



DEBATES OF THE SENATE

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 18

OFFICIAL REPORT
(HANSARD)

Monday, February 21, 2022

The Honourable GEORGE J. FUREY,
Speaker

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(Daily index of proceedings appears at back of this issue).

Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Monday, February 21, 2022

(Pursuant to rule 3-6(1), the Senate was recalled to sit this date, rather than February 22, 2022, as previously ordered.)

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

Prayers.

SENATORS' STATEMENTS

EXPRESSION OF THANKS FOR POLICE SERVICES

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to recognize the tremendous work that the police and security personnel have done in resolving the protest in our nation's capital.

Some Hon. Senators: Hear, hear!

Senator Plett: Police and protection officers came together from different locations and backgrounds to enforce public order in as restrained a manner as they could while ensuring the safety and security of Canadians and of emergency service personnel.

To each officer, I say that your professionalism, vigilance and demeanour set the tone in ensuring a successful and peaceful outcome to this operation. On behalf of the official opposition in the Senate, and I believe on behalf of all the Senate, I wish to say, "Thank you." Thank you for ensuring the safety of all Canadians, thank you for enforcing law and order in our country and thank you for the essential role you played in de-escalating the situation.

As you stood shoulder to shoulder with your colleagues in uniform on the front lines of this crisis, please know that we stood behind you with pride and gratefulness.

I am humbled and saddened by the events that have taken place in our nation's capital and around the country. It is sad how frustrated and disillusioned so many people in our country have become. At the same time, I am reassured by the way each and every officer acted in order to resolve this political impasse.

Eventually, there will come a time when we can analyze and review what took place on the streets of Ottawa, but for now we must show our deep appreciation. We must also be thankful for a peaceful outcome.

Colleagues, may this situation be a reminder to all of us of the essential role police and protection officers play in our communities. I have the feeling that we are living through momentous times, and I believe it will be a long time before we fully realize all the implications of what is happening in our country.

But today, I simply wish to tip my hat to all police and protection officers in this city and around the country. You have demonstrated exceptional professionalism, and for that we are all very grateful. Thank you, God bless all of you and God bless Canada.

Some Hon. Senators: Hear, hear!

[*Translation*]

NATIONAL HUMAN TRAFFICKING AWARENESS DAY

Hon. Julie Miville-Dechéne: Honourable senators, tomorrow, February 22, we will mark National Human Trafficking Awareness Day for the second time in Canada. This day was established last year thanks to the efforts of the All Party Parliamentary Group to End Modern Slavery and Human Trafficking, of which I am a member. The aim is to educate the general public about this often misunderstood scourge.

It is often thought that trafficking only occurs outside our borders, never here in Canada. That is not true. In Canada, 95% of human trafficking convictions involve Canadians. Nearly all the victims are women and girls trafficked for sexual exploitation.

Sex trafficking often occurs right before our very eyes, without us realizing it. A girl or woman is lured by someone she knows or considers to be her lover. Indigenous and racialized women are overrepresented. It starts with gifts, outings or a seduction operation during which the trafficker exploits the vulnerabilities of his prey before desensitizing her by raping her to achieve his goal: forcing her into prostitution.

How can the victim's parents or close friends detect the troubling signs of this trap? The Canadian Centre to End Human Trafficking provides a few potential signs to look out for. We could see such signs, for example, in the case of a girl or young woman whose behaviour has changed suddenly, who seems controlled by her partner, who isolates herself, who suddenly wears clothing that is not age appropriate, who receives expensive, unexplained gifts or who has several cellphones.

The pandemic has heightened the risk of human trafficking of girls and women on the Internet, whether through the recording of intimate images without consent or the posting of illegal images of minors online.

Canada is also a destination for people trafficked from abroad. They are lured by false or real job offers, often for seasonal work, or a contract to work as a server or child care provider. Unfortunately, the job that is promised sometimes becomes a form of modern slavery with excessive hours, threats, or the confiscation of the person's passport.

Throughout the world, an estimated 25 million adults and children are victims of forced labour, often accompanied by trafficking. There too we can be vigilant as consumers, because

these shameful human rights violations are used to produce goods and food at the lowest price possible. The labelling provides a certain number of indications that can alert us, but it is far from enough.

Beyond the legislation and policies, each of us can contribute in our own way to fighting human trafficking. When we confront these tragedies we cannot look away. On the contrary, we must open our eyes.

