country, our farmers, producers and processors have something for everyone.

Over the course of the COVID-19 pandemic, we have seen our nation come together in support of one another, including in support of Canadian-made food. I have been delighted to see the interest in learning where, how and who grows our food skyrocket in the past months.

I am confident that, if we choose to establish food day in Canada, Canadians from all walks of life will have the opportunity to learn more about the bountiful foods that are grown in our soils and the many types of livestock that are raised on our farms. This day will give Canadians, young and old, an opportunity to thank the farmers who put food on our tables each and every day.

Honourable colleagues, food day in Canada is a national event for all Canadians to join together in celebration of our food and the people who make it happen, from farms to our forks. I am hopeful that this speech is just the first step in establishing a national celebration of our agricultural community.

This past summer, I found myself in Ottawa over the August long weekend. I took the opportunity to celebrate Food Day Canada that Saturday evening by visiting restaurants that showcased local ingredients. That said, how you celebrate food day in Canada every summer is up to you — visit a local restaurant, create your own mouth-watering moments, or get inspired by some delicious Canadian ingredients. Just make sure to have fun and show your pride for the local Canadian food that we enjoy.

Honourable colleagues, you know I am, and always will be, an "AGvocate." Agriculture is what I know best and will remain my primary focus as long as I serve Canadians in the red chamber.

I know that it was always Anita's dream to have a national day established. She worked tirelessly over the course of her life to highlight not only the wonderful food and ingredients that are grown in Canada, but also the farmers, producers and processors responsible for it. I hope you will take this opportunity to recognize the hard work of our agricultural community by establishing and celebrating food day in Canada with me.

I hope that we can send Bill S-227 to the Agriculture and Forestry Committee for further review, pass it in this chamber and then send it to the other place in quick fashion.

Thank you, *meegwetch*.

Hon. Donna Dasko: Would the senator take a question?

Senator, thank you for your presentation. One of the great Canadian foods is, of course, grapes. Grapes, of course, turn into wine. We in Ontario have the greatest wines in the entire country.

I know British Columbians think they have the greatest, but we have the greatest wines here in Ontario. Others think they have a wine industry too, but we will put that aside for a moment.

Does the food day that you propose include a celebration of wine or is that a separate day that you might be contemplating to celebrate the great wines of Canada?

Senator Black: Thank you for your question. I celebrate wine every day, actually. This is local Canadian food, and grapes are part of the Canadian cuisine. It's all inclusive.

Hon. Stan Kutcher: I won't comment on sour grapes. I wonder if there is any way, with the tremendous enthusiasm — and I share it — for Canadian food, if on a Canada food day we could encourage people not to waste food. As we know, when food goes into a landfill it turns into methane, which is about 20 times greater than carbon dioxide as a greenhouse gas. It's a huge problem. Is there any way of celebrating Canada's food day while making sure not to waste this wonderful food we have?

• (2010)

Senator Black: This is a tremendous opportunity. The folks promoting food in Canada will take that on, I'm sure. I support them in what they're doing, and I will pass that on. I agree that food waste in this country is tremendous. I am following the circular food economy that is taking place now. It's exciting to see what is happening in that realm as well, so thank you.

Hon. Yonah Martin (Deputy Leader of the Opposition): I should thank Senator Dasko for her mention of our wonderful B.C. wines, but I know Canada should be proud of its wine industry. Thank you, Senator Black.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION PERTAINING TO THE RESIDENTIAL SCHOOL SYSTEM— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Dean:

That the Senate of Canada:

- (a) acknowledge that racism, in all its forms, was a cornerstone upon which the residential school system was created;
- (b) acknowledge that racism, discrimination and abuse were rampant within the residential school system;
- (c) acknowledge that the residential school system, created for the malevolent purpose of assimilation, has had profound and continuing negative impacts on Indigenous lives, cultures and languages; and

- (d) apologize unreservedly for Canada's role in the establishment of the residential school system, as well as its resulting adverse impacts, the effects of which are still seen and felt by countless Indigenous peoples and communities today.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak to Motion No. 10, which deals with the harmful impacts and the legacy left behind by the residential school system. The residential school legacy:

. . . is not an event that only occurred in the past; for some Indigenous peoples, this institution is a living history, and a lived experience that they are still processing.

