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OFFICIAL REPORT
(HANSARD)

Thursday, December 2, 2021

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, December 2, 2021

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I rise today to recognize the United Nations International Day of Persons with Disabilities, which is tomorrow. I wish to highlight the intersection of disability and poverty with information released by Campaign 2000 in their 2021 report card on child and family poverty in Canada, *No One Left Behind: Strategies for an Inclusive Recovery*. Thank you to Senator Moodie, who shared information from this report on Tuesday during her statement on National Child Day.

Almost one in three working-aged people with disabilities live in poverty. Before the pandemic even started, 26% of people with disabilities reported their needs were unmet due to financial barriers when it comes to the cost of required aids, assistive devices or prescription medications. Campaign 2000 is urging the inclusion of children with disabilities in any legislation involving disability income benefit reform. They are recommending that the federal government develop a "comprehensive, broad, and adequate benefit program for children with disabilities."

I often say that there is no such thing as child poverty, since children do not live in isolation from their families. We should be talking about family poverty. Families caring for a child with a disability are often burdened with extra costs that other families are not, leaving them with a significant need for more support and, at times, unmet needs.

Honourable senators, when we talk about the need to build back better after the pandemic, we know there are some groups at risk of being left behind, such as children with disabilities. Colleagues, I urge you to help ensure that the government's attempts to build back better leave no one behind, especially not children with disabilities. *Asante*. Thank you.

WORLD SOIL DAY

Hon. Robert Black: Honourable senators, I have risen on a number of occasions in this chamber and in the Committee on Agriculture and Forestry to speak about the importance of soil health. Today, I would like to highlight the United Nations World Soil Day, which takes place every December 5, which is this Sunday. This year's campaign, Halt soil salinization, Boost soil productivity, aims to raise awareness of the growing challenges in soil management, fighting soil salinization and increasing soil health awareness.

As a longstanding member of Ontario's agricultural community, I know just how important the health of soils is to all of us. In fact, while I was off the Hill this past summer, I was on the farms and in the fields. During the summer recess and into the fall harvest season, I had the opportunity to visit many communities across Ontario, from Bayfield to Ottawa, Thunder Bay to Wellington County and many communities in between, in addition to touring parts of Alberta, Saskatchewan and Manitoba to learn more about Canadian agriculture, the work being done, the challenges faced and the successes achieved by farmers across this great country. My tours also included meetings with municipal officials; opening agricultural fairs; visits to carrot and potato farms; beef, sheep and bison farms; breweries, wineries and cideries; local research stations; and innovative greenhouses, among many others.

During my tours, I heard about many issues, including those surrounding labour, infrastructure and transportation, irrigation and water, food security, carbon pricing and soil health, just to name a few. As one of Canada's most precious natural resources, soil health and conservation was a top-of-mind matter as I heard from agriculture from across this country.

Agriculture is a complex and changing industry, and I believe it is in Canada's best interests to continue to enhance and strengthen this sector to ensure that generations to come will be able to enjoy the fruits of its labours. In order for future generations to continue enjoying these fruits — and vegetables, among other agriculture products — the industry must be given the tools to continue being a leader on the global stage and become even more competitive. For that to be possible, our soils must remain healthy and arable.

Honourable senators, ensuring the health and conservation of Canadian soils is a shared responsibility and will require collective leadership and sustained commitment and action, not only by those directly responsible for managing soil across the country, but by all levels of government as well. I encourage you to take the time to learn more about the state of our soils while marking United Nations World Soil Day on December the 5 and support efforts to raise awareness and celebrate Canadian biodiversity. Thank you. *Meegwetch*.

[*Translation*]

BATTLE OF HILL 355

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, it is an honour for me to rise today to speak to the commemoration of the seventieth anniversary of the historic Battle of Hill 355, which took place on November 26, 1951 during the Korean War.

It was cold, there was fog, and uncertainty hung in the air. Canadian troops from the Royal Canadian Regiment, the Princess Patricia's Canadian Light Infantry and the Royal 22nd Regiment, nicknamed the "Van Doos," redeployed to Hill 355. Hill 355, so named on military maps because it was 355 metres above sea level, was nicknamed "Little Gibraltar" because of its shape and

size. Located about 40 kilometres north of Seoul, it was highly valued because it was the highest ground overlooking the surrounding front lines and supply routes.

Outnumbered and exposed, the Van Doos held their ground until the Americans retook Hill 355 for good on November 25 and the communist attacks came to an end.

• (1410)

The Battle of Hill 355 remains a proud moment for the Van Doos, but it came with a heavy price. On November 26, I had the honour to organize a special commemorative ceremony to pay tribute to the service and sacrifices of all those who fought in the Battle of Hill 355 and all of our beloved Korean War veterans.

Two of our proud Van Doos, Claude Charland and Delphis Cormier, who fought in the Korean War, participated in the seventieth anniversary ceremony. They spoke about their wartime experiences and the pride they felt for their comrades. They were moved to tears by our tribute to them and by their own memories of fierce battles and lives that were lost.

The colonel of the Royal 22nd Regiment, Lieutenant-General Marc Caron, spoke about the long, proud history of the regiment and its members' sense of honour and duty. He spoke about the gratitude that all members of the Van Doos have for our Korean War veterans, and he spoke about the brotherhood, the camaraderie and the teamwork —

The Hon. the Speaker: Senator Martin, I regret to inform you that your time is up.

INTERNATIONAL DAY FOR THE ABOLITION OF SLAVERY

Hon. Julie Miville-Dechêne: Honourable senators, December 2 is the International Day for the Abolition of Slavery. It occurs during the days of action on violence against women. On this occasion, I would like to point out that 70% of the 40 million victims of modern slavery are women. We should all be outraged that 12 million girls are sold and married off despite being too young to consent and may die in childbirth.

We have to act on that outrage and devote resources to implementing solutions. Education is key to making sure girls around the world are aware of their rights so they can resist, get help or flee.

We have to take action, but where do we start? The experts don't even agree on what modern slavery actually is.

According to UN definitions, for forced labour to exist, there must be an element of constraint, such as debt bondage or threats. Others believe that the notion of modern slavery applies more broadly to exploitation, including in unsafe workplaces or captive labour scenarios. One thing we know for sure is that situations resembling modern slavery exist right here in Canada.

The number of temporary foreign workers in Quebec has exploded. According to a Radio-Canada investigation, the desire to start a new life all too often turns into a nightmare because of exorbitant fees exacted by multiple intermediaries or unscrupulous bosses.

Take Mamadou Hane's story. This Senegalese man arrived in Quebec in 2019 with his wife and four children. He had a model employment contract from Quebec's Ministry of Immigration where all the working conditions were set out by his new employer. However, when he got here, his boss demanded that Mamadou Hane sign a new contract that included a promise to pay back $5,000 on a pro-rated basis if he were to leave his job before three years were up. This constitutes a completely illegal practice that amounts to debt bondage. This mechanic was threatened with deportation if he did not comply. He was laid off a year later, and he still received a notice of default and a $3,300 bill from his former employer. Mamadou Hane said that he remained strong and resisted, but many people were heartbroken, and it was terrible.

How many others dare not complain, despite the horrible situations they are going through? Eva Lopez, who advocates for these temporary foreign workers, summarized the situation as follows, and I quote:

> Many are silent because they want another life for their families. There is no question: There are unscrupulous individuals out there who are treating these people like livestock.

We must never forget that modern slavery is not just another trivial concern; it is a crime.

INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

Hon. Chantal Petitclerc: Honourable colleagues, December 3 is the International Day of Persons with Disabilities.

I would first like to highlight the exceptional quality of the last games held in Tokyo. These games are historic, not only for being held during a pandemic and for the athletes' performances, but also for the unprecedented campaign launched to draw attention to the challenges and injustices faced by persons with disabilities, who represent 15% of the world's population.

[*English*]

This campaign, WeThe15, aims to become the biggest human rights movement to end discrimination. Its goal is to transform the lives of the world's 1.2 billion people with disabilities who represent 15% of the global population.

[*Translation*]

WeThe15 unites the International Paralympic Committee with many organizations working in the areas of human rights, sports, the arts, communications and business. Its aim is to meet the 2030 UN goals for sustainable development.

[*English*]

At a time when we are having these global conversations on diversity and inclusion, we cannot leave the 15% who have a disability behind and out of that conversation. Like race, gender and sexual orientation, it's time to have such a movement — a global movement that is raising awareness for disability, visibility, inclusion and accessibility.

[*Translation*]

The truth is that WeThe15 have unique realities, challenges and experiences. Canada's fantastic paralympic team brought home a remarkable 21 medals. However, let's not forget that the barriers for Canadians living with a disability are real. For example, less than 60% of Canadians living with a disability have a job. What Statistics Canada data tells us is that the more severe the disability, the greater the impact and the more likely it is that these people will live in poverty. Canada can and must do much better.

[*English*]

This movement, WeThe15, will shine a light on 15% of the world's population. It's all about knowledge of the barriers and discrimination that persons with disabilities face every day. How do we break down these barriers so that all persons with disabilities can fulfill their potential? Because really, where are the 15%? Where are they when we turn on the TV, in businesses and on boards, or even here in the Senate and our legislative assemblies?

[*Translation*]

Much more needs to be done and we, esteemed colleagues, also have a role to play.

Thank you, *meegwetch*.

[*English*]

RESILIENCE OF FIRST NATIONS COMMUNITIES

Hon. Brent Cotter: Honourable senators, in June of this year the remains of hundreds of people, including children, were discovered in unmarked graves on or near residential schools in Kamloops, British Columbia, and on the Cowessess First Nation in Saskatchewan — 751 alone at Cowessess. For anyone who has a loved one, and most particularly a child, to imagine their departure from this earth in such a tragic, anonymous way is heart breaking.

Many of us attended ceremonial remembrance ceremonies to pay our respects, but that can't make up for the pain and loss suffered by the families of those who were buried without acknowledgment. This discovery touched the hearts and minds of every Canadian, and I fervently hope that we do not forget, and that we commit to never let this be repeated. It's a small commitment to the reconciliation we all need.

But I also want to talk about the grace, courage and leadership of the good people of Cowessess, led by their visionary chief, Cadmus Delorme. In the weeks that followed the discovery of unmarked graves, while First Nations people — and particularly those at Cowessess — were grieving, Chief Delorme proceeded with two marvellous, healthy self-determination initiatives overlooked by many. One was social and the other economic.

• (1420)

On July 6 of this year, on behalf of Cowessess First Nation, Chief Cadmus Delorme, Prime Minister Trudeau and Saskatchewan Premier Scott Moe signed an historic agreement to return jurisdiction of child welfare to Cowessess, which restores meaningful, on-the-ground self-determination on matters of critical importance to a First Nations community.

A week later on July 14, Cowessess First Nation unveiled a major solar energy project in partnership with Elemental Energy, an energy company founded by Joe Houssian, a native Saskatchewanian and entrepreneur who has turned his vision to green energy.

Cowessess leaders described this project as a step on the road to becoming the greenest First Nation in Canada, as well as an economic and employment opportunity for the good people of Cowessess. Chief Delorme also said that the project will help the community heal.

In the shadow of the discovery of the unmarked graves, a First Nation endures the darkness of tragedy but moves toward the light. It's a story of heartbreak, but also a story of hope. Thank you.

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE ADOPTED

Hon. Michael L. MacDonald, Chair of the Committee of Selection, presented the following report:

Thursday, December 2, 2021

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to rule 12-2(2) of the *Rules of the Senate* and the order of the Senate of November 25, 2021, your committee submits below a list of senators nominated by it to serve on committees.

Standing Senate Committee on Aboriginal Peoples

Independent Senators Group
The Honourable Senators Arnot, Audette, Christmas, Coyle, Hartling and Pate

Conservative Party of Canada
The Honourable Senators Patterson and Plett

Canadian Senators Group
The Honourable Senator Tannas

Progressive Senate Group
The Honourable Senators Francis and Lovelace Nicholas

Non-affiliated
The Honourable Senator LaBoucane-Benson (seat designated by the Canadian Senators Group)

Standing Senate Committee on Agriculture and Forestry

Independent Senators Group
The Honourable Senators Cotter, Deacon (*Nova Scotia*), Marwah, Petitclerc, Simons and Wetston

Conservative Party of Canada
The Honourable Senators Oh and Poirier

Canadian Senators Group
The Honourable Senators Black and Griffin

Progressive Senate Group
The Honourable Senators Klyne and Mercer

Standing Senate Committee on Audit and Oversight

Independent Senators Group
The Honourable Senator Dupuis

Conservative Party of Canada
The Honourable Senator Wells

Canadian Senators Group
The Honourable Senator Downe

Progressive Senate Group
The Honourable Senator Klyne

Standing Senate Committee on Banking, Trade and Commerce

Independent Senators Group
The Honourable Senators Deacon (*Nova Scotia*), Loffreda, Massicotte, Ringuette, Woo and Yussuff

Conservative Party of Canada
The Honourable Senators Marshall and Smith

Canadian Senators Group
The Honourable Senators Quinn and Wallin

Progressive Senate Group
The Honourable Senators Bellemare and Gignac

Standing Senate Committee on Energy, the Environment and Natural Resources

Independent Senators Group
The Honourable Senators Arnot, Galvez, Massicotte, McCallum, Miville-Dechêne and Sorensen

Conservative Party of Canada
The Honourable Senators Carignan, P.C., and Seidman

Canadian Senators Group
The Honourable Senators Griffin and Verner, P.C.

Progressive Senate Group
The Honourable Senators Anderson and Gignac

Standing Senate Committee on Fisheries and Oceans

Independent Senators Group
The Honourable Senators Busson, Christmas, Cormier, Kutcher, Petitclerc and Ravalia

Conservative Party of Canada
The Honourable Senators Ataullahjan and Manning

Canadian Senators Group
The Honourable Senators Campbell and Quinn

Progressive Senate Group
The Honourable Senators Cordy and Francis

Standing Senate Committee on Foreign Affairs and International Trade

Independent Senators Group
The Honourable Senators Boehm, Boniface, Coyle, Deacon (*Ontario*), Ravalia and Woo

Conservative Party of Canada
The Honourable Senators MacDonald and Oh

Canadian Senators Group
The Honourable Senators Greene and Richards

Progressive Senate Group
The Honourable Senators Gerba and Harder, P.C.

Standing Senate Committee on Human Rights

Independent Senators Group
The Honourable Senators Audette, Boyer, Hartling and Omidvar

Conservative Party of Canada
The Honourable Senators Ataullahjan and Martin

Canadian Senators Group
The Honourable Senator Griffin

Progressive Senate Group
The Honourable Senators Bernard and Gerba

Standing Committee on Internal Economy, Budgets and Administration

Independent Senators Group
The Honourable Senators Boyer, Dean, Forest, Marwah, Moncion, Moodie and Saint-Germain

Conservative Party of Canada
The Honourable Senators Marshall, Plett, Seidman and Smith

Canadian Senators Group
The Honourable Senators Campbell and Tannas

Progressive Senate Group
The Honourable Senators Bovey and Dawson

Standing Senate Committee on Legal and Constitutional Affairs

Independent Senators Group
The Honourable Senators Clement, Cotter, Dupuis, Jaffer, Pate and Wetston

Conservative Party of Canada
The Honourable Senators Boisvenu and Carignan, P.C.

Canadian Senators Group
The Honourable Senators Campbell and White

Progressive Senate Group
The Honourable Senators Dalphond and Harder, P.C.

Standing Joint Committee on the Library of Parliament

Independent Senators Group
The Honourable Senators Ravalia and Saint-Germain

Conservative Party of Canada
The Honourable Senator Plett

Canadian Senators Group
The Honourable Senator Black

Progressive Senate Group
The Honourable Senator Mercer

Standing Senate Committee on National Finance

Independent Senators Group
The Honourable Senators Boehm, Duncan, Forest, Galvez, Loffreda and Pate

Conservative Party of Canada
The Honourable Senators Marshall and Mockler

Canadian Senators Group
The Honourable Senators Dagenais and Richards

Progressive Senate Group
The Honourable Senators Gerba and Gignac

Standing Senate Committee on National Security and Defence

Independent Senators Group
The Honourable Senators Boehm, Dasko, Deacon (*Ontario*), Dean, Jaffer and Yussuff

Conservative Party of Canada
The Honourable Senators Boisvenu and Martin

Canadian Senators Group
The Honourable Senators Dagenais and Richards

Progressive Senate Group
The Honourable Senators Anderson and Mercer

Standing Senate Committee on Official Languages

Independent Senators Group
The Honourable Senators Clement, Cormier, Mégie and Moncion

Conservative Party of Canada
The Honourable Senators Mockler and Poirier

Canadian Senators Group
The Honourable Senator Dagenais

Progressive Senate Group
The Honourable Senator Dalphond

Non-affiliated
The Honourable Senator Gagné (seat designated by the Progressive Senate Group)

Standing Committee on Rules, Procedures and the Rights of Parliament

Independent Senators Group
The Honourable Senators Boniface, Busson, Clement, Duncan, Lankin, P.C., Massicotte and Ringuette

Conservative Party of Canada
The Honourable Senators Carignan, P.C., Housakos, Mockler and Wells

Canadian Senators Group
The Honourable Senators Black and Greene

Progressive Senate Group
The Honourable Senators Bellemare and Cordy

Standing Joint Committee for the Scrutiny of Regulations

Independent Senators Group
The Honourable Senators Dean and Woo

Conservative Party of Canada
The Honourable Senator Plett

Canadian Senators Group
The Honourable Senator Greene

Progressive Senate Group
The Honourable Senator Dalphond

Standing Senate Committee on Social Affairs, Science and Technology

Independent Senators Group
The Honourable Senators Dasko, Kutcher, Lankin, P.C., Moodie, Omidvar and Petitclerc

Conservative Party of Canada
The Honourable Senators Patterson and Plett

Canadian Senators Group
The Honourable Senator Griffin and Verner, P.C.

Progressive Senate Group
The Honourable Senators Bernard and Bovey

Standing Senate Committee on Transport and Communications

Independent Senators Group
The Honourable Senators Cormier, Dasko, Miville-Dechêne, Simons, Sorensen and Wetston

Conservative Party of Canada
The Honourable Senators Housakos and Manning

Canadian Senators Group
The Honourable Senators Quinn and Wallin

Progressive Senate Group
The Honourable Senators Dawson and Klyne

Pursuant to rule 12-3(3) of the *Rules of the Senate*, the Honourable Senator Gold, P.C. (or Gagné) and the Honourable Senator Plett (or Martin) are *ex officio* members of all committees except the Standing Committee on Ethics and Conflict of Interest for Senators, the Standing Committee on Audit and Oversight, the joint committees and subcommittees.