THE LATE GUY SAINT-PIERRE, C.C., G.O.Q.

Hon. Dennis Dawson: Honourable senators, it is with great emotion and true gratitude that I stand before you today to pay tribute to a remarkable individual who passed away on January 23. On my behalf and on behalf of all senators, I would like to honour the memory of Guy Saint-Pierre, an exceptional Quebecer and Canadian, for his invaluable contribution to our communities, his homeland, Quebec, and his country, Canada, over the course of a full and accomplished life.

For many of us, Guy Saint-Pierre was a role model because of his values, professional achievements and commitment to the progress of the French-Canadian and Quebec nation. For many of us, he had great influence on our life choices and careers.

Personally, he was influential in encouraging me to become a candidate in the first school board elections almost 50 years ago and to become the chair of a school board. He was a pioneer in the field of education. He strongly believed his entire life that it was education first and foremost that would make it possible for French-speaking Quebecers to make their mark, achieve their potential and aspire to fully take their place in the North American environment. Because of the value that he placed on education, in 1970 he was appointed Minister of Education by Premier Robert Bourassa.

[*English*]

An engineer by profession, Guy Saint-Pierre was responsible for the hydroelectric development of Churchill Falls in 1967. He was also responsible for the creation of the James Bay Native Development Corporation, whose goal was developing hydroelectric power in northern Quebec. In 1991, he was behind the merger of the SNC and Lavalin engineering groups to form SNC-Lavalin, one of the largest engineering firms in the world.

• (1410)

In 1994, Guy was named Canada's Outstanding CEO of the Year. The following year, he was elected as president of the Canadian Council of Chief Executives. From 2001 to 2004, Guy served as chairman of the Royal Bank, the first francophone to hold this position. He also sat on numerous boards.

[*Translation*]

Several academic institutions, such as Concordia University, Laval University and the Royal Military College Saint-Jean, recognized his career by awarding him honorary doctorates. Also, in 2009, he became Grand Officer of the Ordre national du

Québec, after having been appointed a Companion of the Order of Canada, in 2002. Mr. Saint-Pierre was a great Canadian and a great Quebecer.

I would like to express my sincere condolences to his wife, his family and his loved ones. We will always remember him. Thank you, esteemed colleagues.

Hon. senators: Hear, hear!

[*English*]

CANADA'S AGRICULTURE DAY

Hon. Robert Black: Honourable senators, I rise today to highlight Canada's sixth annual Agriculture Day, which takes place tomorrow on February 22. Since 2016, this annual celebration marks a time to engage in and support discourse around Canada's agricultural community and the important role it plays in our domestic food supply chain.

First and foremost, tomorrow's event celebrates our agricultural and agri-food industry, as well as the pride we share in growing food, but it also presents an opportunity to strengthen the relationship between the producer and consumer. I am immensely proud of our agricultural community, especially in light of the challenges agricultural workers have all faced over the course of the COVID-19 pandemic. They have adapted quickly, worked to keep their employees safe and healthy, kept our grocery store shelves full and continued to support vulnerable members of our communities by donating their products to those in need.

While tomorrow is a time to celebrate this historic industry, it is also a time to reflect on and consider the challenges currently facing Canada's agricultural sector. As many of you know, I have previously called attention to the challenges facing the agricultural community — from labour shortages to the work required to make the industry greener and more sustainable. Across the board, it is clear our farmers, producers, processors and everyone involved along the supply chain are working tirelessly to ensure they can overcome these challenges and continue feeding not only Canadians but the world. However, it is also clear that they need our support. Canada's Agriculture Day represents an opportunity to learn how we can offer that support to our farmers and to thank them for their dedication to their land, their livestock and our communities.

That being said, I encourage you to take the time to thank the hard-working individuals of the Canadian agriculture and agri-food industry every day, since without them, we would not have the same access to the safe, nutritious food that we do today.

Honourable colleagues, the organizers of Canada's Agriculture Day are once again asking Canadians to put their "forks up for Canadian ag." I encourage everyone from coast to coast to coast to celebrate Canada's Agriculture Day by using local ingredients to prepare your meals, engaging with members of your local agricultural communities or even by virtually touring farms around the country to learn more about where your food comes from.

However you chose to celebrate, make sure to do so by raising your forks to our great Canadian food system and using the hashtag #CdnAgDay.