This is a quote from Dr. Natahnee Nuay Winder in the book *Residential Schools and Indigenous Peoples: From Genocide via Education for Processes of Truth, Restitution, Reconciliation, and Reclamation*, on page 143.

Natahnee Nuay Winder, a citizen of the Duckwater Shoshone Nation, is Paiute, Ute, Navajo and African American. In her research article involving intergenerational university students entitled "Colliding Heartwork," she states:

When former members have the courage to share their [residential] school experiences, it can become emotional and distressing for both the person sharing and those listening to their truth in telling of an event. . . . It is human nature to provide comfort and support and alleviate the pain. This action is where our hearts reach out to support, which creates space for where our hearts collide.

Honourable senators, this debate about residential schools will reflect how the tradition of debate in this chamber allows us to share our perspectives on the various aspects of the residential school legacy through a process we will call "Colliding Heartwork at Senate." We've been given permission by Dr. Winder to use this term. The sacred space where our hearts will collide will include our allies — you, the senators.

In her 2015 book *Strong Helpers' Teachings: The Value of Indigenous Knowledges in the Helping Professions*, Cyndy Baskin, a Mi'kmaq and Celtic author, quotes Patton and Bondi on page 490, saying:

Allies for social justice recognize the interconnectedness of oppressive structures and work in partnership with marginalized persons toward building social justice coalitions. They aspire to move beyond individual acts and direct attention to oppressive processes and systems. Their pursuit is not merely to help oppressed persons but to create a socially just world which benefits all people.

The end aim of *Colliding Heartwork at Senate* would be to help find a form of closure for these centuries of unresolved grief, including the recent and ongoing discovery of bodies of children who did not return home.

How will our future, as senators and as Canadians, look when our hearts collide? This work will encourage us to reflect and to come to an understanding of how diverse Indigenous and non-Indigenous histories and Indigenous lived experiences intersect

with the work that we do in the Senate. It's a chance for us to reflect on how former students, their families and communities have been impacted by the legacy of the agenda of colonized "education."

How does one foster understanding, harmony and community from one race to another? One way is to share, hear and listen to each other's stories in a safe way. The Royal Commission on Aboriginal Peoples, or RCAP, provided space where former students could finally put down the burden of pretense and share the dark nights of our souls publicly, something we had never had an opportunity to do. This safety allowed these extraordinary First Nations people to decide it was time to step courageously into the fullness of their lives. However, when stories are told but publicly challenged, ridiculed and ignored — as has occurred on the Senate floor beginning in 2017 — the wounds remain gaping.

In her research work with intergenerational university students, Dr. Winder informs us that each individual engaged with historical unresolved grief has had that shape their lives differently.

Authors Brave Heart, M.Y.H. and DeBruyn state:

Historical unresolved grief originates from the loss of lives and land, forced abandonment of culture, and prohibited practices of ceremonies and traditional languages, as well as other vital aspects of Indigenous culture destroyed by the settler conquest of North America.

Indigenous students in the research exhibited resilience in the wake of [residential] school history through paying tribute to their ancestors, relearning their language, making cultural items, exerting their Indigenous identity, holding tight to their history, and wielding various aspects of their culture ... including the importance and continuation of prayer.

Honourable senators, telling our stories is related to our soul and our spirit's intention to increase not only our consciousness but yours as well. Our experiences that had earlier been kept in the dark become illuminated to us and to you. Bringing our stories into the light is the first step toward ending this dark relationship.

As a Cree First Nations *iskwêw*, or woman, I knew I would not remain in victimhood. I was meant to be more than what other humans envisioned for me. This was why I want to revisit the attacks on former students of residential schools that were launched — and protected — under the guise of parliamentary privilege. What function did this targeted racism and racial profiling against First Nations by a former senator serve?

Colleagues, in the training provided to the former senator and in her assessment criteria done by the University of Manitoba after completion of the training, it was noted that time was spent

. . . exploring the concept [of racism] in depth and how it is systemically embedded and entrenched within social, political and legal institutions. . . .

Reflecting on her past conduct, the former senator affirmed that it did not align with her obligations as a senator in relation to racism. It was said:

She noted how it has caused hurt and harm for Indigenous peoples and communities. She expressed sorrow as she sees how this is wrong.