Respectfully submitted,

MICHAEL L. MACDONALD

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator MacDonald: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be adopted now.

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

Hon Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Michael L. MacDonald, Chair of the Committee of Selection, presented the following report:

Thursday, December 2, 2021

The Committee of Selection has the honour to present its

SECOND REPORT

On November 25, 2021, the Senate authorized your committee to make recommendations to the Senate on the duration of membership on committees. Your committee now presents an interim report.

During the first and second sessions of the 43rd Parliament, the Senate adopted sessional orders introducing provisions to preserve the number of committee seats agreed to for each recognized party or recognized parliamentary group, after members were named, even if a senator's affiliation changed for any reason.

Accordingly, your committee now recommends that, for the remainder of the session, and notwithstanding any provision of the Rules, usual practice or previous order:

1. Except in the case of the Standing Committee on Ethics and Conflict of Interest for Senators and the Standing Committee on Audit and Oversight:

   (a) a non-affiliated senator may, by written notice to the Clerk, place him- or herself under the authority of the leader or facilitator of a recognized party or recognized parliamentary group, for the purposes of making membership changes in relation to the membership of one or more committees, including the joint committees, following the process established in rule 12-5 of the *Rules of the Senate*;

   (b) except as provided in sub-paragraph c), if a senator ceases to be a member of a particular recognized party or recognized parliamentary group for any reason, he or she simultaneously cease to be a member of any committee of which he or she is then a member, with the resulting vacancy to be filled by the leader or facilitator of the party or group to which the senator had belonged, following the processes established in rule 12-5;

   (c) if a senator ceases to be a member of a recognized party or recognized parliamentary group because that party or group ceases to exist, he or she remain a member of any committee of which he or she was a member, subject to the provisions of sub-paragraph d), but cease to be chair or deputy chair of any committee on which he or she held such a position, and cease to be a member of any Subcommittee on Agenda and Procedure of which he or she was a member; and

(d) if a non-affiliated senator becomes a member of a recognized party or recognized parliamentary group, he or she thereby cease to be a member of any committee of which he or she is then a member, with the resulting vacancy to be filled either:

(i) by the leader or facilitator of the party or group to which the non-affiliated senator's seat had originally belonged, as indicated in the first report of this committee, following the processes established in rule 12-5 or the *Rules of the Senate*, or

(ii) by order of the Senate or the adoption by the Senate of a report of the Committee of Selection if there was no such indication in the first report of this committee as adopted by the Senate; and

2. any changes to the membership of a committee pursuant to paragraph 1 of this report be recorded in the *Journals of the Senate*.

Your committee also appends a dissenting opinion from the Honourable Senator Terry M. Mercer to this report.

Respectfully submitted,

MICHAEL L. MACDONALD

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Michael L. MacDonald, Chair of the Committee of Selection, presented the following report:

Thursday, December 2, 2021

The Committee of Selection has the honour to present its

THIRD REPORT

On November 25, 2021, the Senate authorized your committee to make recommendations to the Senate on issues relating to the scheduling and coordination of hybrid committee meetings. Your committee now presents an interim report.

Committee Schedule

Pursuant to the order of the Senate of November 25, 2021, authorizing committees to hold hybrid meetings, and based on the Senate's current capacity to support hybrid meetings, your committee makes the following recommendations:

1. That Senate committees be authorized to meet according to a fixed committee schedule provided that:

(a) meetings of committees be prioritized for those that are meeting on government business, subject to available capacity;

(b) any changes to the approved schedule be subject to approval by the Government Liaison, the Opposition Whip, and the whips and liaisons of all recognized parties and recognized parliamentary groups.

2. Your committee also appends to this report an interim schedule for hybrid Senate committee meetings, and further recommends that:

(a) the interim schedule be implemented immediately; and

(b) any subsequent changes deemed useful or necessary be done in consultation with the Government Liaison, the Opposition Whip, and the whips and liaisons of all recognized parties and recognized parliamentary groups.

Respectfully submitted,

MICHAEL L. MACDONALD

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

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

THE SENATE

NOTICE OF MOTION TO INVITE MINISTERS OF THE CROWN WHO ARE NOT MEMBERS OF THE SENATE TO PARTICIPATE IN QUESTION PERIOD

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding any provision of the Rules or usual practice:

1. the Senate invite any minister of the Crown who is not a member of the Senate to attend the Senate at least once every second week that the Senate sits, during Question Period at a time and on a date to be determined by the Government Representative in the Senate, after consultation with the Leader of the Opposition and the leaders and facilitators of all recognized parties and recognized parliamentary groups, and take part in proceedings by responding to questions relating to their ministerial responsibilities, subject to the rules and orders then in force, including those relating to hybrid sittings, if the Senate is then holding such sittings, except that neither senators when asking questions nor the minister when answering need stand;

2. the Government Representative in the Senate, in consultation with the Leader of the Opposition, and the leaders and facilitators of all recognized parties and recognized parliamentary groups, determine the minister to appear during such Question Period;

3. at the beginning of Orders of the Day, the Government Representative in the Senate or the Legislative Deputy to the Government Representative in the Senate inform the Senate, as soon as possible in advance, of the time and date for Question Period with a minister, and the designated minister, but no later than the sitting day that would precede the day on which the minister would appear;

4. senators only have up to one minute to ask a question, and ministers have up to one minute and thirty seconds to respond, with this process continuing until the time for Question Period expires; and

5. the Question Period last a maximum of 60 minutes.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, An Act to amend the Criminal Code (conversion therapy).

(Bill read first time.)

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

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

• (1430)

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—FIRST READING

Hon. Kim Pate introduced Bill S-230, An Act to amend the Corrections and Conditional Release Act.

(Bill read first time.)

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

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

[*Translation*]

INCREASING THE IDENTIFICATION OF CRIMINALS THROUGH THE USE OF DNA BILL

BILL TO AMEND—FIRST READING

Hon. Claude Carignan introducedBill S-231, An Act to amend the Criminal Code, the Criminal Records Act, the National Defence Act and the DNA Identification Act.

(Bill read first time.)

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

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

[*English*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

THIRD PART, 2021 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, JUNE 21-24, 2021—REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Third Part of the 2021 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held by video conference from June 21 to June 24, 2021.

FOURTH PART, 2021 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, SEPTEMBER 27-30, 2021—REPORT TABLED

Hon. Percy E. Downe: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Fourth Part of the 2021 Ordinary Session of the Parliamentary Assembly of the Council of Europe, held by video conference from September 27 to 30, 2021.

[*Translation*]

PARLAMERICAS

PLENARY ASSEMBLY, NOVEMBER 16 AND 27, 2020—REPORT TABLED

Hon. Rosa Galvez: Honourable senators, I have the honour to table, in both official languages, the report of the ParlAmericas concerning the Seventeenth ParlAmericas Plenary Assembly, held as virtual sessions on November 16 and 27, 2020.

GATHERING OF THE PARLIAMENTARY NETWORK ON CLIMATE CHANGE, JUNE 4, 15 AND 25, 2021—REPORT TABLED

Hon. Rosa Galvez: Honourable senators, I have the honour to table, in both official languages, the report of the ParlAmericas concerning the Fifth Gathering of the Parliamentary Network on Climate Change, held as virtual sessions on June 4, 15 and 25, 2021.

[*English*]

SENATE'S SELF-GOVERNANCE

NOTICE OF INQUIRY

Hon. Marilou McPhedran: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to parliamentary privilege, the *Ethics and Conflict of Interest Code for Senators* and options for increasing accountability, transparency and fairness in the context of the Senate's unique self-governance, including guidelines on public disclosure.

QUESTION PERIOD

PRIVY COUNCIL OFFICE

INDEPENDENT ADVISORY BOARD FOR SENATE APPOINTMENTS

Hon. Leo Housakos (Acting Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate, Senator Gold. I would like to ask you a question about the crown jewel of your government, which is, of course, Senate reform and, more specifically, in regard to the Independent Advisory Board for Senate Appointments.

It's not the first time we asked this question in regard to this board, which has an obligation to be accountable and transparent and to file annual reports in terms of its activities and its financing of the board. Senator Plett, on May 5 of this year, asked the exact same question. You committed to inquire and get back to him. Later in the month of May, Senator Plett in writing tabled the same question on the Order Paper.

As you can appreciate, Senator Gold, in this institution, in order for us to be able to do one of our main responsibilities, which is holding the executive branch of government to account, we rely on the representative of the government to provide timely information. We will not relent on behalf of taxpayers until we get the answer.

Government leader, have you inquired at the Privy Council of Canada? Have you inquired at the Prime Minister's Office? Have you asked Minister LeBlanc why it is that the Senate advisory board has not made public the information and expenses in a transparent and accountable fashion?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I thought it was Groundhog Day here. I believe you asked me the question yesterday.

I appreciate your acknowledging that I'm here in my capacity as representative of the government. Thank you.

I have made inquiries, and I've not yet received a response.

Senator Housakos: Senator Gold, I acknowledge your job is to be the government leader and the representative here, and I think it's also acknowledged publicly that you're a member of the Privy Council for a reason. It's not just to have the title for fun; it's to provide information in a timely fashion to this institution.

Senator Gold, I find it very curious that you don't seem to be very interested in this matter because it's been months that you haven't taken the time to come back to us. I would think you'd be just as interested as we are, simply as an honourable senator, appointed under this very process. Furthermore, as government leader with a responsibility for getting answers here, as I said earlier, you have an obligation to the chamber and to taxpayers across this country.

Senator Gold, do you commit to finally getting us an answer on this missing report before we rise for the break? More specifically, will you also give us a precise date when you will get us that answer? After seven months of repeated questioning, I don't think it's much to ask of the government leader on what particular date this chamber can expect to get an answer.

Senator Gold: Look, it's a serious question. I cannot resist repeating what I've been told many times by you and others that this is called Question Period, not answer period. I have asked the question. When I get an answer, I will be happy to report it to this chamber.

[*Translation*]

ENVIRONMENT AND CLIMATE CHANGE

GREENHOUSE GAS EMISSIONS

Hon. Larry W. Smith: My question is for the Government Representative in the Senate. Senator Gold, last week, the Commissioner of the Environment and Sustainable Development released his fourth report entitled *Emissions Reduction Fund*. The Onshore Program was designed to provide financial support to energy companies because of the drop in the price of oil during the pandemic.

The commissioner's report stated the following:

> Overall, Natural Resources Canada did not design the Onshore Program of the Emissions Reduction Fund to ensure credible and sustainable reductions of greenhouse gas emissions in the oil and gas sector or value for the money spent.

• (1440)

The Onshore Program was so ill-conceived and poorly executed that it is having the opposite of the intended effect. Senator Gold, can you please explain why your government allowed such a flawed program to be implemented?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The government is aware of this report and it greatly appreciates all the work that went into it. The government has planned many initiatives to reduce impacts on the environment, for example the impact of greenhouse gas emissions, so that we can continue to fight climate change.

[*English*]

Senator Smith: I'll do this in English, so hopefully we can get a more complete answer. According to data from the Angus Reid Institute, climate change was the number-one issue for Canadians this past election as well as during the 2019 election.

The commissioner's recently tabled Report 5: Lessons Learned from Canada's Record on Climate Change provides a historical review of Canada's commitments and actions with respect to reducing emissions and fighting climate change.

In the report, the commissioner quite bluntly, states:

> Canada's greenhouse gas emissions have increased since the Paris Agreement was signed, making it the worst performing of all G7 nations since the 2015 Conference of the Parties in Paris, France.

We're not talking about a year or two: we're talking 2015 to today. Senator Gold, given the importance of this issue for Canadians, and given the fact that Canadians expect action and results on this file, can you explain why this government is failing to reduce greenhouse gas emissions and why Canada is falling behind all G7 nations with respect to fighting climate change?

Senator Gold: The fight against climate change involves a concerted effort not only by the federal government but also by the provinces and territories, especially those that have exclusive jurisdiction over natural resources and the rates of production therefrom. It also involves the concerted effort of Canadians and political parties of all stripes.

The Government of Canada is very pleased that other political parties and Canadians recognize the importance of the fight against climate change. This government has taken steps and will continue to take steps, unprecedented in history — a suite of measures — to reduce the impact on our climate of human activity associated with industrial activity. It will continue to pursue that in the best interests of Canadians across the country.

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA DISABILITY BENEFIT

Hon. Brent Cotter: Honourable senators, my question is for the Government Representative in the Senate. In light of the statements by Senators Bernard and Petitclerc earlier today, this seems an appropriate question to ask today. Bill C-35, the Canada disability benefit act, was tabled in the other place on June 22, 2021. Admittedly, this was far too late for it to be considered and passed before the election arrived, but it was certainly a signal to the disability community of our government's commitment. The bill states, ". . . to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit . . . ."

The preamble sets out all the very good reasons why this is a critically important piece of legislation for people with disabilities and their families. Even some Government of Canada websites note the fact that as many as 6 million Canadians over the age of 15 suffer from a disability and that they are far more likely to live in poverty due to social and economic exclusion. Yet there was no reference in the Throne Speech to our government's intentions in relation to this legislation and, with ministers' mandates not yet public, there is no assurance that this continues to be a government priority.

Can you confirm that, having raised the expectations of 6 million Canadians and their families, a commitment to this legislation remains a government priority?

Hon. Marc Gold (Government Representative in the Senate): The short answer is "yes," senator. Thank you for the question. Since 2015 the government has taken major steps toward building a disability-inclusive Canada. Budget 2021 built upon this by putting "Nothing Without Us" into action, investing in accessible communities, training and job creation, investing in students with disabilities and providing funds for inclusive child care. Moving forward, the government is committed to reintroducing the Canada disability benefit bill which will create a direct monthly payment for low-income Canadians with disabilities.

The government is committed to continuing to engage with Canadians with disabilities as it moves forward with the Disability Inclusion Action Plan, including modernizing its approach to disability across government and delivering an employment strategy for Canadians with disabilities.

Senator Cotter: When might we see the legislation, Senator Gold?

Senator Gold: I don't know when the legislation will be introduced. As soon as I know, I will inform this chamber.

[*Translation*]

PUBLIC SAFETY

COVID-19 PANDEMIC—TRAVEL RESTRICTIONS

Hon. Marie-Françoise Mégie: My question is for the Government Representative in the Senate.

Experts agree that all viruses mutate over time. Most mutations have little to no impact on the properties of the virus.

Concerning the Omicron variant, the WHO noted in its November 30 statement that global travel bans do not prevent the international spread of the virus and they place a heavy burden on lives and livelihoods.

Closing the borders can have an adverse effect on global health efforts during a pandemic, by dissuading countries from reporting and sharing epidemiological and sequencing data.

To date, the Omicron variant is the fifth variant "of concern" on the WHO list. It has been detected in several Canadian provinces.

Senator Gold, can you tell us what scientific evidence and which recommendations from the Public Health Agency of Canada led the government to impose entry restrictions on citizens from 10 African countries?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The emergence of the Omicron variant is worrisome, but the government is intervening swiftly by strengthening border controls. For example, the government is imposing stricter screening and entry requirements at the border, increasing monitoring of new variants and working with public health to better understand the epidemiological situation in Canada.

These public health measures are based on science and evidence provided to the government. I don't have a detailed answer to your question about the scientific basis and specific Health Canada recommendations that led to the decision to block international flights. I'll let you know as soon as possible once I get more information from the government.

Senator Mégie: Thank you for your answer, Senator Gold. Here's my supplementary question. To put an end to the pandemic, we need to ensure swift, efficient distribution of COVID-19 vaccines around the world. What impact will the decision to close Canadian borders have on the global distribution of vaccines?

Senator Gold: Thank you for your question, Senator Mégie. As I have said recently in this place, the Government of Canada is committed to doing its part in the global fight against COVID-19 by providing not only financial support but also vaccines to countries that need help.

With respect to your specific question, I've made inquiries, but I don't have any answers yet. Once again, I will give the Senate an answer as soon as I get one.

[*English*]

CORRECTIONAL SERVICE CANADA—EMPLOYMENT EQUITY

Hon. Jane Cordy: Senator Gold, in July the 2021 national employment equity survey of women employees at Correctional Service Canada was released. The survey gathered feedback from women about their experiences at Corrections Canada, and this information should help to inform and build a representative and inclusive workforce. Over 2,500 employees responded to the survey: 79% reported that they felt comfortable disclosing incidents that compromised physical well-being to supervisors, and 76% agreed that they felt physically safe on the job.

• (1450)

However, only 61% of respondents agreed that their work environment represented a culture of zero tolerance to gender-based harassment and violence; 29% said that they were the victims of on-the-job, gender-based harassment or violence in the last five years. Senator Gold, unfortunately, the predominant source of this harassment was co-workers.

The Human Rights Committee visited many prisons across the country. In at least three prisons, we heard from employees who were sexually harassed by colleagues, and action taken by their superiors in many cases was little or none. We also heard from employees who were subjected to racism and, again, little was done. So they questioned whether they should quit their job or continue to fight for a safer working environment.

Senator Gold, has the government responded to the survey? I understand that the Commissioner of the Correctional Service of Canada committed to holding town hall discussions with Corrections Canada employees this fall. Do you know whether these discussions have taken place? If so, are you able to share with this chamber the results of these discussions? If not, could you perhaps share the results if and when you receive them?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for raising a preoccupying and, unfortunately, enduring problem in too many of our institutions.

I don't have the answer to your question. I'll certainly make inquiries and report back when I get an answer.

Senator Cordy: Thank you for that, Senator Gold. In light of the work that the Human Rights Committee has done on human rights of prisoners, and in this case it's human rights of prison employees, it would be very important for us, and particularly the Human Rights Committee, to know.

Senator Gold, I understand that in 2020 Corrections Canada launched their National Comprehensive Strategy on Workplace Wellness and Employee Wellbeing designed to identify risks and action plans with clear accountabilities and performance monitoring in order to track progress.

Sadly, the 2021 employee survey showed that there continues to be a perceived lack of action when it comes to Corrections Canada responding in a proactive and timely way and, unfortunately, also when it comes to disciplining the perpetrators. Almost 48% of respondents believe that support for victims is either absent or needs improvement, and only 42% believe that Corrections Canada provided a confidential and safe space to file complaints. What's more discouraging is that less than half of respondents — 46% — were even aware of how to file a formal discrimination complaint.