Thank you. *Meegwetch.*

EXPRESSION OF APOLOGY

Hon. Michael L. MacDonald: Honourable senators, I would like to take this moment, my earliest opportunity in this chamber, to address the comments I made last week.

Last Wednesday evening, while walking back to my hotel after a late supper with my colleagues, I was approached by a man who wanted to speak to me about the protests in Ottawa. I said yes — but only on the condition that it was off the record and not recorded. He agreed. I later discovered that was not the case.

I left the impression that I agree with trucks being illegally parked downtown, and I made some mangled remarks about the sentiments of people in Ottawa regarding the protest.

First, I want to apologize to the people of Ottawa for my clumsy language. It was not my intention to disparage anyone. Like many Canadians, I'm mentally exhausted after two years of lockdowns and a third year facing more of the same. I support the desire to open this country up — a sentiment that was stated initially by the truckers and later supported by many Canadians across the country who showed up on Parliament Hill.

I appreciate how frustrating this has been for the people of Ottawa. Over the past 12 years, I have experienced many noisy demonstrations on the lawn in front of Parliament, directly below my office. I don't always agree with the causes being advanced, but I strongly believe in the right of peaceful protest. When I arrived for work over three weeks ago and saw the trucks all over Wellington Street, I could not believe that this was allowed to occur. Ottawa has a professional, well-trained, modern police force, which — if properly directed — is more than capable of preventing a situation like this from developing. This failure is the responsibility of city hall.

Yes, I am one of the many fortunate people in this country who didn't have to worry about the pandemic affecting my regular paycheque because I am paid by the taxpayer. Politicians and bureaucrats at all three levels of the government nationwide, academics, teachers, employees of the military, anyone drawing a good pension and anyone directly or indirectly paid by the taxpayer across this country endure the restrictions put on people's lives with little worry. But over half the people in this country don't have that security. That's what I was trying to express. That those of us in secure positions should put ourselves in the shoes of those in Canada who don't have income security and certainty.

It is time we stand up for those working men and women who only get paid when they create their own income. In today's Canada, families are being destroyed, businesses are being lost, depression is rising and children are falling behind in their education. I have never seen this country so unhappy and divided, and people so stressed. A lot of people are falling

through the cracks. And if this unfortunate episode brings some attention to this unacceptable truth, then my present embarrassment will have accomplished something positive.

I assure all my colleagues that I am contrite. I have always tried to be a responsible and actively engaged senator. I love this city and working toward the betterment of my country. I'm sorry to those I disappointed. I particularly want to apologize to my wife, who is the salt of the earth and the rock of my family. I expect better from me and I will do better going forward.

Thank you.

BLACK HISTORY MONTH

Hon. Nancy J. Hartling: Honourable senators, February is Black History Month in Canada and is celebrated by recognizing the achievements of Black Canadians and their communities, who throughout history have done so much to make Canada a culturally diverse, compassionate and prosperous nation.

Today, I want to pay tribute to an outstanding Black New Brunswicker, Ralph "Tiger" Thomas. From Saint John, New Brunswick, Ralph is a truly remarkable person. He's a husband, father, grandfather, community activist and educator. His enthusiasm, passion and contributions to Black history have made life richer for many not only here in New Brunswick, but in Canada. He spent his early life in Willow Grove near Saint John attending a one-room school, later attending school in Saint John. He explored what influenced him growing up and shared how several coaches encouraged him in sport. This helped him to find focus in his life. It taught him to cope and go beyond his comfort zone.

He became a professional boxer and was inducted into the New Brunswick Sports Hall of Fame in 2000. He has been referred to as the godfather of amateur boxing in New Brunswick. He started the Golden Gloves Amateur Boxing Club and co-created the New Brunswick Amateur Boxing Association in Saint John. He spent 33 years promoting and developing this sport in our province. Thomas believed it was a kids' club, a place youth could go to keep them out of trouble by finding an outlet in boxing.

Sports was not his only accomplishment. One of his major contributions was in developing and coordinating the first Black History Society in New Brunswick, along with being a long-time member of PRUDE — which stands for pride of race, unity and dignity through education — and creating awareness around racism and inequality in our province. Currently, he is the managing director of the first New Brunswick Black cultural history centre founded in Saint John in 2010.

Ralph has been recognized for his qualities as a leader, adviser, negotiator, mentor, role model and motivator. He has received several awards including the human rights award in New Brunswick and the Order of New Brunswick. He was also a recipient of the Inspirational Leader Award in 2021. These are just to name a few.