It was also indicated that she took full responsibility for her past actions and accepted that she had breached 7.1 and 7.2 of the Ethics and Conflict of Interest Code for Senators.

Dr. Jonathan Black-Branch stated:

She leaves the program with further knowledge, ideas and understandings, equipped with new tools for approaching her professional work and her personal beliefs.

• (2020)

However, the belief of former students, including myself, was that she left the program much as she had entered it. This was confirmed in her exit interview.

In the session regarding the historical context of Crown-Indigenous Relations in Canada, Dr. Miller, a Sixties Scoop survivor, provided her feedback, stating:

In particular, she probed why it was a problem to post letters from people who had not had abusive experiences in the residential schools on her website. I discussed Residential School denialism and how some people could interpret presenting only those letters as contributing to the denialism narrative as well as the reality that given how recently the residential schools ended, we still have many colleagues and co-workers let alone elders whose lives were profoundly changed in negative ways by the experience and whose trauma is still deeply felt. Her response to this was “Oh — so it’s just too soon.”

Dr. Miller continues:

... I very much had the impression that she has been of the opinion that the success stories of a few served as justification for the pain of the experience with regard to Residential School and 60’s scoop in particular. I hope that it is widely recognized that just because one has survived a painful ordeal and had a successful life afterward, does not justify the pain one endured or demonstrate that the pain was necessary for the success to be achieved.

Indeed, Historical Trauma scholarship suggests that refusal to recognize and or validate the trauma is a trigger likely to deepen the trauma, which I think is directly related to the issues with her website.

On the former senator’s training which focused on privilege, fragility, microaggressions, triggers and anti-racism practice, Dr. Miller states:

We also discussed privilege and how it blinds you to the oppressions experienced by those who do not have access to the same privileges . . .

She continues:

We also explored in great detail the ways in which colonialism as an ideology always relies on systemic racism to justify displacement, extraction, theft, and psychic or physical violence. Racism can exist without colonialism but colonialism is always accompanied with a prejudicial narrative, often encoded in law, to justify colonial acquisition.

As James Minton, editor of the book discussed earlier, states:

I do not believe that it is anyway justifiable to leave the addressing of the endemic problems and manifestations of individual and society disempowerment, and differential privilege, to the disempowered and non-privileged.

He goes on to say:

We must be acutely aware that the crimes of residential school systems cannot be reduced to the injuries experienced by surviving individuals — for residential schools systems were not aimed at individuals but peoples.

In the concluding chapter, “Reflections,” the authors ask the reader to find their own truths within those stories and move to a place that allows for restitution, reconciliation and reclamation. While the stories are tragic, our story will not remain tragic. For to do so disrespects and displaces the thousands of years of knowing, being, and doing that our ancestors passed down through the ages to ensure a healthy future for our peoples.

Acknowledgement would also mean some form of closure for the Senate as we resolve not to inflict more harm on First Nations people. This means that we, as senators, would leave more informed, more compassionate and therefore stronger. As we support the former students and their families, they would also get stronger. This would be an example of conciliation.

As Senators, what are our own truths? We will not frame our apology as an ongoing story of colonization, nor as a gesture attempting to exonerate blame for egregious injustices and colonial violence, of which residential schools are an integral part.

We will be issuing our apology from the perspective of “colliding heartwork.”

Honourable senators, I encourage you to join me in the debates towards unbraiding the racism, systemic and institutional discrimination and abuse that occurred in residential schools and its resulting adverse impacts — the effects of which are still seen and felt by countless Indigenous Peoples and communities today. This is an opportunity to acknowledge the harm that these schools have done as well as engage in change. This change will come by senators acknowledging the ongoing costs of the oppression of Indigenous Peoples and the need for broader social and political change.

I hope you will join me in speaking to and supporting this motion as well as its apology, which will redress some of the damage that has been sown from the Senate on this matter, both historically and of late. Thank you. *Kinanâskomitin*.

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

MOTION TO CALL ON THE GOVERNMENT TO ADOPT ANTI-RACISM
AS THE SIXTH PILLAR OF THE CANADA HEALTH ACT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator LaBoucane-Benson:

That the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the *Canada Health Act*, prohibiting discrimination based on race and affording everyone the equal right to the protection and benefit of the law.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak to my Motion No. 11, which asks that the Senate of Canada call on the federal government to adopt anti-racism as the sixth pillar of the Canada Health Act.