So in light of the survey results, and in consideration of the national comprehensive strategy, what action will the government take to bridge these gaps? Again, you may have to bring that information to us at a later date. I would appreciate that. Thank you.

Senator Gold: Thank you for raising the question. Yes, indeed, I'll have to inquire and report back. Thank you for that.

[*Translation*]

CANADIAN HERITAGE

COMMITMENT TO BILINGUALISM

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. I must begin by telling you how impressed I was by the letter the Minister of Finance, Ms. Freeland, sent to the CEO of Air Canada, Michael Rousseau, to denounce his attitude toward bilingualism and his affront to all francophones in the country, which your Prime Minister described as a gaffe. I hope that Ms. Freeland will undertake a rigorous follow-up of the commitments she received from the Air Canada board of directors. In fact, I wonder why it was not the Prime Minister himself who signed that letter on behalf of Canadians and francophones, a group to which I belong. I could also ask you whether the Prime Minister was uncomfortable with requiring the CEO of a private company to be bilingual when he himself did not observe that rule in appointing the Governor General of Canada.

Hon. Marc Gold (Government Representative in the Senate): With respect to the issue involving the CEO of Air Canada, the Prime Minister and Minister Freeland work as a team.

As for the Governor General's bilingualism, first, I hope that Canadians agree with me to say that the effort the Governor General made in delivering the Speech from the Throne was impressive. She clearly made a great effort, and that was a sign of respect for our official languages. We should also note the historic significance of this event, because this is the first time a female Innu member of our Indigenous peoples has become Governor General. It is a credit to the government that it made that choice, but it is also an honour for Canadians.

Senator Dagenais: Government leader, you talked about the Governor General's impressive effort in delivering the Speech from the Throne. Wouldn't you agree that the amount of time the Governor General spent speaking French during the speech would have been more appropriate for one of this country's dialects than for a constitutionally recognized official language?

Senator Gold: Canada's two official languages are fundamental to its identity. Recognition of Indigenous languages is also an important step on the path to reconciliation. I think the appointment of the current Governor General and her commitment to mastering French are assets for Canada.

JUSTICE

RIGHTS OF VICTIMS OF CRIMINAL ACTS

Hon. Pierre-Hugues Boisvenu: Senator Gold, in my question last week regarding the murder of Marylène Levesque, I mentioned a report by coroner Stéphanie Gamache, who recommended that dangerous criminals released by the Parole Board of Canada be made to wear an electronic bracelet.

Yesterday, Deputy Premier Guilbault, on behalf of the Government of Quebec, announced that the government would start requiring violent men to wear an electronic bracelet starting in the spring of 2022. The electronic bracelet has become an increasingly popular tool to protect women who are the victims of domestic violence and to save lives.

During this week of action on violence against women, I want to remind you that, over the past six years, your government has done nothing to protect women who are victims of domestic violence, and when it did act, it was only to hide them at home. I introduced Bill S-205 last week, which would require the use of these electronic bracelets. Senator Gold, since Bill S-205 would take the measure Quebec is considering to protect Quebec women and apply it to the rest of Canada, would you agree to prioritize this bill, so that it can be sent quickly to the Legal Affairs Committee, to ensure better protection for Canadian women?

Hon. Marc Gold (Government Representative in the Senate): Again, I commend you for your dedication to such an important cause and for your work on this bill. Since it is a Senate public bill, I am on the same footing as all other senators and can't do anything to prioritize it. I urge the parliamentary groups to ensure that they make decisions on your bill and all of the others on the Order Paper.

Senator Boisvenu: I think you've identified the real problem. What's really disappointing is that it takes a private member's bill to protect women in Canada, when it should be the Justin Trudeau government introducing this bill. As a member of the Privy Council, will you commit to asking the Minister of Justice to introduce the same bill that I have introduced here, but as a government bill, to protect women in Canada?

• (1500)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I will certainly convey to my fellow Privy Council members your desire to see the government do just that. I will undertake to do that.

[*English*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

AFGHAN REFUGEES

Hon. Salma Ataullahjan: Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, a recent *CTV News* report revealed that a large number of Afghan refugees are living in Canadian "ghost hotels" for months on end. Those hotels lack basic amenities, such as a kitchen and laundry facility. To make matters worse, children are not allowed to go to school. These families often arrive wearing sneakers and sandals that are not appropriate for our harsh winter. They rely on the kindness of neighbours to get their basic needs.

Senator Gold, the government committed to welcoming 40,000 Afghan refugees but is already struggling to provide for fewer than 4,000 Afghans here today. Why has there been no follow-up with those families? What is the government planning to do to help them?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for underlining the difficult circumstances that refugees face in Canada.

I don't have specific knowledge of what the federal government is doing with its provincial counterparts and with the not-for-profit sector to assist those in need. I'll make inquiries and try to get back to you quickly.

Senator Ataullahjan: Senator Gold, these Afghan families have been through a lot of trauma, from leaving their country to now adapting to new surroundings, a new language and their new lives. While they are very grateful for Canada's help, their current living arrangements are only aggravating their already failing mental health. What is being done to offer Afghan refugees appropriate and much-needed support services?

Senator Gold: Again, I confess that I don't know the details of all the different measures that are being taken by all the many groups, whether faith-based, community-based or government-supported. I know that Canadians in all parts of the country and organizations are doing their very best to assist.

As I said, again, I will try to get a fuller picture, and I would be happy to share it when I can.

EMPLOYMENT AND SOCIAL DEVELOPMENT

FUNDING FOR EQUITABLE LIBRARY ACCESS

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question for the government leader today is related to the International Day of Persons with Disabilities, which will be observed tomorrow. There have been other questions related to supporting that important community.

Earlier this year, the Trudeau government attempted to phase out funding for the Centre for Equitable Library Access and the National Network for Equitable Library Service, which both work to provide accessible reading materials for people with print disabilities. Thankfully, this decision was reversed in March, and the two groups had their funding restored for one year. This was described at the time as an interim solution.

Leader, the year-long reprieve that your government granted will soon come to an end. Has your government found a long-term resolution to help these two organizations continue their important work?

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

As I stated in the last Parliament — and I'm glad you have raised the question again — those programs are important. Like you, I am glad that a solution was found, albeit an interim one.

I will have to make inquiries as to whether funding for that program will continue or what other measures may be taken to assist them to make sure that those with disabilities have access to reading materials. I engage to do that.

Senator Martin: Those were not the only groups that had to face the potential loss until the interim solution appeared. In 2018, the Trudeau government attempted to cut $2.5 million from the Canadian National Institute for the Blind's accessible book program when their funding was excluded from the 2018 budget. Under pressure, however, that funding was restored.

I know that Minister Freeland and your government are producing a budget in a few months from now. Time is of the essence. I know you can't commit today, but as you're inquiring about the other two organizations and a more permanent or long-term solution, are you able to confirm whether they will not be in the budget — that we will not be cutting funding for the visually impaired Canadians in Budget 2022? Is that something you can also inquire about?

Senator Gold: In matters of what is included in the budget, not only do I not know, but I want to be transparent: I'm not sure this is something that I would be in a position to disclose until such time as the budget lockdown is completed.

That said, I want to repeat something I said earlier today and underline the commitment of this government to work with the communities of people with disabilities to jointly develop programs to assist them so as to better integrate and participate in Canadian society. That remains the position and the commitment of this government.

ORDERS OF THE DAY

THE ESTIMATES, 2021-22

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 1, 2021, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2022, when and if the committee is formed; and
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, with rules 12-18(1) and 12-18(2) being suspended in relation thereto.

She said: Honourable senators, I rise to speak briefly to government Motion No. 4, which proposes that the Standing Senate Committee on National Finance examine the Supplementary Estimates (B) for the 2021-22 fiscal year.

Colleagues, as you know, there has been a long-standing practice in which our National Finance Committee, once it is formed, will undertake a review of the estimates prior to this chamber receiving the accompanying appropriation act from the other place.

[*Translation*]

The government must seek parliamentary authority to allocate funds through a comprehensive review of proposed budgetary expenditures and following the approval of appropriation bills.

To support Parliament in its consideration of these spending plans and to ensure transparency and accountability, the government prepares and presents main and supplementary estimates, as well as departmental reports on its plans and priorities.

[*English*]

The motion also enables the committee to meet either while the Senate is sitting or adjourned to ensure that maximum flexibility is given to the committee to carry out its important work. This is an important step in ensuring the Senate exercises due diligence and reviews the estimates accordingly.

I want to thank the committee in advance for the work that will be before them. I urge all colleagues to support this motion.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CRIMINAL CODE
CANADA LABOUR CODE

BILL TO AMEND—CERTAIN COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of December 1, 2021, moved:

> That, notwithstanding any provision of the Rules, previous order or usual practice:
>
> 1. in accordance with rule 10-11(1), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the subject matter of all of Bill C-3, An Act to amend the Criminal Code and the Canada Labour Code, introduced in the House of Commons on November 26, 2021, in advance of the said bill coming before the Senate, when and if the committee is formed;

2. in addition, the Standing Senate Committee on Legal and Constitutional Affairs be separately authorized to examine the subject matter of clauses 1 to 5 contained in Bill C-3 in advance of it coming before the Senate, when and if the committee is formed;

3. for the purpose of their studies, the aforementioned committees have the power to meet, even though the Senate may then be sitting or adjourned, with rules 12-18(1) and 12-18(2) being suspended in relation thereto;

4. subject to the following paragraph, as the reports from the committees authorized to examine the subject matter of all or of particular elements of Bill C-3 are tabled in the Senate, they be placed on the Orders of the Day for consideration later that day; and

5. each of the committees authorized to examine the subject matter of all or of particular elements of Bill C-3 be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting, with the reports thus deposited being placed on the Orders of the Day for consideration at the next sitting after they are tabled.

He said: Honourable senators, I would like to speak briefly to government Motion No. 5, which authorizes a Senate pre-study on the subject matter of Bill C-3, An Act to amend the Criminal Code and the Canada Labour Code, which was introduced in the other place on November 26, 2021.

[*Translation*]

This motion authorizes the Standing Senate Committee on Social Affairs, Science and Technology to study all of Bill C-3 and the Standing Senate Committee on Legal and Constitutional Affairs to specifically study clauses 1 to 5 of Bill C-3 pertaining to the provisions of the Criminal Code before receiving the bill from the other place.

[*English*]

As colleagues are well aware, we are still in the midst of a global pandemic. Stories are being published almost daily reporting on the strain to our health care system and the burnout affecting our health care providers. Canadians, too, are growing very weary. However, impatience and weariness do not and should not extend to the harassment and threats that are being levelled at some health care providers. Bill C-3 will make it an offence to intimidate or impede a person from obtaining health services or to intimidate or impede a health professional in the performance of their duties.

[Senator Gold]

• (1510)

Dr. Katharine Smart, President of the Canadian Medical Association, noted in relation to this issue:

> Existing legislative measures to prevent and respond to this behaviour are proving insufficient. The CMA is encouraged that protecting the safety of health care workers is a top legislative priority for the federal government and we urge them to move forward quickly on consideration of this bill. Legislative action is needed to avoid potential tragedies.

Furthermore, Bill C-3 would also amend the Canada Labour Code to provide 10 days of paid sick leave per year to workers in the federally regulated private sector.

[*Translation*]

Esteemed colleagues, this motion makes it possible for the committees mentioned to properly examine the subject matter of Bill C-3 before it comes before the Senate. I believe that in light of their respective expertise and mandates, these two committees are best able to give careful consideration to these important issues of public interest.

[*English*]

As mentioned, the provisions of Bill C-3 claim a practical level of urgency for study and reporting back to this chamber. We've already heard from a range of major stakeholders respecting health care professionals and workers in our country, including the Canadian Labour Congress, the Canadian Medical Association, the Canadian Nurses Association and Unifor, all of whom have expressed support for the provisions contained in Bill C-3.

This motion allows both committees all the leeway necessary to begin work as soon as possible, and to hear from many of those important stakeholders, including the responsible ministers. It grants the power for the committees to meet while the Senate is sitting or when the Senate is adjourned. It also allows for the reports of these committees to be deposited with the Clerk of the Senate if the Senate is not sitting.

[*Translation*]

Honourable senators, I believe that we all agree that the subject matter of Bill C-3 is important and urgent enough for the Senate, through its committees, to begin examining it. The two committees are authorized to establish their own schedule and to start their work as soon as they deem it appropriate.

[*English*]

The committees, once organized, would then have the authority to set meeting schedules and begin issuing witness invitations so that when we do receive Bill C-3, the important groundwork has been done.

Colleagues, this is what we do best — review, gather information, study and report. I ask that you pass this motion so that our committees might move forward as soon as feasible. Thank you.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 1, 2021, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, December 7, 2021, at 2 p.m.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

PROTECTING YOUNG PERSONS FROM EXPOSURE TO PORNOGRAPHY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator McCallum, for the second reading of Bill S-210, An Act to restrict young persons' online access to sexually explicit material.

Hon. Rosemary Moodie: Honourable senators, I am very pleased to rise this afternoon to speak to Bill S-210, An Act to restrict young persons' online access to sexually explicit material.

Thank you to our colleague Senator Miville-Dechêne for proposing this new and improved version of the bill. Thank you for your commitment towards the well-being of our children and youth, and for your sincere desire to see every Canadian child's right to a healthy and happy life respected.

In fact, this is where I will begin this evening, colleagues — on the topic of children's rights — because we not only have a moral obligation to protect and care for our children, but as a signatory to the Convention on the Rights of the Child, we have an obligation to safeguard children's rights to life, survival and development. Although it is often treated as aspirational, we have an obligation to the convention and to its full implementation in Canada.

In this respect, colleagues, we have a specific obligation to protect our children from online harms such as pornography. Indeed, as our colleague Senator Miville-Dechêne shared in her opening speech earlier this week, children and youth being repeatedly exposed to pornography is a public health issue, and the negative impacts are well understood.

A research publication by the Government of Australia — a country that we know as a leader in providing children with the protection to which they are entitled — reported that pornography use can lead to unsafe sexual practices, strengthen attitudes supportive of sexual violence and violence towards women, and negatively impact a young person's image of themselves or distort their views on what healthy intimate relationships look like. In addition, the American Academy of Pediatrics adds that exposure to pornography can lead to increased rates of depression, anxiety and violent behaviour.

In this respect, some of the impacts of pornography are felt more acutely by some communities in Canada than by others. In this regard, I will draw from our colleague Senator McCallum, who has encouraged us to consider the specific impacts of legislation on Indigenous women.

A 2014 report by the Native Women's Association of Canada speaks to how young people's exposure to pornography can cause them to seek the kind of sex they view online and that this pursuit fuels the trafficking of vulnerable women for the sake of producing explicit content, especially of First Nations women. I know that my colleague Senator McCallum will speak more about this when she addresses this bill.

I want to note, colleagues, that part of the purpose of this legislation is not only to keep children away from negative content on the internet, but to work towards making the internet a safe place and a place where children can use all of its good aspects to learn, grow, and have a voice.

In March of this year, the United Nations Committee on the Rights of the Child issued general comment No. 25 on children's rights in relation to the digital environment.

Paragraph 14 of general comment No. 25 says it well:

> Opportunities provided by the digital environment play an increasingly crucial role in children's development and may be vital for children's life and survival, especially in situations of crisis. States parties should take all appropriate measures to protect children from risks to their right to life, survival and development. Risks relating to content, contact, conduct and contract encompass, among other things, violent and sexual content . . . .

Paragraph 15 goes on to say:

> The use of digital devices should not be harmful . . . . States parties should pay specific attention to the effects of technology in the earliest years of life, when brain plasticity is maximal and the social environment, in particular relationships with parents and caregivers, is crucial to shaping children's cognitive, emotional and social development. In the early years, precautions may be required, depending on the design, purpose and uses of technologies.

What this means, colleagues, is that there is not just a negative incentive, but also a positive one. Protecting children and youth from exposure to pornography will make the internet a safer place. So in a world where the internet is growing in size and complexity every day, this ought to be a priority for us parliamentarians.

• (1520)

In addition, the United Nations Committee on the Rights of the Child General Comment No. 25 clearly endorses the aim of this bill. Paragraph 24 states very clearly that parties should ensure that their laws and policies relating to children address the digital world and that countries should, and I quote again, "implement regulation, industry codes, design standards and action plans accordingly, all of which should be regularly evaluated and updated."

Paragraph 54 says:

> States parties should protect children from harmful and untrustworthy content and ensure that relevant businesses and other providers of digital content develop and implement guidelines to enable children to safely access diverse content, recognizing children's rights to information and freedom of expression, while protecting them from such harmful material in accordance with their rights and evolving capacities.

Therefore, colleagues, if we are to take a rights-based approach to the question of children and youth exposure to explicit material online, the United Nations Committee on the Rights of the Child sets a clear expectation that countries that are serious, countries that are committed to respecting and protecting the rights of children, will have laws, regulations and other policies to this effect, that are designed to evolve and to change, which is appropriate for an ever-evolving digital environment.

Indeed, this is the kind of approach we should apply to all of our deliberations. It is a valuable and essential step for us to pause and to ask how this will impact kids in our community. How does this interact with the rights that we as a country have committed to protecting?

This is especially important because children do not have a federal accountability officer in Ottawa, as they do in many provinces and territories within Canada and in multiple countries around the world, such as the United Kingdom, Australia, New Zealand, France, Sweden and Poland. They do not have somebody solely dedicated to considering their rights, to amplifying their voices and to advocating for their priorities. Until they do, individually and collectively, we as parliamentarians must step up and fill this gap as well as we possibly can. So in this respect, Senator Miville-Dechêne's bill is an important act of service and care towards children and youth.

Colleagues, thousands of children and youth in our country are exposed to pornography every day and are already dealing or will deal with some of its impacts on their young minds. We have not acted to protect them. This is why this bill matters. We have an opportunity to protect our children where we have long failed to do so, and to uphold their rights to life, survival and development.

As I conclude, I want to state my whole-hearted support for this bill. I hope it passes through our chamber very quickly so it can arrive at the other place and receive their concurrence. But I should suggest that this time our deliberations ought to look a bit different. This time, in some way, shape or form, we must invite substantive and meaningful feedback from Canadian children and youth on this bill, whether or not they support its intentions. Simply put, we can spend our time assuming what they want, or we can invite them to speak for themselves. I am confident this bill will only be strengthened by their voices.