Although Ralph has been a driving force and an agent of change, he is very humble about his accomplishments because he believes it's not about "the me" but about "the we" and teamwork. Ralph is a true educator, and he believes change is following examples such as Martin Luther King and working together with courage and conviction. He says equality is our right.

• (1420)

Many Black people have contributed to the fabric of life in New Brunswick. As we celebrate this important month, take the time to discover someone in your community who is of African descent.

Many thanks, Ralph Thomas.

ROUTINE PROCEEDINGS

EMERGENCIES ACT

DOCUMENTS TABLED

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the documents pursuant to the *Emergencies Act*, R.S.C. 1985, c. 22 (4th suppl.), s. 58.

[Translation]

CANADA GAZETTE

PART II, VOLUME 156, EXTRA NO. 1 TABLED

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the copy of the *Canada Gazette*, Part II, volume 156, Extra No. 1, dated February 15, 2022, including a proclamation declaring a public order emergency and two sets of regulations pursuant to the *Emergencies Act*.

[English]

EMERGENCIES ACT

NOTICE OF MOTION TO CONFIRM THE DECLARATION OF A PUBLIC ORDER EMERGENCY

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, pursuant to section 58 of the *Emergencies Act*, the Senate confirm the declaration of a public order emergency proclaimed on February 14, 2022.

[Senator Hartling]

THE SENATE

EMERGENCIES ACT—MOTION TO AFFECT SITTINGS ON FEBRUARY 22, 23, 24, AND 25, 2022, ADOPTED

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

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

1. subject to paragraph 2 of this order, on Tuesday, February 22, 2022, Wednesday, February 23, 2022, Thursday, February 24, 2022, and Friday, February 25, 2022:
 - (a) the Senate sit at 9 a.m.;
 - (b) the sitting continue until 9 p.m.;
 - (c) there be a one-hour pause in the sitting at noon and another one-hour pause at 6 p.m., without the Speaker asking if the clock shall not be seen; and
 - (d) the only item of business before the Senate be the motion to confirm the declaration of a public order emergency made pursuant to the *Emergencies Act*, which shall be taken up at the start of each sitting and debated without interruption, subject to subparagraph (c); and
2. the terms of paragraph 1 of this order cease to have effect once debate on the motion to confirm the declaration of a public order emergency has concluded and the question has been put, with the Senate then continuing with the Orders of the Day, subject to the Rules, orders and practices that would otherwise be in effect, except in relation to the time for the start of the sitting on that day, provided that:
 - (a) if the debate on the confirmation motion ends and the question is put before noon on that day, there shall be a pause in the sitting as provided for in subparagraph 1(c);
 - (b) if the debate on the confirmation motion ends and the question is put before 2 p.m. on that day, Senators' Statements, Routine Proceedings and Question Period shall be called starting at 2 p.m., or as soon as practicable thereafter, as if the sitting were starting at that time; and
 - (c) if the debate on the confirmation motion ends and the question is put on Friday, February 25, 2022, the sitting shall continue beyond that time or 4 p.m., as the case may be and if required, until the end of Government Business for the day, unless earlier adjourned by motion.

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

Hon. Senators: Agreed.

Hon. Donald Neil Plett (Leader of the Opposition): Is this a notice of motion that we are adopting now or we are adopting tomorrow? I was doing something here; obviously, I should have been paying closer attention. I didn't hear the motion. Could you please repeat what you said at the start, senator?

Senator Gold: Yes. I was asking leave of the Senate, notwithstanding the appropriate rules, so that we could have clarity as to when we come back and how the sitting will proceed.

Senator Plett: Thank you.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

BILL RESPECTING CERTAIN MEASURES RELATED TO COVID-19

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-10, An Act respecting certain measures related to COVID-19.

(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.)

OLD AGE SECURITY ACT

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-12, An Act to amend the Old Age Security Act (Guaranteed Income Supplement).

(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.)

[*English*]

EMPLOYMENT INSURANCE ACT EMPLOYMENT INSURANCE REGULATIONS

BILL TO AMEND—FIRST READING

Hon. Diane F. Griffin introduced Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island).

(Bill read first time.)