This request for the sixth pillar comes from several sources across Canada, and I'm speaking on their behalf. This appeal first came to my attention through an open letter addressed to many people, including myself, from Josée G. Lavoie, Professor at the University of Manitoba; Mary Jane Logan McCallum, Professor at the University of Winnipeg; Annette J. Browne, Professor at the University of British Columbia; and Emily Hill, Senior Staff Lawyer, Aboriginal Legal Services.

The Brian Sinclair Working Group was led by Dr. Barry Lavallee and included the aforementioned individuals. This group was formed in response to Brian Sinclair's death in the emergency room of a Winnipeg hospital, as well as the questions this raised for health care, the justice system, Indigenous People and the province of Manitoba. In the book, *Structures of Indifference: An Indigenous Life and Death in a Canadian City*, by Mary Jane Logan McCallum and Adele Perry, they state at page 1:

At the core of this story are thirty-four hours that passed in September 2008. During that day and a half, Brian Sinclair, a middle-aged, non-status Anishinaabe resident of Winnipeg, Manitoba's capital city, wheeled himself into the emergency room of the Health Sciences Centre (HSC), the city's major downtown hospital, was left untreated and unattended to, and ultimately passed away from an easily treatable infection. This, we argue, reflects a particular structure of indifference born of and maintained by colonialism, and one that can best be understood by situating this particular Indigenous life and death within their historical context.

They continue:

. . . this archive reflects the precarious position of Indigenous people with respect to Canadian health care and justice, and how problematic this is for the care with which

cases involving untimely deaths of Indigenous people are handled. . . we find that the inquest served to obscure the violence of colonialism . . .

Colleagues, for those who experience racism, it is exhausting to repeatedly state that racism exists in Canada. For Canadians who have never experienced racism, whether systemically or via personal affront, it is easy to deny its existence and thus be difficult for some to understand. For others, it remains a regular practice in their lives as is evident in the cases of Brian Sinclair and Joyce Echaquan.

• (2030)

For Indigenous peoples and people of colour, the threat of racism is always there. As I was preparing a presentation on racism to students at the Faculty of Law at the University of Manitoba, I realized I had never lived a day without the thought of racism popping into my head. Will I meet it in the street, the store, the plane, the hospital or in the Senate today? Will I see it in the eyes, the mouth, the body language? Sometimes we say to ourselves, "Not my day today," knowing that although we did not experience racism that day, many other First Nations, Métis, Inuit and people of colour will have. It is egregious when one knows, "It's my day today," but does not know whether today's act of racism will result in one's death.

It is unconscionable that some people feel they have the right to take the life of an Indigenous person or another person of colour, doing so openly and without fear of repercussions, all because of skin colour.

In his book entitled *The Skin We're In: A Year of Black Resistance and Power* by Desmond Cole, he states:

It has taken me most of my life to even grasp the connection between my struggle as a Black Canadian and the struggle of Indigenous peoples on these stolen territories.

He goes on to say:

British Imperialism, which led to the colonization of both Canada and Sierra Leone, produced me, and informed the stories I'm about to share with you. So when I talk about Black and Indigenous solidarity as necessary for our future survival —

— and the whole world —

— I'm not speaking in metaphors. I'm asking us to honour the history and struggles of our ancestors as we grapple with the aftermath.

For many of us, as Black and Indigenous collectives, it has taken most of our adult lives to embrace our skins, our ancestry and this struggle against racism.

Honourable senators, when a society is racist, racists can assume a power that, within a just society, would not be theirs. Those who are the targets of racism see it for its clear pathology — though such clarity has historically not been enough. Little children knew it when they ran away from residential schools. Mothers knew it when their children were torn from their arms. Young men knew the system was against

them when police officers sent them walking along frozen highways in the middle of the night. Brian Sinclair knew it when he sat patiently in the emergency waiting room, overlooked again and again until his death.

What of the many, many missing and murdered women? Are they not women as we are, each and every one of us women? Are they not deserving of protection? How many of them would have been saved had our institutions been available, open and understanding of their struggles?