I also hope that this bill is only the beginning of our discussions on the importance of safeguarding the rights and well-being of our children in a digital world.

There is much to do, not only in setting in place the right regulations but also in empowering parents as they look to protect their children and youth, and targeting online hate and misinformation in all of its forms.

I'll conclude by reminding us that when we pause to think about our kids, we are doing something that is central to our role as legislators. We are thinking about our future, about our economic prospects, about our social well-being, national cohesion and global leadership, all of which are in their hands. By protecting their rights and seeking their well-being, we are setting Canada on track to become the strong, inclusive and beautiful society we aspire to be.

Meegwetch and thank you.

Hon. Julie Miville-Dechêne: Will Senator Moodie take a question?

Senator Moodie: I will, thank you.

Senator Miville-Dechêne: First of all, I want to thank you for your speech. Thank you very much for your support and for this idea of consulting children. That's a very interesting idea, but I want to ask you a question as a pediatrician.

All along, in my research, I have been told to be careful with the research. We don't have correlation; we only have association between harms and exposure to porn. So it's not what we call robust research, and on that basis, it's very difficult to speak about harms scientifically.

I want to hear from you on that because I feel personally that a principle of precaution should be used because we are talking about children. Also, how can we have robust research if we do not put children in front of porn material? This would be obviously ethically unacceptable. So we are blocked in having very strong research on this particular harm. Thank you for trying to answer.

Senator Moodie: You have given me a challenge because there is, as you say, no clear research approaches that would lead to a definitive cause and effect.

I would say this: We do have surrogate models that do show us how children's brains develop in response to various negative triggers. We know a lot about toxic environments and toxic recurrent exposure that children gain early in life and the long-term effects.

There are other surrogates that my colleague Senator Kutcher might be able to share as well, around the development of the brain and behaviour patterns of children who are exposed repeatedly to negative stimuli.

With that in mind, I would extrapolate it to say that although we cannot in any purposeful way expose children to noxious stimuli, such as recurrent exposure to pornography and to sexually explicit materials, in fact, we do have surrogates that suggest that they would behave in the same way and in a very similar way to the outcomes. That's the best we can do. I know that we do have limitations in this area, but we also know that there are lots of examples where if we modify the exposure that we give children, we can change the outcomes that we see.

(On motion of Senator McCallum, debate adjourned.)

• (1530)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Mobina S. B. Jaffer moved second reading of Bill S-213, An Act to amend the Criminal Code (independence of the judiciary).

She said: Honourable senators, I rise today to speak to my bill regarding the repealing of mandatory minimum penalties and upholding the coveted sentencing principle of judicial discretion.

[*Translation*]

Before I begin sharing with you all why this bill is so important, I would be remiss if I did not begin by acknowledging and truly thanking Senator Pate for her tireless advocacy and work on this and so many other issues.

[*English*]

Senator Pate, I want to thank you for your exceptional work around these issues and for helping me draft this bill.

Senators, I viewed Senator Pate in prisons and I tell you that prisoners across the country look to her to protect their rights. She has built such credibility on these issues that they look to her to make sure that she will be there to speak in the Senate to protect the prisoners' rights.

Senator Pate, I'm in real admiration of your work and thank you for your work.

In spite of their name, mandatory minimum penalties are in direct contravention of judicial discretion of one-size-fits-all. The cookie-cut approach to sentencing, such as mandatory minimum penalties, destroy the ability of judges to determine appropriate sentences based on an individual's particular circumstances.

Honourable senators, it is easy for us to make laws we believe are right in the warmth of this chamber. We make laws we believe will benefit society and yet we, most of us, do not see the people who are most impacted by these laws.

The judges across the country do see these people. They come to know their circumstances, the circumstances on which they base the judicial sentencing principle. Every day the judges see their faces when they are making a decision about whether or not to send a person to prison and for how long.

In their current form, mandatory minimum penalties tie a judge's hands. They give them little other options than to look at the person in the face and sentence them without sufficient consideration of their circumstance.

We parliamentarians, without knowing these individual cases, have decided that their sentence is against sentencing principles. In doing so, we parliamentarians are directly preventing judges from doing the job they were appointed to do.

The bill I have in front of you, in summary, says it allows a court to decide to not make a mandatory prohibition order provided for under a provision of that act, or to add conditions or vary any conditions set out in that provision if the court considers it just and reasonable to do so. It requires the court to provide its reasons for making such a decision.

[*Translation*]

What is more, the imposition of mandatory minimums effectively rejects considerations of aggravating and mitigating circumstances.

[*English*]

In this way, mandatory minimums undermine the founding principles of sentencing outlined in section 718 of the Criminal Code, namely:

> The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives . . . .

As many of you know, I have long been an advocate for the importance of judicial independence. A cornerstone of independence rests on the ability of a judge to use their discretion and determine the correct ruling in the matter they are tasked with adjudicating.

Honourable senators, those of you who have been in this place for some time will also know I've always been in support of addressing the injustices which persist due to mandatory minimum penalties. I have introduced a bill not once, not twice but three times regarding the use of mandatory minimum penalties.

In June 2013, I introduced Bill S-221, An Act to amend the Criminal Code (exception to mandatory minimum sentences for manslaughter and criminal negligence causing death).

In November 2013, I introduced Bill S-209 of the same name.

In February 2014, I once again introduced Bill S-214 with the same name.

[*Translation*]

As is clear by the title of all three bills, I was focused on addressing the use of mandatory minimum penalties with regard to changes of manslaughter and criminal negligence causing death. I know now that I did not go far enough.

[*English*]

Honourable senators, that was then and this is now. I now realize that I should have had a more extensive bill.

Last parliamentary session, the federal government introduced Bill C-22, an Act to Amend the Criminal Code and the Controlled Drugs and Substances Act. The bill marked a step forward in that the government was at last acknowledging the failures of mandatory minimum penalties and seemingly committing to moving fast on their routine use.

Despite these very commendable efforts, the bill did not go far enough. Rather than taking a clear stand against all mandatory minimum penalties, and thus wholly reinstating judicial discretion, the bill simply repealed 19. The number is even more inadequate when you consider with the fact that to date at least 43 — I repeat, senators — 43 mandatory minimum penalties have already been struck down by the courts at all levels throughout this country.

As I speak, the courts continue to rule mandatory minimum penalties unconstitutional and disproportionate in how they are applied, with an emphasis on how they reinforce systemic racism.

Honourable senators, as we all know when hearing bill titles, speeches and political rhetoric from all sides in both this and the other place, it can be easy to lose sight of the human beings at the forefront of every issue we face and every decision we make.

In fact, when it was first tabled in the other place, I was very supportive of Bill C-22 and I argued with some of you to let us encourage this bill to go through as it's important that we have something in place. It was important that we have some kind of government acknowledgment in place. I saw it as a step forward, and I still do.

That said, we know that the government is planning to reintroduce a bill regarding mandatory minimum penalties. Before they do, senators, we now have a chance to send a very strong message by sending this bill to the other place. We can send a message that this time we will not just accept a tick mark. We'll not accept going one quarter or even halfway on this issue.

Senators, we have the opportunity to tell them the time is now to restore judicial discretion and to ensure justice is upheld for all people in Canada. Honourable senators, this bill is so important because flawed legislation directly impacts lives.

[*Translation*]

Most often, it is the lives of those who are most readily ignored and who are forced to find ways to survive that come into conflict with the law.

• (1540)

[*English*]

Some of you may have heard of the story of Cheyenne Sharma, a young Indigenous girl. At the time of her sentencing, Cheyenne was 23 years old and a single mother. Cheyenne's grandmother is a residential school survivor who was impregnated at age 13. Her mother was caught in the grips of the foster care system.

When Cheyenne was just 5 years old, her father was deported to Trinidad. Cheyenne first ran away from home at 13 years and then 15 years old. Consequently, she was forced to begin prostituting herself. She said the reason was because she needed the money to pay rent, as she was facing eviction. Honourable senators, I ask you for a moment to think about our own children. Where were they at 13 and 15 years old? What were they doing? Were they in school? Were they playing their favourite sports? Did they spend a lot of time out having fun with their friends? Cheyenne did not have the opportunity to do any of these things. By age 17, Cheyenne had attempted suicide multiple times.

[*Translation*]

From the moment she was born, Cheyenne was forced into circumstances entirely out of her control.

[*English*]

Honourable senators, mandatory minimum penalties do not allow a judge to consider any of Cheyenne's circumstances, only that she committed a crime.

Thankfully, in this instance, the Ontario Superior Court justice, Justice Casey Hill, who was presiding over her case concluded that the mandatory minimum sentence of two years, which he was being tasked with imposing, ". . . would outrage standards of decency" and would violate Canada's Charter of Rights and Freedoms.

In Cheyenne's all-too-rare instance, a semblance of justice prevailed. However, honourable senators, we cannot leave the balance of justice to lean on the goodwill of some well-meaning and compassionate judges. Honourable senators, I really wish that this was a precedent-setting ruling, but it was not. Unfortunately, other judges across the country are not bound to follow Justice Hill's stellar example. Far too often this is not the end result.

Over the summer, I was very shaken when I accompanied Senator Pate and saw firsthand the realities of prisons in Canada after two years of the pandemic. There is a conception around society that prisoners are very well treated. Well, senators, I did not see that. I was also most outraged by the disproportionate numbers of racialized men and women in maximum security prisons.

[*Translation*]

In Fraser Valley Institution, there are women from minimum and medium all the way up to maximum security.

[*English*]

When we first met with staff inside the prison's gymnasium, we were told that 61% of prisoners and 89% of those classified as maximum security are Indigenous women. This is yet another example of the overrepresentation of Indigenous peoples, in particular of women in prisons across Canada.

We also visited Kent Institution, the only federal maximum security prison for men in the Pacific region. When we arrived, we were met by the senior staff at the prison who informed us that out of 240 men inside, 88 — about one third — are Indigenous, and 22 are Black. I would like to remind you all that Indigenous people represent less than 5% of our entire population. We also learned that some prisoners feel that prison has created a racist and toxic environment. This is another reminder of the racism and discrimination that happens behind prison walls every day.

Honourable senators, these people are suffering and very few people are listening. When the length of their sentence is blindly decided by the mandatory minimum sentencing legislation we pass, it should not be considered a punishment. It is sheer cruelty. It follows that, according to the Office of the Correctional Investigator, 30% of all federally sentenced prisoners and 42% of federally sentenced women are Indigenous. This rate has increased by 43% since 2010. During the same period, rates of non-Indigenous incarceration decreased by 14%. The Office of the Correctional Investigator pointed to the ongoing failure of the criminal legal system to respond to needs, histories and social realities of Indigenous peoples at the root of these high rates of criminalization.

There is a further problem with mandatory minimum penalties. It makes it impossible for the court to follow section 718.2(e) of the Criminal Code to ensure *Gladue* factors are taken into account. Fundamentally, the *Gladue* principles ensure judges account for the fact that Indigenous people rarely have the same access to justice as non-Indigenous people, which often impacts the outcome of their cases. *Gladue* also pushes judges to act with increased awareness with regard to their legal matters and, if applicable, their sentencing. Honourable senators, how can judges look at this if they are bound by mandatory minimum principles?

For clarification, *Gladue* principles means a judge must consider:

- your community's perspective on the situation, their needs, and their suggested alternatives to jail. Your community can be the Indigenous community where you live or come from, but it's also your support network or the people you interact with. If you live outside an Indigenous community and aren't connected to one, you still have a community.

- the laws, practices, customs, and legal traditions of your Nation or the Nation where the alleged offence took place.

- ways of making decisions that are sensitive and appropriate to your culture.

Ultimately, the principles aim to account for documented daily and seemingly routine injustices faced by Indigenous people within the justice system.

Accordingly, this bill is directly aligned with the Calls to Action of the Truth and Reconciliation Commission and the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

In 2015, the government's election platform included a promise to implement the Calls to Action of the Truth and Reconciliation Commission. In 2019, the Minister of Justice's mandate letter reiterated the need for progress toward this goal and toward the implementation of the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls. Both demand that minimum sentences be remedied.

Echoing this sentiment, the federal government itself noted that the percentage of Indigenous people in prison federally due to a mandatory minimum penalty has almost doubled in the last 10 years: 39% of all Black and 20% of all Indigenous federal prisoners have been convicted of a crime that carries mandatory minimum penalties.

[*Translation*]

Honourable senators, how can we expect people to be able to safely and successfully reintegrate into our communities when we keep locking them away for longer and longer sentences, without considering what circumstances led them there in the first place?

[*English*]

To date, Canadian courts have found a significant number of minimum penalties invalid on such grounds. Nearly half — some 31 of the 72 minimum penalties currently in force — have been found unconstitutional by at least one court. Of these, about 25 mandatory minimums have been struck down as invalid in various provinces. In 11 cases, a court that struck down the mandatory minimum was a Court of Appeal or the Supreme Court.

• (1550)

In 2016, in *R. v. Lloyd*, the Supreme Court drew attention to Canada's precarious position with respect to mandatory minimums and called on Parliament:

> . . . to build a safety valve that would allow judges to exempt outliers for whom the mandatory minimum will constitute cruel and unusual punishment.

This exemption is related to the application of minimum penalties.

Senators, I repeat what the Supreme Court of Canada has said: It will constitute cruel and unusual punishment.

Without legislation such as this bill before you all, mandatory minimum penalties have to be challenged one by one before the courts, tying up significant court and government resources, and requiring individual Canadians to shoulder the heavy burden of mounting constitutional challenges. In too many cases, those facing a potential unconstitutional minimum simply do not have the means to defend their rights. At the same time, for those with the most resources, mandatory minimum penalties allow for and even encourage drawn out legislation, including constitutional challenges.

[*Translation*]

Individuals have nothing to lose and everything to gain by going to trial and trying every trick up their lawyers' sleeves to avoid a harsh sentence, rather than seeking early resolution.

[*English*]

Honourable senators, you may remember the report of the Standing Senate Committee on Legal and Constitutional Affairs on court delays identified the strain that mandatory minimums place on scarce judicial resources and pressing issues of trial delays. During the study, at least 11 different criminal justice experts singled out minimum penalties as a factor contributing to overall delays and inefficiencies in the court system. Worst yet, such principles are in sharp contrast to what occurs in cases where mandatory minimum penalties are applied. Mandatory minimums often shift discretion from judges to other actors with virtually no accountability either to the public or to the appeal process.

Honourable senators, those other actors are us. For instance, Crown prosecutors are often tasked with determining what charges to lay and whether to pursue a mandatory minimum penalty. Far too often, their reasons have little to do with legal principles. In some instances, these powers are used as bargaining chips to encourage a person to plead guilty to a lesser charge rather than risk facing the mandatory minimum penalty of a more serious one, if they are convicted.

Honourable senators, today we have an opportunity to send yet another clear message that we do not support this flawed approach to federal sentencing. This bill will provide judges with the long overdue alternative to imposing mandatory minimum penalties. In fact, it provides judges an unfettered ability to exercise their expertise when determining whether or not it is appropriate to apply mandatory minimum penalties. In doing so, it ensures judges are freely able to not impose a mandatory minimum penalty, in particular when doing so is determined to be inappropriate or unjust.

What this bill does not do is give judges a golden ticket to act unfairly or arbitrarily. In fact, the powers this bill aims to provide judges are not new and are in line with the Criminal Code. As many of you will know, section 726.2 of the Criminal Code clearly states:

> When imposing a sentence, a court shall state the terms of the sentence imposed, and the reasons for it, and enter those terms and reasons into the record of the proceedings.

It follows that all judges are required to give reasons for their sentencing decisions. In addition, their decisions must be rooted in legal principles and are subject to scrutiny from the general public, the legal community and other judges through appeal processes.

Honourable senators, I know these principles of transparency and fairness are ones which we will take seriously. The bill intentionally does not go so far as to prevent judges from imposing minimum sentences. It will simply add a requirement that judges must reflect on and provide justification and fairness in imposing mandatory minimum sentences.

In 1987, the Canada Sentencing Commission found that 9 in 10 judges concluded that mandatory penalties had interfered with their ability to render a just sentence. Also in 1987, when there were 10 mandatory minimum penalties and their approach was deferred to file less frequently, still 57% of judges approved of their use. They went so far as to state that their use inhibited their ability to determine fair and appropriate sentences fitting of the circumstances surrounding the crime.

Since then, the issue continues to worsen. In the decades since, the use of mandatory minimum penalties in Canada has continually grown at an alarming rate. This bill follows the experts' leads by allowing judges not to impose a mandatory minimum penalty.

[*Translation*]

I would ask you all to carefully consider this question. Honourable senators, what are we waiting for?

[*English*]

The reality in Canada can and should be contrasted with the experiences of other democratic states whose laws include mandatory minimum penalties. Many, including England and

Wales, New Zealand, South Africa, Australia and jurisdictions, and even a number of U.S. jurisdictions, have taken steps to ensure the integrity and constitutionality of their laws and the rights of their citizens by allowing some form of judicial discretion. In most cases, the judicial discretion extends to even the most serious life sentences.

Honourable senators, I want to share with you the words of a man at William Head Institution, in my Province of British Columbia, whom I had the privilege of speaking with this past summer. He told me "the way the federal prison system functions is churning out broken people." I cannot get those words out of my head: "churning out broken people."

We now have an opportunity to change this long-held course.

Senators, when I was a young defence counsel, I often went to court with my senior partner, the Honourable Mr. Dohm, who used to be a judge before he retired. He taught me that when a judge sentences somebody, he has to balance everything. He has to balance what kind of person will return to society. He always used to say to me:

We do not throw the key away. Sooner or later, those prisoners will be released, and they will have to be reintegrated into society.

Honourable senators, I ask you, with the system we have at the moment, when a prisoner from William Head said that we are "churning out broken people," is this the right system?

[*Translation*]

I am deeply troubled as to whether we are doing anything meaningful to prepare prisoners to be reintegrated into society.

Honourable senators, please join me in opposing unnecessary mandatory minimum penalties and standing up for judicial discretion.

[*English*]

Honourable senators, we are supposed to look after the most marginalized people. The time is nigh for us to stand against this injustice. The time is now to stand up for true fairness and equality for all. The time is now to move forward together.