One truth we know is that racism goes across all Canadian institutions. In his book *Racial and Ethnic Policies in Canada*, author Gurcharn S. Basran states:

Racism has been practised systematically by the Canadian government and people in general from the very beginning of Canadian history. . . . It has been institutionalized throughout our history. It has been directed mainly against non-white populations in Canada.

At page 11, he states:

Racism is not random, unique or idiosyncratic behaviour on the part of individuals. It is systematically developed, diffused and used to meet the needs and interests of certain groups in Canadian society. Institutional racism is an important part of Canadian history and is closely related to our system of production, distribution, and control of economic resources. In other words, racism is an important part of our economic structure and political reality.

Honourable senators, in the 2019 final report into the *Public Inquiry Commission on relations between Indigenous Peoples and certain public services in Québec: Listening, reconciliation and progress*, Commissioner Jacques Viens states that it is “impossible to deny” Indigenous people in Quebec are victims of “systemic discrimination” in accessing public services. He said improvements are needed across the spectrum, including in policing, social services, corrections, justice, youth protection, mental health services and school curriculum to properly reflect the history of First Nations and Inuit in the province.

About this report, Quebec Premier François Legault stated:

There are many worrisome things in the report and we need to change the way we provide services to Indigenous people in Quebec.

Although this report is specific to Quebec, its findings are certainly applicable to all corners of Canada.

Honourable senators, more recently, the events of September 28, 2020, which ultimately took the life of Joyce Echaquan, are not new. Ms. Echaquan, an Indigenous woman, mother of seven, member of the Atikamekw community of Manawan, died on that day, strapped to a hospital bed, pleading to her nurses for help as they made racist remarks and ridiculed her. It is not enough that atrocities of racism in our country exist, but that they exist within the very institutions that were meant to heal peoples, not kill them, is appalling.

Ms. Echaquan was a victim of interpersonal violence. She died begging Canadian health care workers to do for her what they were trained and paid to do. More so, she died of systemic violence. She died in the care of people who were located within a space that allowed such behaviours to continue unabated.

With racism, there is nowhere else to go. Hospitals staffed by racist people are hospitals nonetheless. Indigenous men, women and children go to them for help knowing all along that these institutions do not value them. Joyce Echaquan went to the hospital knowing that she would not be treated well. She went in that final time, her family said, saying they were horrible to her in there. “One day, they will kill me in there,” she said.

Colleagues, the Canada Health Act lists the conditions that provincial and territorial health insurance plans must respect in order to receive federal cash contributions. The five conditions that deliver insured services include public administration, accessibility, comprehensiveness, universality and portability.

Comprehensiveness is defined broadly to include medically necessary services “. . . for the purpose of maintaining health, preventing disease or diagnosing or treating an injury, illness or disability” How can comprehensiveness and racism exist simultaneously?

Universality means that provincial and territorial insurance programs must insure Canadians for all medically necessary hospital and physician care. Are there then two types of universality, one treatment for one group and another lesser treatment for others? Does public accountability for the funds spent for insured services take into account the differential and unequal treatment of different groups of people? How can health care be accessible and universal when people are afraid to go to the health centres because of racism?

In order to right these wrongs done in the name of the Canada Health Act, institutional racism must be addressed. Instead of looking at skin colour as a deficit, Canadians need to look at the unique histories, realities and struggles of Indigenous peoples, Blacks and other people of colour, so they do not continue to be pushed out of the dominant systems, whether it be health, justice, education, economics, et cetera.

Honourable senators, concerted action at the highest level of influence and authority in Canada is required to disrupt institutional racism in the Canadian health care system. As members of the Senate, it is our moral and legal obligation to stand and to act in supporting the fight against racism.

Imagine Joyce Echaquan, during her immense suffering, finding the strength to hold out her phone. What was the story she was trying to convey through the phone? She refused to be a victim. She was strapped to the bed, but her soul and spirit were standing tall. She was a catalyst for change. She didn’t want others to continue to go through what she did. As a woman, I’m certain her last thoughts were with her family, especially her children. Women have always fought for a better future for their children. She was no different. She has paved our way.

I urge you, colleagues, to join me in support of this motion. Thank you.

(On motion of Senator Dalphond, for Senator Bernard, debate adjourned.)

• (2040)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

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

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator LaBoucane-Benson:

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

That the committee submit its final report no later than December 31, 2022.

Hon. Mary Jane McCallum: Honourable senators, once again I rise today to speak to Motion No. 12, which constitutes an order of reference for the Standing Senate Committee on Energy, the Environment and Natural Resources.

As is indicated in the motion itself, I would like this committee to undertake a study on the cumulative impacts of resource extraction and development, and their effects on environmental, economic and social considerations.

My interest in studying this matter in depth came from this committee's previous study of the highly contentious Bill C-69, known as the environmental Impact Assessment Act.

Through the months-long study of this bill during the last Parliament, we were able to hear — in a highly limited way — from various stakeholders and community members of the impacts of resource extraction and development. This included both the benefits as well as the negatives. However, as the focus of this committee study was the legislation at hand, the discussion remained highly technical and limited to the scope of that specific bill. As such, it is my hope that the committee would now use the time before us to study and report on the larger issue at play, which is the concept of the impacts resulting from resource extraction and development.

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

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

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

From the perspective of my region and the people I serve, this study would allow a closer look to be taken as to how resource extraction and development have impacted rural and northern communities — my interest naturally being those Indigenous communities and peoples throughout Canada and largely in Manitoba.

Through my decades of work as a health care professional within the rural and remote communities in Manitoba, I have always been aware of the impacts that resource extraction and development have had in these areas and the people. Much of the work I have done in my time as a senator to date has touched on this issue as well, either directly or indirectly.

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

Without getting into the nitty-gritty, I have heard from and seen communities from coast to coast who face serious health issues related to land, water and air degradation, who face health concerns from the toxins released during extraction and development that inevitably make their way into our ecosystems.

There are communities that have documented high levels of rare cancers due to their proximity to the oil sands, uranium mines and pulp mills. These include cancers of the blood and lymphatic system, biliary tract cancers and soft tissue cancers. There are sustenance concerns as the surrounding flora and fauna are killed off or forced to relocate.

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

Then there are concerns that relate to logistics. As an influx of workers come into a community, they strain the local resources and infrastructure, which are then forced to operate beyond their capacity. This is further exacerbated by the shadow population, a subset of the community's population who had left in search of work but now return en masse to gain employment through this

new opportunity. This means the already inadequate health and social services most Indigenous communities receive plummet to further levels of inequity.

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

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

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

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

As a reference to why I am stressing this point, I would like to highlight the numbers surrounding lobbyists on the aforementioned environmental Bill C-69. It has been reported that over 80% of lobbyists in the Senate on that bill represented industry. By contrast, 13% of lobbyists represented environmental groups and only 4% represented the Indigenous perspective. Moreover, this 4% was accomplished by just one very determined community, Fox Lake Cree Nation in my home province of Manitoba.

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

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

• (2050)

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

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

Colleagues, we are in a rare situation right now where our Order Paper is relatively barren and our committees, not reconstituted yet, will be a *tabula rasa* when they are reconstituted. Rather than have that precious time wasted with cancelled meetings and empty agendas, I believe we should embrace the gift of time and have this order of reference ready and waiting to act on should the committee be re-formed. It is my belief that an issue of such critical importance and of such consequence to our country today is deserving of study and debate by the many minds in this chamber. As we continue to see, problems dealing with natural resources and land remain the top issue between Indigenous and non-Indigenous groups and people, resulting in confrontation and fraught relationships.

If we, who are here to be representative of our regions and the people within them, will not undertake a balanced and thorough study on this matter, then tell me who will.

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

The Hon. the Acting Speaker: Senator Patterson, do you have a question for Senator McCallum? There is only a minute and a half left.

Hon. Dennis Glen Patterson: If I may ask a quick question.

The Hon. the Acting Speaker: Senator McCallum, would you take a question?

Senator McCallum: Yes.

Senator Patterson: Senator McCallum, you talked about balance, but you've given a bit of a litany of woe about resource developments and Indigenous peoples in the country. Would you

agree that there are some places in some regions, including my region of Nunavut and maybe even the oil sands, where Indigenous people get a fair share of revenues, where the land is taken care of, where they have secured decent and fair agreements on employment and business opportunities? Are there not some places where things are working well in this country?