I hope, senators, you will give this bill serious consideration. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Kim Pate: Honourable colleagues, I rise today in support of Bill S-213 and meaningful action on all, not only some, mandatory minimum penalties.

• (1600)

Thank you, Senator Jaffer, for generously taking the lead on this legislation to redress the injustices and inequities that mandatory minimum penalties both create and perpetuate.

Mandatory minimums violate Charter and human rights, in particular for Indigenous peoples, African-Canadians and other racialized people, for women, for those living with disabilities and those below the poverty line.

Where mandatory minimum penalties apply, judges cannot apply the sentencing principles that structure their discretion in determining fair and proportionate sentences. Notably, mandatory minimums interfere with judges' obligations to consider alternatives to prison sentences, in particular as a means of redressing systemic racism and mass incarceration of Black and Indigenous peoples.

Government proposals to address mandatory minimum penalties have so far only focused on repealing a very small fraction of these penalties, as Senator Jaffer has ably pointed out. In particular, they have ignored the harshest mandatory minimums that too often cause the most egregious harms.

For Indigenous women who have experienced violence and abuse, Canada's longest mandatory minimum penalty, the mandatory life sentence for murder, has resulted in countless miscarriages of justice.

These women's stories underscore how important it is to take a comprehensive approach to all mandatory minimums taken in Bill S-213 and insisted on by the Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the Parliamentary Black Caucus.

Too often, though, these women's stories go unknown and untold.

Mandatory life sentences reinforce racism and misogyny in a criminal legal system that minimizes the safety concerns of Indigenous women, is unresponsive when they are at risk, blames and stigmatizes women for the violence they experience, therefore effectively deputizing them to protect themselves and then swoops in to hold them criminally responsible when they must protect themselves and/or their children.

Mandatory life sentences transfer discretion from judges to police and prosecutors. Behind closed doors, women are charged with crimes carrying inflexible, lifelong punishments that often leave judges unaware of or forced to ignore the context of the charges, much less the violence women have experienced.

Faced with an unthinkably long and harsh sentence, in a racist and misogynist system, women too often plead guilty to a lesser charge, even if they are not legally responsible. They forgo valid defences and waive their rights to fair trials.

What is at stake when we talk about mandatory life sentences? They ensnare, isolate and wrongfully label as dangerous mothers, daughters, sisters, aunties and grandmothers; they tear apart families and communities; they deepen the destruction caused by colonial policies of forced separation and institutionalization of Indigenous peoples.

Two First Nations sisters, "O" and "N," have spent the better part of 30 years in prison serving mandatory life sentences. Like their siblings, parents and grandparents, they are residential school survivors. "O" was sexually abused at residential school and struggled with consequent substance use.

As teens, "O" and "N" were charged with the murder of a non-Indigenous residential school caretaker. He was known to offer young people a place to party, alcohol and money, usually with the expectation of sex. He made sexual advances toward "O" and "N" and offered them money when they refused. "O" felt ashamed but also angry and wanted to protect her younger sister. She was too ashamed to tell her lawyer these details.

The 14-year-old male cousin of "O" and "N" confessed to killing the man but said he was induced by police and the Crown, who were focused on holding "O" and "N" primarily responsible, to testify against his cousins.

The sisters were convicted of second-degree murder by an all-White jury in Saskatchewan. By choosing to lay charges that carried a mandatory life sentence, the Crown and police exercised significant decision-making power over the sentences the women received. The judge, usually responsible for considering whether a sentence is fair in light of a person's individual circumstances, had no power in this regard.

One key reason no one considered, let alone properly contextualized, was the racist and misogynist violence that these two sisters had experienced. As well, no one challenged the gendered myths and stereotypes that resulted in them being seen as more culpable than their male cousin.

Each year, 40 to 50% of women sentenced to life in prison are Indigenous and 91% of them have histories of physical and sexual abuse.

"S" is another residential school survivor of horrendous physical, sexual and psychological abuse. She turned to drugs to anaesthetize herself due to the trauma she experienced and was first jailed as an accomplice to an abusive partner's drug dealing.

While in prison, "S" pleaded guilty to a murder that correctional staff and prisoners alike are adamant was actually a suicide. The woman who died was like a sister to "S." She lived with disabling health issues, and prison staff left her to rely on other prisoners for such necessities as cleaning, dressing and feeding herself.

The inquest into her death concluded that the cause of death was unknown; yet "S," who felt responsible, confessed nearly four years later while suffering severe psychological stress in segregation. Her guilty plea was accepted, despite inconsistencies with the records of the death and despite being based on her feelings of intense guilt and personal responsibility, not her legal responsibility.

Like so many others, "S" was hyper-responsibilized — trained to say sorry and to feel responsible for everything, including things she had not done, or played only a negligible role in — by the misogyny and racism in society and the criminal legal system.

Her hyper-responsibilization meant that the criminal legal system did not spend time determining the true circumstances surrounding an Indigenous woman prisoner's death, yet sprang rashly into action to ensure that another Indigenous woman would spend the rest of her life serving a mandatory life sentence.

Like "S," "Y" is an Indigenous survivor of sexual abuse. She was charged alongside several others with killing a man believed to be abusing children in their Alberta community.

Though "Y" played a limited role in the man's death, police and Crown prosecutors focused on her. As the mother of one of the children believed to have been victimized, and a sexual abuse survivor herself, they suggested, in the absence of any other evidence, that she could have a stronger motive and should therefore be held more responsible than the other accused, including her child's father.

The motherhood and the history of abuse of "Y" was not considered, although it was used against her to suggest she had a motive.

"Y" was the only person tried for first-degree murder. Because of the resulting mandatory life sentence and 25-year parole ineligibility, she received by far the harshest penalty among equally, if not more, culpable perpetrators.

Indigenous women face numerous barriers when seeking to explain how colonialism, marginalization, and histories of abuse or violence that precede their attempts to protect themselves have shaped their criminalization. Too many are never able to do so, due to shame, stigma and systemic discrimination. Too many more are not believed if they manage to speak.

The mandatory life sentence prevents consideration of these factors during sentencing. Women end up convicted of murder in situations where they were reacting to violence or were induced to act or take responsibility for the actions of another who might also have victimized them and/or be their co-accused.

"C" is also an Indigenous woman, abandoned to the streets as a youth. She received a mandatory life sentence for second-degree murder of a woman involved in procuring her to exploit, including by creating videos and photos of her sexual assaults. "C" reacted with force to try and protect herself. She had a history of childhood trauma and victimization but was too afraid to discuss this history with her male lawyers.

The threat of a life sentence also incentivizes many women to plead guilty to lesser charges rather than raise the context of their attempts to defend themselves or others.

In 1996, the Department of Justice Self-Defence Review examined the cases of 98 women convicted of using lethal force while protecting themselves or their children from abusers. Most women pleaded guilty to manslaughter or even to second-degree murder, despite having a potentially valid claim of self-defence.

• (1610)

Facing a mandatory life sentence with no chance of parole for 25 years, many women accept plea bargains, particularly given the limited financial resources, a legal system that failed to protect them from violence and the prospect of putting their children through the harrowing process of testifying on their behalf in criminal court. In a system that too often fails to believe women, if there are any witnesses, they are likely their children.

Within the prison system, the fact that a woman has received a life sentence is used by authorities to characterize her as dangerous in ways that further obscure her history of marginalization and victimization, not to mention her vital need for health, cultural and community supports. Wrongly labelled as violent because of her mandatory life sentence, "S" spent decades in isolation and suffered psychological damage from which she may never recover.

Another Indigenous woman, "SN," transferred from the youth to the adult system and has now spent more than three decades in prison serving a mandatory life sentence, mostly in conditions of brutal segregation. This prolonged isolation has caused her mental health to seriously deteriorate.

For all these Indigenous women and more, life sentences remain lifelong burdens. Even on parole, they live under surveillance and isolating parole conditions, such as prohibitions on travelling to see family or on entering into friendships, employment or other relationships. Women end up reincarcerated not because they reoffend but because, even for minor administrative breaches, they can be returned to prison for years on end.

If you close your eyes and picture those who represent the greatest threat to the public, particularly public safety in Canada, do you picture an undereducated, underemployed Indigenous mother struggling in poverty and with past trauma? A survivor of residential school and the forced removal from families of origin by the child welfare system? Someone struggling to care for and protect her kids and living in fear of an abusive partner? Because mandatory minimum penalties are inflexible and because they incentivize guilty pleas to lesser crimes, these women are the ones who are overrepresented among those serving Canada's harshest sentences.

People who support mandatory minimum penalties usually indicate that they do so because they want to reduce crime and make everyone safer. I know no one, of any ideological or political stripe, who does not share this goal.

After decades of clinging to the empty promise of mandatory minimum penalties, it is our duty as representatives of those most marginalized, in the name of justice and equality, to make clear that the emperor has no clothes. Mandatory minimum penalties do not deliver. They are brutal for those who are most marginalized and victimized. They don't stop crime. They represent yet another failure of the criminal legal system to protect and do justice for racialized people, in particular women with lived experiences of violence. They require us to pay from $200,000 to $600,000 and more per person per year to jail these women.

Bill S-213 is a step toward redressing the racism and colonialism that has been allowed to persist within the legal system and that harms us all by making Canada less equal and less just. With this bill, we can do better. *Meegwetch*. Thank you.

(On motion of Senator Martin, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Duncan, for the second reading of Bill S-216, An Act to amend the Income Tax Act (use of resources of a registered charity).

Hon. Ratna Omidvar: Honourable senators, I concluded my remarks yesterday, and brought them in just before 4 o'clock. But I understand that Senator Lankin has a question, and I'm more than happy to answer it or other questions.

Hon. Frances Lankin: Thank you, Senator Omidvar, for your work on the charity committees report that Senator Mercer chaired. I think that it is some very important work and this recommendation is one piece of that. I am entirely supportive of what you're trying to accomplish.

The question I wanted to ask you, because I believe it's important to put it on the record — you spoke a number of times about resource accountability. I think you said that in the States they use different terminology, but the intent here is not at all to diminish the accountability that charities have for the proper stewardship of donor dollars. I am wondering if you would speak to the term "resource accountability" and what is envisioned in terms of how that would work. And with the CRA, how do you envision that we will be able to really ensure accountability to donors? Thank you very much.

Senator Omidvar: Thank you, Senator Lankin. I appreciate the question because I know of your long experience in the charity sector. You led the United Way in my wonderful city and led it ably for many years, so you come from a point of experience and concern. I'm grateful for your question.

On the terminology, "expenditure responsibility" in the U.S. versus "resource accountability," in this proposal, I have been advised by Canada's top charity lawyers, who advised me that the term "resource accountability" is more appropriate for the Canadian context.

Now, this is a private member's bill, so if and when it is passed — and I certainly hope it is passed, honourable senators, with your support — one of the processes that will follow will be consultations by the CRA on how far we go with resource accountability. Is it just money? Is it more than money?

While I hope it's a more fulsome expression of what we mean, it is at the same time a strong underlying expression of accountability, whether it is limited to money or whether it expands to technology, space, staff, et cetera. I hope that answers your question.

(On motion of Senator Dalphond, for Senator Mercer, debate adjourned.)

• (1620)

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 CONTINUED

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 pleased to resume my speech in support of Senator Ngo's motion to recommend Canada's support in reconvening the International Conference on Viet-Nam as set out in the Paris Peace Accords.

It has been a long time, almost 50 years, since the Paris Peace Accords were signed. Honourable senators, Canada has a proud record of peacekeeping in its history and in Vietnam, having sacrificed troops in the conflict and having been a party to and pledged to uphold the terms of the Paris Peace Accords.

Approving this motion would be of great symbolic importance to Vietnamese Canadians, and would be an important first step to protecting the stability of an important geopolitical region.

I recognize that there must be agreement of at least six parties to the Paris Peace Accord in order to reconvene the conference, unless the U.S. and Vietnam jointly request it per Article 7(b). However, someone always has to go first, and I believe in this instance, it should be Canada.

By supporting this motion, the Senate would call on Canada to be a leader in promoting and protecting peace and order within the Indo-Pacific region, as was signalled in the recent Throne Speech.

Colleagues have heard Senator Ngo's impassioned hopes for the revival of the peace process for Vietnam. The Paris Peace Accords envisioned long-term peace in a country which so many refugees fled after a bitter, long and costly war. Many of those who fled came to Canada looking for a better life.

Senator Ngo has told me that, by the Senate of Canada passing this motion, we will demonstrate to Vietnamese Canadians that we recognize they were forced to leave their home country because of what it had become — a country with an abysmal human rights record that continues to restrict all basic civil and political rights, including freedom of expression, association, assembly and the rights to freely practise beliefs and religion.

He has told me that we will give the diaspora hope and prove that the Senate of Canada supports their yearning for a peaceful and free Vietnam. In leading by example, Canada can spread this hope amongst the Vietnamese diaspora around the world.

The Senate is a chamber that allows senators to advocate for regions and minorities. This is the chamber that is meant to reflect the passions and priorities of Canadians that may not have as prominent a voice in the other place.

That is why I believe it is so important to listen when the first Vietnamese-Canadian senator stands before us and tells us that it is important to act. That is why I have been moved by Senator Ngo to stand up for Canadian beliefs and values by supporting his motion.

Thank you, Senator Ngo, for your decade of leadership, advocacy and support of the Vietnamese diaspora in Canada.

I urge you, honourable senators, to support this motion and consider the question in a timely manner. Thank you. *Qujannamiik*.

(On motion of Senator Dean, debate adjourned.)

[*Translation*]

MOTION PERTAINING TO SECTION 55 OF THE CONSTITUTION ACT, 1982—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy:
>
> That the Senate:
>
> 1. recall that, despite the commitment found in section 55 of the *Constitution Act, 1982* to have a fully bilingual Constitution, as of today, of the 31 enactments that make up the Canadian Constitution, 22 are official only in their English version, including almost all of the *Constitution Act, 1867*; and
>
> 2. call upon the government to consider, in the context of the review of the *Official Languages Act*, the addition of a requirement to submit, every five years, a report detailing the efforts made to comply with section 55 of the *Constitution Act, 1982*.

Hon. Pierre J. Dalphond: Honourable senators, I urge you to support this motion whose purpose is twofold: First, to serve as a reminder that despite the commitment made in 1982 to have a fully bilingual Constitution, in accordance with section 55 of the Constitution Act, 1982, to this day 22 of the 31 texts forming the Constitution of Canada are official in English only, including most of the Constitution Act, 1867; second, to call on the government to include, in the context of the review of the Official Languages Act, the obligation to periodically report back on the efforts made to implement section 55 and the constitutional commitment made almost 40 years ago.

With its Bill 96 to amend the Charter of the French Language, the National Assembly of Quebec is preparing to propose that two provisions be added to the Constitution Act, 1867, to affirm that French is the official language of the Quebec nation and the common language of Quebecers. In the recent election campaign, all federal parties promised to support this bilateral constitutional amendment.

At the same time, the government made a commitment in the Throne Speech to table a bill to modernize the Official Languages Act in order to reaffirm the importance of French in Canada and to promote its use.

While the status of French is becoming an issue of concern, both in Parliament and at the Quebec National Assembly, we keep forgetting that although our country's official languages are French and English, there is still no official French version of the Constitution Act, 1867. The majority of the founding document, an imperial statute adopted by the Westminster Parliament, is only legally valid in English. Canada is probably the only country in the world that claims bilingual status but has a Constitution essentially written in just one of its official languages.

It is even more surprising that this is the case in 2021, since section 55 of the Constitution Act, 1982, states the following:

> A French version of the portions of the Constitution of Canada referred to in the schedule shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.

• (1630)

[*English*]

As you know, our Constitution is made principally of the Constitution Act, 1867, often called the British North America Act, or the BNA Act, and is complemented by 30 other pieces of legislation, including acts to officially add the colonies of Prince Edward Island, British Columbia and Newfoundland to Confederation.

While eight of these additional texts, including federal statutes creating new provinces, including Manitoba, Alberta and Saskatchewan, were adopted in both official languages, to this day, 22 constitutional documents remain official in English only, including, as I said previously, most of the Constitution Act, 1867, the foundational text of our federation.

While French-speaking Canadians have the constitutional right to rely on the French text of all ordinary federal statutes, they lack the means to exercise this fundamental right in regard to nearly all of Canada's constitutional texts, despite the country being officially bilingual since 1968.

During the patriation of the Constitution in 1982, following the Quebec referendum, two things were promised to rectify this situation, which was no longer acceptable, with the adoption of section 55 of the Constitution Act, 1982: first, a constitutional obligation for the Minister of Justice to have the French version of all texts that are part of the Constitution drafted as soon as possible; and second, the obligation of the governments of the country to take the necessary steps for the coming into force of these French texts as soon as available.

[*Translation*]

In 1984, the Honourable Donald Johnston, Canada's justice minister, created the constitutional drafting committee to draft the French text of the Constitution. The committee was made up

of distinguished jurists, including Senator Gérald Beaudoin, former Supreme Court of Canada justice Louis-Philippe Pigeon, Robert Décary, who was later appointed to the Federal Court of Appeal, and Gil Rémillard, who later became Quebec's justice minister.

In 1990, the committee submitted its final report to the Minister of Justice, the Honourable Kim Campbell, who then tabled it in the House of Commons and the Senate in December 1990. That fulfilled the first institutional obligation in section 55. Unfortunately, the second obligation is a whole different story.

Over the next seven years, governments took no concrete action to adopt the French versions of the constitutional texts. It wasn't until April 1997, a little more than a year after Quebec's second referendum, that the Right Honourable Jean Chrétien's federal government invited the Government of Quebec to start talking about fulfilling the second obligation. The provincial government, under the Honourable Lucien Bouchard at the time, declined the offer.

In April 1998, the federal Department of Justice again contacted the Government of Quebec to advise it that Prince Edward Island, New Brunswick and Saskatchewan had indicated that the French texts were acceptable to them and that other provinces were awaiting approval from Quebec and Ontario before giving their final response.

This request was ignored by Quebec City, and no one in Ottawa seemed to want to restart the process that would have finally led to an official French version of the country's most important law, the Constitution Act, 1867.

Accordingly, nearly 40 years after the solemn commitment made in 1982 and 30 years after the tabling of the French versions of some of the texts, we still don't have a French version of the founding text of the country, on the grounds that an adoption of the whole text requires, in accordance with the amendment procedure put in place in 1982 at the time of the repatriation of the Constitution, a resolution passed by both houses of Parliament and a majority of the provinces representing more than 50 per cent of Canada's population, or, according to some, perhaps even unanimity among the provinces.

[*English*]

As the Commissioner of Official Languages, Mr. Raymond Théberge, explained in his appearance before the Standing Senate Committee on Official Languages last June, in response to a question from Senator Bovey:

> The timeline is in the hands of the Minister of Justice and the Attorneys General across the country. In order to do that, we have to bring the provinces around the table so that they can agree.

Mr. Théberge also said that:

> The work still has to be done. It is up to the federal government to bring people around the table from the other provinces and territories to do this.

[*Translation*]

Fearing the risks involved in starting such a process, successive Conservative and Liberal governments have done nothing for over 20 years to ensure that Canada has a bilingual Constitution. They nevertheless have recognized that Quebec is a distinct society, a nation, that the Acadian nation is important, and that the government wants to promote the use of French across Canada, especially in regions where many francophones live.

Because Canadian governments have shown such a lack of appetite to use an amendment process that yet would change nothing in terms of the division of powers, the structure of the federation and its institutions, these governments have clearly neglected their constitutional obligation set out in section 55 of the Constitution Act, 1982.

It is of course a travesty that Canada does not have a bilingual Constitution that reflects a fundamental characteristic of our country, but there are also practical implications. In an October 2018 report entitled *Access to Justice in French and English in the Context of Modernizing the Official Languages Act*, the Canadian Bar Association stated the following:

> The absence of an official French version has practical implications for the development of law and devalues French-speaking jurists' and litigants' participation in discussions on the interpretation of our society's most fundamental legal texts.

Honourable senators, it would be an understatement to say that not having an official French version of our Constitution, despite the constitutional obligation under section 55, is a source of embarrassment, particularly for federalists living in Quebec; it is also evidence of a lack of political leadership. I am not the first person to point this out, but I am doing so today in a very specific context. As indicated in the Speech from the Throne, the government plans to modernize the Official Languages Act to strengthen the use of French in Quebec, in Acadia and elsewhere in the country.

As the government works on drafting the proposals it intends to table in the other place in the near future, I would like to see this chamber invite it to include a provision requiring reports to Parliament every five years outlining efforts made to finally ensure compliance with section 55 of the Constitution Act, 1982. Incorporating this provision into the Official Languages Act would ensure that the government's efforts are periodically shared with the public and would remind other governments in this country of their constitutional obligation to complete this woefully incomplete part of the repatriation of the Constitution. As the Canadian Bar Association explained in its report, the addition of a requirement to report every five years would contribute to the accountability of all the stakeholders whose participation is essential to making the applicable constitutional amendment procedure work.

As a final point, I would like to highlight another initiative taken to remind the government of its obligation to remedy the unilingualism of the Constitution of Canada. In August 2019, Senator Serge Joyal, our former colleague, together with

Professor François Larocque of the University of Ottawa, filed an application for a declaratory judgment and judicial review before the Quebec Superior Court.

• (1640)

The purpose of this process is to have the federal government initiate talks on the accuracy of the French version of the text as soon as possible with the provinces whose approval is required, in accordance with the applicable procedure for amending the Constitution.

In closing, honourable senators, I invite you, by means of this motion, to call on the government to do what is required to ensure that the constitutional rights of the francophones of the country are fully respected.

Thank you, *meegwetch*.

Hon. René Cormier: Senator Dalphond, I sincerely thank you for your work and leadership on this matter. I would like to remind this chamber that the Standing Senate Committee on Official Languages, as part of its study on the modernization of the Official Languages Act, published a report on the justice sector. The Canadian Bar Association clearly explained at that time the unfortunate consequences of the lack of translation, notably in *Caron* in Alberta.

Senator Dalphond, do you agree with me that the failure to translate these documents has a real impact on the development and growth —

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Senator Cormier, I regret to advise you that your time is up.

(On motion of Senator Martin, debate adjourned.)

MOTION TO RECOGNIZE THAT CLIMATE CHANGE IS AN URGENT CRISIS—DEBATE ADJOURNED

Hon. Rosa Galvez, pursuant to notice of November 24, 2021, moved:

That the Senate of Canada recognize that:

(a) climate change is an urgent crisis that requires an immediate and ambitious response;

(b) human activity is unequivocally warming the atmosphere, ocean and land at an unprecedented pace, and is provoking weather and climate extremes in every region across the globe, including in the Arctic, which is warming at more than twice the global rate;

(c) failure to address climate change is resulting in catastrophic consequences especially for Canadian youth, Indigenous Peoples and future generations; and

(d) climate change is negatively impacting the health and safety of Canadians, and the financial stability of Canada;

That the Senate declare that Canada is in a national climate emergency which requires that Canada uphold its international commitments with respect to climate change and increase its climate action in line with the Paris Agreement's objective of holding global warming well below 2 degrees Celsius and pursuing efforts to keep global warming below 1.5 degrees Celsius; and

That the Senate commit to action on mitigation and adaptation in response to the climate emergency and that it consider this urgency for action while undertaking its parliamentary business.

She said: Honourable colleagues, I rise today in this Forty-fourth Parliament to address you in the hope that we as legislators can work together to respond to the urgent climate change crisis, which has now become pervasive in the lives of all Canadians.

Over the past two years, we have witnessed catastrophic events that are increasingly destructive to humanity and the entire planet. We were overwhelmed by the devastating forest fires in North America, Australia, North Africa and the Mediterranean, and by the torrential rains and flooding in Europe, the deadly heat waves in British Columbia and the record hurricane season in 2020.

In August, the Intergovernmental Panel on Climate Change published the first part of its sixth assessment report. The report on the most recent scientific data notes that climate change is unequivocally attributable to human activity, that the effects are felt in every region of the globe, and that the goal to limit the planet's warming to 2 degrees Celsius will be out of reach if we do not immediately and massively reduce our greenhouse gas emissions.

United Nations Secretary-General António Guterres called the report a "code red" for humanity. In November, the whole world came together for COP26 in Glasgow to negotiate the terms of more ambitious climate action and greater investment in the fight against climate change. Many promises to take action and invest were made, but the outcome of those promises is uncertain even though it's one minute to midnight and stabilizing the planet's climate is of utmost importance.

[*English*]

In Canada, the consequences are dire and are felt across our whole nation. The average warming in meridional Canada is twice as high than the world average and three times as high in the Arctic. We are suffering major impacts in every facet of our lives.

Climate change affects the social and environmental determinants of health: clean air, safe drinking water, sufficient food and secure shelter. Climate change is already the single biggest health threat facing humanity.

For example, the warming climate causes the spread of infectious diseases, such as Lyme disease, where they have never been before; the number of days per year exceeding temperature threshold where heat-related deaths occur is increasing and

associated costs will range from $3 billion to $4 billion per year by mid-century; and heat-related productivity losses are estimated to reach $14.9 billion by the end of the century.

Climate change is destroying basic and vital infrastructure. Canada's infrastructure is not adapted nor resistant to the increasingly destructive climate. With an already massive infrastructure deficit that is estimated in the hundreds of billions of dollars, Canada cannot afford to add further risk and loss of infrastructure if we are to maintain our current quality of basic services. This is the crisis unfolding in B.C. and you know all about it. The destruction of basic infrastructure has left communities cut off from the rest of the country. It affects supply chains and businesses, with a major portion of Canadian exports depending on a few transport routes to the Pacific Coast, long-term and permanent disruptions from extreme weather will have a long-lasting negative impact on Canada's GDP.

Every single province and territory has been hit by extreme weather events, causing unprecedented losses for Canadians. In 2020 alone, these catastrophic extreme events caused $2.4 billion in insured damage.

Over the last decade, the damage loss from extreme weather was twice as high as the previous 30 years, and the average cost of losses each year has risen to the equivalent of 5 to 6% of our annual GDP growth.

Climate change could cost Canada an estimated $20 billion to $43 billion per year by 2050 if the present trend is maintained. This year, the B.C. floods could surpass the Fort McMurray wildfires as Canada's most expensive disaster.

Further, an increasingly volatile climate poses risks to Canada's financial system and exposes it to multiple and overlapping vulnerabilities. The Canadian Institute for Climate Choices tells us that:

". . . long-term transition risks are not fully reflected in market prices, tilting capital flows toward riskier emissions-intensive assets and away from low-carbon assets."

Colleagues, market expectations are changing due to an acceleration in global policies and technological breakthroughs but also due to these infrastructure-destructive extreme weather events. It is causing massive repricing. Billions of dollars' worth of emissions-intensive assets are becoming stranded. These losses are cascading throughout the entire financial system. Prominent global financial institutions and organizations are warning us. The Financial Stability Board, which reports to the G20, was among the first major international organizations to recognize the links between climate change and financial instability.

• (1650)

The warming climate is significantly challenging social and political stability worldwide. Here in Canada, our Canadian Armed Forces are feeling the strain of the increasing demand for disaster response. In the spring of 2019, more troops were deployed domestically to respond to climate disasters than they were deployed overseas.

Canadian agriculture is also suffering from the changing temperature and precipitation patterns. The summer of 2021 might have been the driest season ever experienced on the Prairies, provoking dramatic spikes in the price of wheat. The uncertainty in our agricultural systems will fuel significant food price inflation and food insecurity.

For Canada's Indigenous peoples and racialized communities, climate change and environmental protection has been a priority and an emergency for decades already. Because of environmental racism, racialized communities have systematically borne a disproportionate weight of environmental impacts. Indigenous peoples have also been the target of polluting industries, resulting in the destruction of their lands.

Why make a climate emergency declaration, and why now?

Since 2016, 2,044 jurisdictions and governments in 37 countries, representing over 1 billion people, have declared a climate emergency, the latest one being the City of Calgary, which adopted its declaration two or three weeks ago under the leadership of the newly elected Mayor Jyoti Gondek. In Canada, 518 governments of all levels have made a climate emergency declaration, including the House of Commons, the National Assembly of Quebec and the Yukon Legislative Assembly.

[*Translation*]

It is time for the Senate to join those governments by declaring a national climate emergency. The environment and climate action have been priority issues for Canadians for years according to multiple surveys, which is not surprising given the climate emergencies being declared across the country.

According to Abacus Data, in 2019, 73% of Canadians claimed to have already felt the effects of climate change. Last month, two thirds of Canadians said they were frustrated by how slowly the federal government was taking climate action. Canadians have made their wishes clear, and lawmakers like us must listen and take action.

By passing this motion, the Senate will demonstrate the solidarity our fellow citizens expect and send a strong message to the House of Commons and the government that the Senate is finally ready to take on the challenge and will henceforth expect more ambitious and meaningful climate action.

[*English*]

To those who still hesitate to support this motion, I ask you — I beg you — to talk to your children and talk to your grandchildren, and ask them what they think about climate change.

My friends and colleagues, I believe we cannot but stand together collectively and support this motion because the science behind climate change is not a partisan issue. We are all impacted. The evidence collected by thousands of scientists from every country in the world is one of humanity's most impressive collaborative works. The impacts being felt in Canada right now are real. They are not happening in the future; they are today.

They are costly, they are destructive and they deserve to be addressed urgently for the sake of our health, safety and financial stability.

The way we should address climate change is subject to much debate and intense deliberation, not only in this chamber but everywhere, as it should be. That is the democratic process. Through this declaration, however, I am not asking that we all agree on how we will fight climate change but rather that we acknowledge the emergency of the situation, demonstrate solidarity with our fellow Canadians and commit to the constructive advancement of solutions in our parliamentary work.

We say that the Senate is the defender of the regions. All of our regions are hurting now. We owe Canadians the acknowledgment of this climate emergency and the impacts it has on their lives. That is the bare minimum. I hope that from this declaration, we can work together to find solutions and help Canadians in need.

Please stand with me. Thank you. *Meegwetch*.

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Éric Forest: Esteemed colleagues, I am pleased to speak to Senator Galvez's motion about declaring a national climate emergency so Canada will step up its action against climate change in accordance with the Paris Agreement targets.

[*English*]

I thank Senator Galvez for this motion, which would allow the Senate to join the House of Commons and 500 other provincial and municipal governments in Canada that have declared a climate emergency, including the City of Rimouski, which recognized the climate emergency with a formal resolution in November 2018.

[*Translation*]

This resolution comes at a pivotal moment as the UN Climate Change Conference, COP26, ended without delivering on its promises.

Despite some progress, it seems that the final agreement will not slow climate change. Even though the international community is not as resolute as we would wish it to be in addressing climate change, I believe it is important to keep hope alive and to keep fighting. The worst thing we can do right now is give up.

I listened closely to the Speech from the Throne and I was pleased to see that the government is making this issue a priority by announcing certain measures, such as capping greenhouse gas emissions, investing in public transit, mandating the sale of zero-emissions vehicles and helping communities deal with the effects of climate change. The federal government's moment of epiphany may be a bit late in coming, but better late than never.

Personally, when I look at local governments, that is where I see the most hope when it comes to fighting climate change. Hope comes from cities and our local communities. The old adage, think globally and act locally has never been more apt.

Several surveys on the priorities of citizens in municipal elections have shown that climate change is the top priority for people in many parts of Canada. It's also refreshing to see that many of the young people who supported these ideas were elected. One example that comes to mind is the new Mayor of Laval, Stéphane Boyer, who presented a very elaborate green platform and hired the well-known environmentalist Laure Waridel as an advisor to lead the green transition. Another example is the leader of Transition Québec, Jackie Smith, who won a seat in Quebec City with an electoral platform focused primarily on the green transition. There is also the new Mayor of Sherbrooke, Évelyne Beaudin, who promised to provide the city with a credible and ambitious plan to fight climate change, developed in collaboration with the stakeholders involved, in order to achieve the greenhouse gas reduction targets set out in the city's document declaring and planning for a climate emergency.

Several Quebec media outlets have noted that environmentalists seem to be taking municipal elections by storm, with Quebec following a strong trend that has emerged in other parts of the world. It seems that citizens concerned about the environment are choosing to redirect their political activism to the municipal levels, where they feel they can make a difference.

In France, for example, environmentalists had their best showing yet in the June 2020 municipal elections and even won in several major cities such as Lyon, Marseille, Bordeaux and Strasbourg.

Let us quickly look at the impact of climate change on municipalities.

Local elected officials care about climate change because municipalities are on the front lines when it comes to experiencing the effects of climate disturbances.

The risks associated with climate change are very real: fires, storms, erosion and flooding that destroy neighbourhoods and public infrastructure, as we are currently seeing in British Columbia and the Maritimes; smog and heat islands that threaten the most vulnerable people; droughts that reduce the supply of drinking water; premature wear on water pipes because conditions have changed since they were built. The climate emergency is already having a significant impact on our municipalities, and our communities have a vested interest in taking action.

• (1700)

What is the role of municipalities in this context? Municipalities are responsible for land use, so their actions have a direct impact on our greenhouse gas emissions. Municipalities have the power to influence the choice of modes of transportation.

By providing safe bicycle paths, sufficient pedestrian crossings, and accessible, effective public transit, municipalities enable residents to make choices that are more environmentally friendly. The same thing happens when they make the effort to design communities that minimize travel and facilitate access to public transit.

However, that takes money.

As local governments, municipalities can put in place measures that seek to address climate change and prepare us for extreme weather events. We must ensure they are given the means to do that.

It is unrealistic to think that municipalities will be able to respond to the climate emergency with only their existing tax base, which relies too heavily on property taxes. According to a 2018 study conducted by Group AGÉCO, the 10 largest cities in Quebec would require more than $2 billion over five years to adapt their infrastructure to withstand climate change. The whole of Quebec would require $4 billion. This is on top of municipalities' other responsibilities, for example, those pertaining to social development.

In conclusion, I wholeheartedly support this motion.

[*English*]

Climate change, which represents the main threat to humanity and our public finances, is an emergency that demands an immediate and ambitious response.

[*Translation*]

That said, I would like the federal government to recognize that municipalities are responsible for 60% of public infrastructure and that, although they are victims of climate change, they are also in the best position to properly respond to the challenges of the climate emergency.

The current government claims that addressing climate change is a priority in its upcoming mandate, so it must use the next budget to partner with municipalities and ensure that they have the money and flexibility they need to fully contribute to the fight against climate change.

Hon. Julie Miville-Dechêne: Honourable colleagues, I rise to speak today because I have come a long way on the issue of climate change.

This issue has not always been a priority for me. Not so long ago, I thought we should focus our efforts on the most vulnerable, feed the hungry and combat violence against women before worrying about the fate of whales or endangered ecosystems. Obviously, I was wrong. Everything is connected: our survival and the planet's survival; social issues and environmental issues.

As we celebrate the International Day for the Abolition of Slavery today, let's not forget that 40% of global deforestation is done by victims of forced labour. When I see the movement and migration of desperate human beings who want to save their family by fleeing drought and disaster, I feel distressed by their despair and the barriers we put up.

In the past, some people became interested in the issue of climate change through science. Others took interest because of its economic impact. Personally, it is my social commitment that led me make the climate and ecology more of a priority.

For many years, the issue of climate change was mostly a matter of science. Variations in the climate needed to be tracked by analyzing the causes and trying to predict future changes. It was something for climatologists, oceanographers, biologists and statisticians to worry about.

However, now that the science is well established, the climate issue has become a political issue, not partisan, but political in the noble sense of the term. It is up to us, as legislators, to take over from the scientists and implement the changes that are needed. These changes are likely to affect many aspects of our lives, including our energy sources, our infrastructure, our consumption patterns, and the rules that govern our government and our economy.

The purpose of the motion before us is not to debate concrete action. Rather, I see Senator Galvez's initiative as a preamble to action, a gesture to focus our attention on the work ahead. While today's motion may be symbolic, whatever actions follow should not be.

In supporting the motion, I would like to express three wishes. The debates around the climate issue can be complex, filled with acronyms, calculation methods, international agreements, technical protocols, industry initiatives, regulatory strategies and technological solutions. It's enough to make your head spin, and I don't mind telling you that that is often the case for me.

In the debates and discussions to come, we will have to keep a clear head and resist the temptation to look for excuses, loopholes, bogus math, easy fixes, buzzwords, technicalities or rhetorical devices that would allow us to avoid making the required changes. No matter what, we must always seek the most comprehensive assessments, consider all of the consequences and choose real solutions. We have a duty to be realistic when it comes to the environment.