Senator McCallum: Yes, there are. If you remember when I introduced this motion, I said we're going to look at the negative and positive impacts of resource extraction. And it is those positive impacts that we haven't heard of, and many people didn't know about the negative impacts. So we will be studying both, and hopefully the witnesses that we bring will demonstrate that balance that we need to see and the recommendations that they're going to bring forward, and have the country know that we can work together when we have examples of good relationships. Thank you.

Senator Patterson: Thank you. I agree.

(On motion of Senator Galvez, debate adjourned.)

THE SENATE

MOTION TO URGE GOVERNMENT TO CALL UPON CURRENT PARTIES TO THE ACT OF THE INTERNATIONAL CONFERENCE ON VIET-NAM TO AGREE TO THE RECONVENTION OF THE INTERNATIONAL CONFERENCE ON VIET-NAM—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Patterson:

That the Senate note that, by adopting the *Journey to Freedom Day Act* on April 23, 2015, and taking into account the first two elements of the preamble of the said Act, the Parliament of Canada unequivocally recognized violations of:

- (a) the *Agreement on Ending the War and Restoring Peace in Viet-Nam* and its protocols (Paris Peace Accords); and
- (b) the *Act of the International Conference on Viet-Nam*; and

That the Senate urge the Government of Canada to call upon six or more of the current parties to the *Act of the International Conference on Viet-Nam*, which include Canada, France, Hungary, Indonesia, Poland, Russia, the United Kingdom and the United States of America, amongst others, to agree to the reconvention of the International Conference on Viet-Nam pursuant to Article 7(b) of the *Act of the International Conference on Viet-Nam* in order to settle disputes between the signatory parties due to the violations of the terms of the Paris Peace Accords and the *Act of the International Conference on Viet-Nam*.

Hon. Dennis Glen Patterson: Honourable senators, I'm thankful for the opportunity to rise before you today to speak to the motion put forward by my friend and colleague Senator Ngo.

On June 29, 2021, Senator Ngo presented cogent and compelling arguments before this chamber that listed the need to reconvene the International Conference on Viet-Nam per Article 7(b) of the Paris Peace Accords. He pointed to destabilization in the region and ongoing tensions in the Indo-Pacific as reasons for the reconvention of a multilateral conference that would be seen as a "vital policy tool and a useful means for the diplomatic and peaceful resolution of conflicts in Asia."

In a joint policy perspective from the School of Public Policy and the Canadian Global Affairs Institute, Stephen Nagy writes that:

Canada needs to take a bigger part in the Indo-Pacific's development and support for a rules-based order or risk getting locked out of the region's economic, diplomatic and security benefits.

He goes on to state that:

Erosion of a rules-based Indo-Pacific order is not in Canada's interests. It would make dealing with traditional and non-traditional security challenges more complex. It would aggravate the challenges of dealing with global issues such as climate change, transnational diseases and development. The negative effects of this lack of coordination would not be confined to the Indo-Pacific region.

Supporting a free and open, rules-based Indo-Pacific region is consistent with Canada's middle-power identity and national interests. It's time to turn statements into concrete action based on a long-term vision of Canada's interests in the Indo-Pacific and a strategy to realize those interests.

A July 11, 2021, statement by Global Affairs Canada reaffirmed Canada's commitment to support:

. . . lawful commerce, navigation and overflight rights, as well as the sovereign rights and jurisdiction of coastal states These principles are essential to a secure, stable and prosperous Indo-Pacific region.

Canada is committed to defending and revitalizing an effective rules-based international order, including for the oceans and seas, and to the peaceful resolution of disputes in accordance with international law.

And then recently, colleagues, and in fact in this very chamber in recent weeks, the importance of this region, the Indo-Pacific, was highlighted in the Throne Speech, which pledges Canada to ". . . making deliberate efforts to deepen partnerships in the Indo-Pacific"

Approving this motion will be a step in that direction.

Passing this motion and acting upon the recommendation to push for the reconvention of the international conference would be consistent with these policy and position statements.

• (2100)

Colleagues, Canada has a proud record of peacekeeping in its history and in Vietnam, having sacrificed troops in the conflict, having sent peacekeeping troops —

The Hon. the Acting Speaker: Senator Patterson, I'm sorry. I have to interrupt you as it's nine o'clock. You will have the balance of your time when this item is called.

(At 9 p.m., pursuant to the order adopted by the Senate on November 25, 2021, the Senate adjourned until 2 p.m., tomorrow.)

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