Unlike human beings, our planet does not recognize borders, jurisdictions, cosmetic changes or green marketing. This is why the climate emergency requires that we, as politicians and legislators, find a new way of thinking. We must also think long-term, setting partisan factors aside, and put the interests of the planet and future generations ahead of our immediate, regional or national interests. I encourage everyone, including myself, to face up to the environmental reality and act accordingly.

The way that some people talk about the climate issue, it sometimes seems as though the transition simply involves buying an electric vehicle, installing carbon capture machines or planting a tree. In reality, the transition we need to make will require courage.

Canada ranks second worst in the world when it comes to cumulative emissions per capita. According to 2018 figures from the World Bank, Canada ranked seventh in the world in terms of GHG emissions per capita, higher than Saudi Arabia and the United States, and that is without even counting Canada's fossil fuel exports.

If we are serious about making a major transition, it can no longer be business as usual. We will have to rethink our system.

[*English*]

In an op-ed published in January 2020, the well-known Canadian investor Stephen Jarislowsky wrote:

> . . . we must unfortunately be prepared to make sacrifices, as my generation did during the war. If we do not, billions of lives are at stake worldwide, and social structures may fall.
>
> On an economic policy level, this means that we have no choice but to act decisively and urgently. It must become more expensive to buy products or services that contribute to climate change, and less expensive to buy those that are not detrimental.

Stephen Jarislowsky speaks of sacrifice. He is right, but to succeed in the difficult transition the effort will have to be shared and supported by all. Certain regions of our country that happen to be better positioned will have to support those for whom the transition will be more painful. If everyone thinks only of their short-term interests — the regions of Canada among themselves and Canada against other countries — we will have failed. We must not abandon the displaced workers and outdated industries. We cannot expect developing countries to do their part without massive aid, and we will likely have to do our part as a rich and vast country by welcoming climate refugees when they come knocking at our door.

The good news is that polls show Canadians are ready to make fundamental changes. In a 2019 Abacus poll, 62% of Canadians said they were ready to change how our economy worked a lot or fundamentally to combat climate change. The two age groups with the highest support for that proposition were youth aged 18 to 29 and adults aged 60 and over, like us. So the climate issue is not only a concern for young people. For those who are wondering, it is not just a concern for Quebec, either. The desire for change is often at its strongest in the Atlantic provinces and in British Columbia, at both ends of the country.

• (1710)

A poll taken in October, just six weeks ago, showed the same trend, with 66% of Canadians saying the government needs to do more to reduce our GHG emissions. A strong majority of 75% believes it is necessary to do so primarily through more direct and targeted regulation.

The public is asking us to act, and to have the courage to reconsider the status quo. We should be giving priority to these people — to younger Canadians in particular — and not to those who would like to preserve a system that is unsustainable but favours them.

In sum, I believe we should act as stewards of the public interest and of future generations. We should not seek to adapt or dilute emerging social and environmental standards to serve our short-term economic interests, but rather ensure that our economy is urgently made compatible with planetary limits and a sustainable society.

That is the meaning I find in the motion presented today, and that is why I fully support it.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FEDERAL FRAMEWORK FOR SUICIDE PREVENTION— DEBATE ADJOURNED

Hon. Stan Kutcher, pursuant to notice of November 24, 2021, moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized, when and if it is formed, to examine and report on the Federal Framework for Suicide Prevention, including, but not limited to:
>
> (a) evaluating the effectiveness of the Framework in significantly, substantially and sustainably decreasing rates of suicide since it was enacted;
>
> (b) examining the rates of suicide in Canada as a whole and in unique populations, such as Indigenous, racialized and youth communities;
>
> (c) reporting on the amount of federal funding provided to all suicide prevention programs or initiatives for the period 2000-2020 and determining what evidence-based criteria for suicide prevention was used in each selection;
>
> (d) determining for each of the programs or interventions funded in paragraph (c), whether there was a demonstrated significant, substantive and sustained decrease in suicide rates in the population(s) targeted; and
>
> (e) providing recommendations to ensure that Canada's Federal Framework for Suicide Prevention and federal funding for suicide prevention activities are based on best available evidence of impact on suicide rate reduction; and
>
> That the committee submit its final report on this study to the Senate no later than December 16, 2022.

He said: Honourable senators, today I rise to speak about the importance of preventing suicide and to expand upon why I am bringing this motion forward for the study of the Federal Framework for Suicide Prevention by the Standing Senate Committee on Social Affairs, Science and Technology. Suicide is an issue that we are all aware of, and a tragedy that has touched many of us in this chamber.

I ask that you consider voting in favour of this when it comes forward. Let me explain why I feel this study is timely and greatly needed.

Prior to my arrival at the Senate, I spent my professional career trying to help improve the lives of young people and families touched by mental illness. This has included doing all I could to assist them during some of their darkest moments, such as when they were convinced that their lives were not worth living and that they would be better off dead.

I have sat with families who lost a loved one to suicide — usually unexpected and mostly unexplained. In their grief and their sorrow, they often blamed themselves and wondered why. Rarely could this question be answered.

I have also sat with colleagues as they struggled with the sudden death of one of their patients and questioned the care they had provided and whether they had the skills to be a clinician.

I have also studied suicide from many angles, mostly in young people, and taught psychiatrists and physicians how to support, assess and manage patients at risk of suicide — indeed, I have written a textbook on this.

Beyond this professional experience, I have, like others in this place, been deeply wounded by the sudden and unexpected death of a beloved family member. It was my uncle, a highly successful banker with a loving and caring family. Nobody picked up on his depression. He sought medical attention, but his physician focused on his sleep difficulties and fatigue. He sought solace from his pastor who attributed his anguish to a loss of faith. At work, his performance deteriorated but, because he was in charge, nobody spoke up.

He — as was his wont for always tying up loose ends — prepared his will, organized his affairs and made sure that every family member would not have financial difficulties after he was gone. All this we learned after the fact.

For me, although I had not seen or spoken to him for many months prior to his death — he lived in Vancouver and I in Toronto — I blamed myself, that as someone who has taught others about suicide prevention, I had failed miserably in regard to my own family. Not only had I failed him, but I had failed all of us.

So I have a personal as well as a professional interest in helping develop and deploy suicide prevention interventions that can demonstrate, when they are applied, that the rates of suicide decrease and stay that way.

In turn, I have no time for those who use the anguish of suicide and the pain and suffering of others to sell, promote or initiate activities, programs or products that they claim will prevent suicide but do not.

I do not expect every specific suicide prevention intervention will stop all suicides from happening. But I do expect that if someone is telling Canadians that the intervention they are promoting prevents suicide, that there is robust and solid best-available evidence, independently determined and published in peer-reviewed journals, that demonstrates that the specified intervention actually does prevent many suicides.

What we want to do is apply interventions that we know prevent suicide. What we do not want to do is apply interventions that, appealing as they may be, have marginal or no clearly demonstrated impact on preventing suicide.

Canada's national suicide prevention framework unveiled in 2012, following the passage of Bill C-300, an Act respecting a Federal Framework for Suicide Prevention, is supposed to do that. The question is, does it? What impact has it had on suicide rates in Canada and in specific populations within Canada since its inception? We need to know.

Suicide is an emotional topic, thus when we address suicide prevention, we must be certain to use our sober second thought to ensure that, in our wish to find something that works, we don't end up supporting, promoting and funding those things that do not. In short, doing something is not the same as doing the right thing.

Robust scientific study, using appropriate design methods and analytics, is needed to measure rates of suicide reduction. Through a committee study, I propose we examine all aspects of the framework's guidance on what should be done and determine the effectiveness of each individual component. Then Canadians can have comfort that what is needed to be done to prevent suicide is indeed being done, and we are not spending valuable resources on what sounds good but may not be helpful in decreasing suicide rates and not investing at the margins but where our returns will be the greatest.

A study could additionally look at other measures that would at least demonstrate important secondary benefits of suicide prevention. Some reassurance could come from knowing if what we saw were significant and substantive decreases in visits to emergency rooms and hospitalizations for suicide attempts. At the same time, we need to demonstrate what else needs to be done to show that suicides are, indeed, being prevented.

We would like to be assured that the interventions that are being put into place have robust and solid evidence that they worked prior to them being applied. Not to do so is the same as taking a treatment for a potentially fatal condition that had never been scientifically studied and demonstrated to be effective.

We would not condone spending large amounts of taxpayers' money for interventions that had little or no evidence of effectiveness.

Canadians need to know that the framework provides the best directions possible for achieving significant, substantive and sustainable decreases in rates, and that it does not promote a myriad of activities that may seem at first glance to be effective suicide prevention interventions but, on close critical examination, are shown not to be so.

We know that suicide rates are not equally distributed across Canada. Rates are considerably higher in Indigenous populations compared to the national average, especially in young people. The need for effective suicide prevention programs in these communities is essential. Year after year, we are reminded that this need has not been addressed. Year after year, we hear calls for the creation and deployment of effective suicide prevention programs, especially for young people.

• (1720)

Has the framework made a significant and substantial difference in addressing this pressing need? We need to know.

Prior to and following the creation of the framework, considerable amounts of money have been spent by various federal ministries in pursuit of suicide prevention. However, to my knowledge, it is not usually known what impact this spending has made on significantly and substantively reducing suicide rates. For example, a paper published recently in *BMC Public Health* in 2018 described this concern. It noted that between 2005-06 and 2015-16. The federal government had spent $108 million on a national Aboriginal youth suicide prevention strategy, but an evaluation of the impact of this program noted that ". . . there was no clear picture of whether or not the NAYSPS had an impact, positive or negative, on suicide rates."

We do not know if the framework demands rigorous, independent evaluation of all federal government investment in suicide prevention, and we need to know that.

A plethora of training programs and other interventions purporting to prevent suicide have been nationally marketed and rolled out by the private sector and civil society organizations over the past decade. With these, a number of questions have arisen. What relationship, if any, should the framework have with these initiatives? What independent, robust evidence is there that any of these products actually prevent suicide? Should taxpayer funds be used to purchase and support these programs? Does the framework now appropriately engage with these issues and provide appropriate guidance? These are all important questions that the committee studied and addressed.

As parliamentarians, we need to ensure that the framework is built on the best available evidence that has identified what works and what does not. There is good information to guide the design of a committee study. For example, there have been a number of helpful reviews of suicide prevention interventions, and these have identified some interventions that have reasonable evidence that they may actually prevent suicide and some for which evidence is lacking. Has the framework used this evidence in its development and application? We need to know.

If we want to make an impact on suicide prevention, we need to look at those populations where the rates are greatest. I have already raised the sad reality of excessively high suicide rates in Indigenous communities, but there are other groups on which we must also focus. While Canada's suicide rates range from 10 to 12 per 100,000 in people who live with a mental illness like schizophrenia, the lifetime rate is about 5%. For the math, this translates into 5,000 per 100,000, not 10 or 12 per 100,000.

There are about 360,000 Canadians living with schizophrenia right now. For comparison, that equals more people with schizophrenia dying of suicide than the total number of Canadians who died from suicide in 2014 to 2018 inclusive. For those living with a bipolar disorder, the rates of suicide are estimated to be between 10 and 30 times higher than the general population. Individuals who live with a substance-use disorder are also more likely to die by suicide, and this increase is even greater in women than in men. We need to know if the framework does enough to address the needs of these high-risk populations.

Senators, I have laid out some of the issues that a committee study examining the substance of the framework and its impact over the last decade can tell us. Such a study can also recommend what adjustments may be needed to the framework to guide suicide prevention in Canada over the next decade and longer.

Honourable senators, Canada's national suicide prevention framework should be able to demonstrate a positive impact on significantly and substantively decreasing rates of suicide in the general population and particularly in those unique populations where the rates are the highest. To achieve this goal, it must identify and drive the application of interventions that, based on best available scientific evidence, are known to be effective. It must invest in what works to actually prevent suicide, not in what some hope might work or in interventions with marginal impact on the primary outcome. And it must protect Canadians from opportunistic promotion and sale of so-called suicide prevention interventions if there is insufficient evidence for their effectiveness.

Colleagues, we have a golden opportunity to conduct a constructively critical and comprehensive study of this important issue. In their election platforms, the Liberal Party, the Conservative Party and the NDP all identified mental health as an area of action. A new Ministry of Mental Health and Addictions has just been established, a first in the history of the Canadian federal government. The time is right for us to move quickly.

I realize that committees are masters of their own fate and will decide what they deem necessary to study and when. That said, our committees can be informed by what this chamber considers to be priority areas. Social Affairs is the ideal committee in which to undertake this work.

Thank you for your consideration. I hope when the time comes, you see it proper to vote in support of this motion. Thank you. *Welalioq*.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Senator Kutcher, there is a senator who wishes to ask a question, but your time is about to expire. Are you asking for five more minutes to take a question?

Senator Kutcher: Certainly, I would be happy to.

The Hon. the Speaker: If anybody is opposed to leave, please say no.

Senator Batters, do you have a question?

Hon. Denise Batters: Thank you. Senator Kutcher, a year before I was named to the Senate, I actually testified at the House of Commons Standing Committee on Health in favour of Bill C-300, the Federal Framework for Suicide Prevention Act. Given the tragic life experience of the suicide death of my husband, former MP Dave Batters, the Health Committee called me to testify about that bill.

As the Conservative government was then in power, I was named to the Senate a year later. I had the opportunity to have frequent interactions with the health minister of the Conservative government at the time and with my MP colleagues, of course, in the Conservative caucus. Then the Trudeau government has now been in power for six years.

During the time of the Conservative government, I know that substantial progress was made to set up the framework and to do consultations across the country. But since the Trudeau government has been in power for six years, I really haven't seen much if any progress on that. Could you please tell us what the Trudeau government has done to implement the Federal Framework for Suicide Prevention Act in those six years?

Senator Kutcher: Thank you very much for that question, Senator Batters. You and I both share the tragedy of having to deal with family suicide, yours much closer than mine but a tragedy nonetheless.

The importance of us both having that understanding and having lived through that difficult time — and it never leaves you; I'm sure you would agree with me, it never leaves you — is that we're committed, and we should be committed, to ensuring that whatever government is in place, whatever its political stripe, is using the best evidence to ensure that the guidance from any framework it creates is the way we need to go.

I applaud the previous government for bringing in Bill C-300, which actually laid the groundwork for the framework. It has been there for a decade. We have an opportunity to answer the question you've just posed to me. It's exactly the same question I posed to this chamber: What has been the impact of the framework? Has it actually made a difference, a substantive and real difference, in decreasing rates of suicide, not just in all of Canada in general but in those specific populations where the need is greater?

If it hasn't done that, should it be improved? Are there things that can be done to make it better? I think you and I both share a wish that that will happen. I hope that every member in this chamber also shares the wish that you and I share. Thank you.

Senator Batters: Just to follow up on that, Senator Kutcher, certainly, yes, I want to make sure that the most effective measures are put into place to improve suicide prevention in Canada, but my question remains. You brought this motion, so I'm assuming that you're aware of what the Trudeau government has done in the last six years, because I don't know.

• (1730)

So I'm asking you: What has the Trudeau government done to implement and use this particular framework to improve suicide prevention in Canada?

Senator Kutcher: I don't think I'm the person who can speak on behalf of the current government and all the actions they have done. There are a number that I am aware of. As you probably know, reports are posted on the website in a regular manner about what activities have occurred.

Activities are important. There are many activities that may have happened, and some that I know did happen. However, the big issue remains: Does the framework provide the kind of groundwork that we need in this country to ensure that our activities are actually preventing suicide? To my knowledge, there has not been such an evaluation of the framework. This is why I thought it was appropriate and prescient for the Senate to do that kind of critical evaluation of the framework.

(On motion of Senator Martin, debate adjourned.)

CHALLENGES AND OPPORTUNITIES OF CANADIAN MUNICIPALITIES

INQUIRY—DEBATE ADJOURNED

Hon. Paula Simons rose pursuant to notice of November 24, 2021:

> That she will call the attention of the Senate to the challenges and opportunities that Canadian municipalities face, and to the importance of understanding and redefining the relationships between Canada's municipalities and the federal government.

She said: Honourable senators, I hope this inquiry will provoke senators to give a long, hard thought to the role of municipalities in Confederation and to the urgent necessity to ensure that municipalities have the fiscal and political resources they need to lead Canada to a more just, prosperous and creative future.

In spite of the sprawl of our vast country, almost 82% of Canadians live in urban areas, making us one of the top three most urbanized countries in the world. That's a tremendous shift from the way Canada looked in 1867, when about 84% of Canadians lived in rural areas. Back then, at the beginning of Confederation, our Constitution set up cities as "creatures" of the province.

Some municipalities contain multitudes. Cities such as Toronto or Calgary have populations and economies that are far larger than those of many Canadian provinces.

Some municipalities are small towns or villages or rural counties. But they are municipalities nonetheless and face challenges that parallel those of their larger, more urbane sisters.

Municipal governments are on the front lines of so many of the major issues, problems and crises facing our country. They are, for example, the ones most directly affected by natural disasters, including those spurred by climate change. Whether we're talking about flash floods, wildfires or violent storms, it is municipalities that have to pick up the pieces and rebuild their communities.

Hence, it is also cities and towns which are the first responders when it comes to rebuilding and retrofitting infrastructure to withstand the impacts of climate change — from retooling storm sewers, to protecting water reservoirs, to depopulating flood plains.

In our global world and in our multicultural nation, municipalities are also the ones that do the nitty-gritty practical work of helping new immigrants adapt and adjust to life in Canada.

And in our country, still wrestling with the realities of reconciliation, cities and towns, particularly in the Prairie West, have been the ones working directly with urban Indigenous populations, and the ones in the vanguard, forging new relationships with nearby First Nations. Cities such as Winnipeg, Saskatoon and Edmonton have all taken leadership roles in establishing those new relations of trust.

Municipalities, large and small, are dealing first-hand with the twin dilemmas of homelessness and drug addiction as Canadian cities and towns wrestle with the scourge of the opioid crisis.

And in parts of the country, including Alberta, it was municipalities that responded most urgently and nimbly to the COVID-19 crisis, bringing in public health measures such as masking and occupancy rules when provinces declined to act.

But cities aren't just tasked with problem solving. They are also the economic and creative engines of our Confederation. They are where our entrepreneurs, inventors, artists and authors gather; where our research universities are centred; and where our theatres, orchestras and ballet companies thrive. Cities are where you go to find our banks, venture capital and so much of our industry.

The digital revolution? It's taking place in our cities. We need to acknowledge our municipalities not just as places to solve social problems, but as the drivers, the incubators of our economic prosperity. Yet these poor "creatures" are the constitutional Cinderellas of Canada, the Rodney Dangerfields of Confederation. For decades, they have been fighting for the respect and resources they need — and, yes, their voices have sometimes intermittently been heard. But they still find themselves in a dance that feels all too often like two steps forward, one step back.

Cities, which provide so many of our most essential public services and which are responsible for so much of our economic future, are the most poorly resourced order of government, collecting far less in tax revenues than provinces or the federal government. For every household tax dollar paid in Ontario, for example, municipalities collect just nine cents.

Canadian cities on average derive about 45% of their revenue from property taxes. This creates a variety of problems. In cities such as Toronto and Vancouver, where home prices have soared to stratospheric levels, homeowners may often be real estate rich but cash poor, unable to pay the taxes on previously modest homes that have somehow escalated sharply in value.

Then there is the separate challenge of business property taxes — one that may become far more acute as we absorb all the social changes wrought by the continuing COVID-19 pandemic.

Even before the coronavirus, we were transitioning from an industrial economy to a digital one. Even before this health crisis, retail stores, large and small, were feeling the pressure of internet competition. The pandemic has led to a rapid acceleration in online shopping. With meal delivery apps all the rage, how many restaurants are feeling pandemic pressure to change their business model, to reduce or even eliminate in-person dining space?

As for office towers, after the business world has spent some 20 months with staff working from home, how many office towers are going to be sitting empty for years to come? The current Canadian office vacancy rate is 15.7%. It's 15.5% in Halifax, 16.1% in London and 24.4% in Edmonton. In Calgary, the current downtown office vacancy rate is a concerning 31%.

How many plans for new office spaces and cities across Canada have been mothballed indefinitely?

City business taxes are based on the square footage of an operation. If malls and power centres close down, if independent stores and restaurants shut their doors, if office towers never rise, where will cities get their property tax revenues?

As we undergo tectonic shifts in our industrial resource economy, there are regional repercussions for small municipalities too. Towns and counties all across my home province of Alberta are seeing huge stresses on their finances because of the loss of revenues from oil and gas producers.

In 2019, the Rural Municipalities of Alberta found that an unprecedented $81 million in property taxes from oil and gas companies had gone unpaid to small towns and counties across the province. By January 2020, the same body reported that Alberta's rural municipalities were facing a shortfall of $173 million in unpaid property taxes from the oil and gas industry. For 2021, Rural Municipalities of Alberta reported its members were owed $245 million in unpaid property taxes from oil and gas operations.

Municipalities have few other options to raise money. User fees and permit fees simply can't make up the shortfall when traditional property taxes aren't enough — or even available — to keep cities and towns in proper operation. In the meantime, many provincial governments have downloaded more and more responsibilities to municipalities to deal with, which used to be in the provincial ambit, without necessarily giving them the additional resources to take on those tasks.

Various federal governments over the years have tried to step in to address the short gap. The Canada Community-Building Fund, formerly known as the Gas Tax Fund, now provides more than $2 billion to Canadian municipalities — not directly, but as flowed through from their provincial governments.

There are a variety of other project funds too — ranging from the Universal Broadband Fund, to the Zero Emission Transit Fund, to the Investing in Canada Plan — which support municipalities and their needs. Those are welcome dollars, to be sure, but they don't quite get to the heart of the constitutional inequity in this country, which leaves cities, even cities with millions and millions of residents, dependent clients of other orders of government.

In a paper written this year for the Centre of Excellence on the Canadian Federation, the author, Dalhousie political science professor Kristin R. Good, notes the 1997 decision by the Ontario Court of Justice against a challenge to the provincial City of Toronto Act, 1997, the one that dissolved six discrete municipalities to create one big "megacity" via a controversial unilateral process. Five of the six municipalities went to court to challenge the province's legislation. In its ruling in the case, known as *East York v. Ontario*, the Ontario court stated that, one, " . . . municipal institutions lack constitutional status;" two, " . . . are creatures of the legislature and exist only if provincial legislation so provides;" three, " . . . have no independent autonomy and their powers are subject to abolition or repeal by provincial legislation;" and, four, " . . . may exercise only those powers which are conferred upon them by statute."

The decision cited expert Andrew Sancton, who opined that Canadian municipalities " . . . have no constitutional protection whatever against provincial laws that change their structures, functions and financial resources without their consent."

• (1740)

We saw that illustrated again just this October when the Supreme Court ruled 5 to 4 that Ontario was within its constitutional rights to dramatically reduce the size of Toronto's city council in the midst of a municipal election campaign.

Unless there is some kind of fundamental change, it would seem, Canada's municipalities will forever be locked in a feudal relationship with their provincial overlords.

Wholesale constitutional reform is probably a political non-starter. That doesn't mean we couldn't embark on incremental changes to give Canadian towns and cities more economic self-determination and control over their future planning and growth.

I have no magic answers. Rather, I hope we in the Senate can start asking the necessary questions. I'm inviting you, my fellow senators, to join me in this undertaking. This inquiry needs your voices, your stories, your ideas, your experiences and your insights. Several of you have been mayors yourselves. Others of you have spent years thinking over these very questions because of your work with provincial governments or with First Nations or with not-for-profit organizations or with the business community.

There is no Senate committee with the appropriate mandate to study this question. Still, I hope this essential inquiry can bring to bear the Senate's best expertise and analysis. I look forward to hearing from you soon so we can compile a sort of collection of thoughtful speeches that interrogate different aspects of this dilemma from different political perspectives.

In his great comic novel *Candide*, the French philosopher Voltaire suggests that the secret of happiness in life is to cultivate one's garden.

[*Translation*]

We must cultivate our garden.

[*English*]

One could take that advice literally or, as I do, as a metaphor. Canada's municipalities are the gardens where our communities set down roots and grow. They are the hothouses where we can test our plans to fight climate change, to encourage diversity and to inspire reconciliation. If our cities do not flourish, our nation cannot prosper. We must tend our municipalities, because there we plant the seeds of our future.

[*Translation*]

Yes, dear friends and colleagues, we must cultivate our gardens and, in this chamber, we must cultivate our gardens together. Thank you, *hiy hiy*.

(On motion of Senator Forest, debate adjourned.)

[*English*]

RCMP'S ROLE AND MANDATE

INQUIRY—DEBATE ADJOURNED

Hon. Peter Harder rose pursuant to notice of November 25, 2021:

> That he will call the attention of the Senate to the role and mandate of the RCMP, the skills and capabilities required for it to fulfill its role and mandate, and how it should be organized and resourced in the 21st century.

He said: Honourable senators, I appreciate your indulgence at this hour for me to rise on this inquiry. But I want to remind those of you who aren't particular Order Paper aficionados that

this inquiry has been on the Order Paper since March 14 and this is the first day since then that we actually got to this point on the Order Paper, so I want to take full advantage.

I rise on a matter of compelling national interest, one that has special relevance to members of this house, because it has to do with the health, competence and future of a once-great institution. That institution is the Royal Canadian Mounted Police. I speak as a former deputy solicitor general and deputy minister of public security. Also, prior to my appointment to the Senate, I served as the volunteer chair of the National Police Services Advisory Council.

As honourable senators will know, the RCMP was the subject of a recent, scathing report by the Honourable Michel Bastarache, a former justice of the Supreme Court of Canada. The report was entitled *Broken Dreams, Broken Lives* and it makes for harrowing reading.

Justice Bastarache was appointed in 2017 as the independent assessor responsible for adjudicating claims of sexual harassment and assault by more than 3,000 current and former female employees of the RCMP, regular members, civilian members and public servants over a period of more than 30 years. He and his colleagues spent literally hundreds of hours interviewing women whose dreams of a rewarding career as members of an iconic Canadian institution were destroyed by what he calls ". . . a toxic work environment . . ." and an institutional culture that, in his words:

> . . . has resulted in incalculable damage to female members of the RCMP as well as those working for the public service.

It is a damning report. According to Justice Bastarache, "The level of violence and sexual assault that was reported was shocking."

This is not a problem of a few bad apples. It is a systemic problem. He says:

> . . . the culture of the RCMP is toxic and tolerates misogyny and homophobia at all ranks and in all provinces and territories.

Justice Bastarache, like others before him — including a distinguished former Auditor General — described a deeply troubled institution whose problems stem from an outdated paramilitary culture, from poor management over many decades and, importantly for this house, a mandate that is simply too large and too heavily oriented to a provincial policing role that is no longer appropriate for a critically important federal organization. It's too big to succeed.

The RCMP mandate today includes everything from municipal policing, even in large urban areas such as Surrey and Richmond, B.C.; to provincial policing in 8 of 10 provinces and three territories; policing on hundreds of First Nations and responsibility as Canada's federal police service dealing with everything from organized crime to terrorism to drugs and human smuggling. To that, you can add responsibility for providing forensic and other technical services in support of police agencies across the country.

This is an enormous mandate. Many members of the RCMP will tell you this uniquely comprehensive policing role brings great advantages. They will tell you that time spent chasing police cars on the Trans-Canada Highway is useful training for white-collar investigations of money laundering or online sexual abuse of children. I don't agree. Many Canadians, especially in Western Canada, see the RCMP as a much-loved symbol of a measured and responsible approach to policing in their communities.

The scarlet coat, the iconic image of the mounted police officer, the rigorous training at Depot in Regina — these are all seen as noteworthy elements of Canadian history and worthy subjects of national pride. Honourable senators, that was the view of the RCMP I grew up with, as I'm sure many of you did, and some of you joined. I not only believe but I know the vast majority of men and women in the RCMP are serving their community and country with honour. It is not the individuals as much as the institution that is often failing Canada today.

Today, we are asking the RCMP and its employees to do the impossible. An increasing number of thoughtful people in the criminal justice world see the RCMP today as an organization that is simply ill-equipped and unprepared to deal with the new challenges to public safety we face in 2021.

Challenges that require new kinds of people, different skills, different training, a different organizational structure and focus and a dramatically different allocation of resources. Is the RCMP in those eight provinces — all but Ontario and Quebec — a province police force or a federal one? Speaking as a former deputy minister of the federal department responsible for the RCMP, I can tell you the answer is never clear. In fact, the RCMP in those eight provinces sees itself as both federal and provincial, something that does nothing to clarify accountability when things go wrong.

Last April, we witnessed a tragic incident in Nova Scotia where 22 people were killed. There are questions over the immediate response and confusion over which level of government — provincial or federal — should be responsible for the subsequent inquiry.

Sadly, experience suggests the RCMP is a provincial force accountable to the provincial Attorney General when that suits the interests of the divisional commander, and a federal force when the advantage tips the other way.

• (1750)

One thing that seems to always be true is that the focus of the organization as a whole is on its traditional policing responsibilities at the provincial level — serving communities, responding to individual problems and dealing with local offences. After all, those eight provinces pay at least 70% of the cost of provincial policing, and in some cases as high as 90%. Many would argue that they should pay the full cost, let alone the bizarre situation of taxpayers in have-not provinces subsidizing police offerings in the other half of the provinces. What all of this means, however, is that in a very real sense, the provinces call the tune for a large part of the policing activity of a $3.5 billion federal organization with over 30,000 employees.

At the same time, the RCMP is widely seen as neglecting its critical federal role, a role that only it can play. Canada's capacity to deal with 21st century threats such as money laundering, human smuggling, transnational crime, hate crime, illegal immigration and opioid smuggling is, in the minds of most observers, simply inadequate. Something doesn't add up here. Our national police service is spending most of its efforts on activities the provinces can and should be doing while neglecting the job that only it can do. In summary, the RCMP is both too big to succeed and unfit for its purpose.

Honourable senators, I believe we need to take a look at this. I believe the members of this chamber are well equipped to do what Justice Bastarache recommended, which was to carry out:

> . . . an in depth, external and independent review of the organization and future of the RCMP as a federal policing organization.

I'm not suggesting we go over ground already covered all too thoroughly by Justice Bastarache or by the office of previous reports on problems of the RCMP. Rather, I am proposing that we conduct an inquiry into the future of the organization; its role and mandate; how it should be organized and resourced to deliver on what we see as an appropriate role and an appropriate mandate for the 21st century; the skills and other capabilities required to be an effective national police force; related issues of recruitment, training and development; and any other issues that, in the view of the honourable senators, are relevant to the affirmation and renewal of a great national institution.

There should be no doubt in the mind of any Canadian that a vital national institution that we've all been brought up to admire and respect has serious problems that require rigorous examination, public debate and an openness by the government to consider significant change. Again, in the words of Justice Bastarache:

> . . . the time has come for an in depth, external and independent review of the organization and future of the RCMP as a federal policing organization.

Honourable senators, this is a job we can do. It is a job where we have within our ranks the experience, knowledge and judgment to carry out this vital role both expertly and responsibly. We can even do it efficiently. I've always believed that one of the essential responsibilities of this legislative body is the care of Canada's national institutions. We can exercise that duty in a relatively non-partisan way. We can bring a national perspective to national concerns.

The RCMP is too important a Canadian institution to be ignored at this critical juncture in its history. I am therefore suggesting the creation of a special Senate committee to inquire into the future of the RCMP with membership to be determined after consultation with all groups in this chamber. I hope that this inquiry can spark some Senate interest and urge senators who have an interest in this matter to speak so in the future of this inquiry's discussions. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Senator Harder, you have a little less than five minutes left in your time and there are three senators who wish to ask questions. Would you take a question?

Senator Harder: Certainly.

Hon. Frances Lankin: Senator Harder, thank you for that. I think that it would be a fascinating study, and I think that it's important that we turn our minds to leadership of this particular important institution as well as — as Senator Jaffer talked about today — Corrections Canada. And, of course, we've had discussions about the Canadian military. You're right in terms of the RCMP being a paramilitary culture, and that's the same in corrections as well. It brings with it — as evidenced by the crisis that we see in the Canadian military itself — this kind of cultural behaviour that follows attitude.

I want to participate in your inquiry and potentially a study looking at that, but I want to ask you today about federal policing powers. I think that you've hit on something very important. I know that the RCMP has certainly put forward this position at the Standing Senate Committee on National Security and Defence. I have been part of conversations that the National Security and Intelligence Committee of Parliamentarians have had about this. In addition to the list of federal policing powers, you talked about organized crime. So, for example, in this latest round of special measures for CERB, we found that organized crime was involved in skimming money from those benefit programs. Yet it is my understanding that the RCMP is very strained in terms of its budget to be able to fulfill its federal policing duties. Could you speak a little bit more to that, please, and what the impact of that is? Thank you.

Senator Harder: Thank you very much, senator. It is a bizarre situation where a national organization such as the RCMP has a contractual understanding with the Attorney Generals of the provinces, for whom they are provincial forces, on precisely what the priorities and obligations of the force are in respect to the provincial policing role. They don't have such a contract with the federal government, so the constraint of budgets is all felt at the federal level. And the training that is necessary for the kind of RCMP work that you and I referenced just isn't up to scratch with our competitors or even the criminals with whom they are dealing. I think the time has come, at least in my view, that the federal policing role be adequately resourced, deliberately defined and properly managed.

The Hon. the Speaker: Senator Harder, you are coming to the end of your time and there are three other senators who wish to ask questions. We are also going to bump up against six o'clock, the time when I'm required to leave the chair.

First, would you ask for five more minutes to answer questions from three other senators?

Senator Harder: I'd be happy to.

The Hon. the Speaker: If you're opposed to leave, please say "no."

The second thing, honourable senators, is that normally, because of rule 3-3(1), I would be required to leave the chair at six o'clock. But since this is the last matter on the Order Paper, if you're opposed to going beyond six o'clock so that Senator Harder can have his five minutes, please say "no."

Then I won't see the clock. I would ask senators — since we only have five minutes — to please keep their questions brief.

[*Translation*]

Hon. Renée Dupuis: Senator Harder, in your speech, you spoke about the future of the institution, and I agree with you that it is an important issue. I want to come back to those elements you spoke about, that is, a toxic climate, a toxic culture and sexual harassment in the institution. Saying that we want to look to the future often implies forgetting about the past. My question is the following: When considering the future of the Royal Canadian Mounted Police, should we clearly state the need to remedy the effects of discrimination against women at this institution and take this into account?

[*English*]

Senator Harder: I thank the honourable senator for her question. I totally share the implied position of the senator with respect to the issues raised by Justice Bastarache and others. My point is that we don't need an inquiry that goes into those issues. We need an inquiry that talks about the future organization and mandate of the organization, and to ensure that its training and its management focus is designed to achieve the objectives of what a modern policing organization that serves the country and the federal policing mandate ought to be.

• (1800)

There will be problems in this because it will have to be a transition of provincial policing and municipal policing where it is in effect, and we'll have to think through what it means for the Indigenous and Aboriginal policing in this country. But I do think we have the capacity in this chamber to address those issues and make recommendations.

Hon. Larry W. Campbell: Would the honourable senator take a question?

Senator Harder: Certainly.

Senator Campbell: My question is this: I've been here for 16 years. We have been chewing on the RCMP for those 16 years, and I do not see that we have moved an inch. How do we move your motion forward? How do we actually get some action instead of just standing here and talking about it?

Senator Harder: Senator, I think we get some action by having an interest expressed amongst senators through this inquiry, and hopefully that leads to a motion that we can adopt to have such an inquiry, such a mandate focused by the Senate, and begin doing the work and making recommendations.

I have had some discussions with former RCMP officers who feel it is desperate that this inquiry and this investigation take place and recommendations come forward, lest the organization implode from a cultural and, frankly, credibility point of view.

So this is a last-best chance in my view, unless, of course, the government was to set up its own inquiry to form a view. You will know that the provincial policing contracts end in several years, so it actually gives time for these discussions and this planning to take place with the provinces. These are very long contracts, and my fear is that we will lose the opportunity to have this discussion if the contracts are renewed without any questions being asked.

The Hon. the Speaker: Senator Boniface, we have one minute for your question and an answer.

Hon. Gwen Boniface: I will be very quick then, Your Honour. Senator Harder, would you agree with me that as you look at provincial-federal responsibilities of the RCMP you may want to start looking at the three provinces that have provincial police services to see how those divisions take place today, particularly in the integrated fashion, and that may be helpful to look at some of the fit-for-purpose issues that you raise? Would you agree with that?

(On motion of Senator Busson, debate adjourned.)

(*At 6:03 p.m., the Senate was continued until Tuesday, December 7, 2021, at 2 p.m.*)

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