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

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

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FEDERAL GOVERNMENT'S CONSTITUTIONAL, TREATY, POLITICAL AND LEGAL RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES AND REFER PAPERS AND EVIDENCE SINCE THE BEGINNING OF THE FIRST SESSION OF THE FORTY-SECOND PARLIAMENT

Hon. Brian Francis: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and any other subject concerning Indigenous Peoples;

That the documents received, evidence heard and business accomplished by the committee since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report no later than December 31, 2023, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

QUESTION PERIOD

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

EMERGENCIES ACT

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

• (1430)

Leader, on February 10 I asked you a couple of questions. I suggested you needed to start answering the questions that we asked. At 7:40 that night, one of my granddaughters messaged me through WhatsApp.

Leader, I'm going to read this to you, and then I will ask my question. My granddaughter said:

Grandpa, I think your questions are too complex in the Senate. No one seems be able to give you an answer, let alone say anything close to what you asked.

She went on to say:

You sound tired. I would be too if I had to sit and listen to all that BS. Love you.

I love her as well.

Leader, I'm going to ask you a question. I want you to imagine you are answering Emily and give her an answer that she will understand.

Last Thursday night, a violent attack took place at the Coastal GasLink worksite near Houston, British Columbia. About 20 people, some armed with axes, attacked security guards, smashed vehicles and heavy machinery, set fires on roadways, injured an RCMP officer and traumatized workers. A statement from the B.C. RCMP said, "This is a very troubling escalation in violent criminal activity that could have resulted in serious injury or death." And it continues:

This was a calculated and organized violent attack that left its victims shaken and a multimillion dollar path of destruction.

Leader, why does the Trudeau government believe the trucker convoy rises to the level of national emergency when this incredibly vicious and dangerous attack in B.C. hardly drew even a mention from the Prime Minister? Does the Prime Minister think it's okay to demonize other groups of Canadians simply because he doesn't agree with them?

Hon. Marc Gold (Government Representative in the Senate): Honourable senator, thank you for the question. I do hope your lovely granddaughter is listening.

The government condemns the violence that took place at the Coastal GasLink pipeline that took place in British Columbia. The government, as it has said on many occasions, respects everybody's right to peacefully protest. That does not include violence and intimidation such as you very well outlined.

I am advised that the RCMP is pursuing an investigation. I am sure we all look forward to that being brought to a conclusion.

Senator Plett: Hardly a mention from the Prime Minister, though.

Leader, this is a sad moment for our country. We have been led to this point by a divisive and vindictive Prime Minister who preferred to bring forward an unprecedented power grab rather than have dialogue with fellow Canadians.

Leader, the premiers of both my province of Manitoba and your province of Quebec do not want the Emergencies Act enacted in their jurisdictions. Five other provinces say the same, including one that is suing the government.

When the Prime Minister invoked the Emergencies Act, he claimed it would be geographically targeted. In the other place on Saturday, the Parliamentary Secretary to the Minister of Justice confirmed that the legislation applies to all of Canada.

Leader, what guidelines did the Trudeau government use before making the call to declare an historic national emergency throughout our entire country?

Senator Gold: Honourable senator, thank you for the question. This is obviously a question that preoccupies us all. Indeed, we are to begin debate on this very question tomorrow. That is very much the focus of the task with which we are seized. I look forward to sharing my views and answering, in the most fulsome way I can, your question and every other question that senators may have during the debate. I also look forward to hearing your views and those of my colleagues on this most important question.

[Translation]

DEMOCRATIC INSTITUTIONS

DETERIORATION OF DEMOCRACY IN CANADA

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate.

Leader, on February 10, the Economist Intelligence Unit issued its annual index on global democracy, which showed that Canada dropped seven spots in two years, from fifth to twelfth place, just ahead of Uruguay.

According to Andrew Potter, associate professor at McGill University's Max Bell School of Public Policy, one explanation for this situation is the way the Trudeau government managed the pandemic. He said, and I quote:

What has happened over the past two years is that the Prime Minister has basically shut down Parliament for a long time and has been keen to limit the opposition as much as he can . . .

What is more, according to the Democracy Index, the measures that were taken to fight the pandemic accelerated Canadians' loss of confidence in their institutions. The pandemic led to the normalization of emergency powers and accustomed citizens to a huge extension of state power over large areas of public and personal life.

Aren't you worried about Canadians' loss of confidence in our institutions? Don't you think that the unnecessary use of the Emergencies Act will make this already bad social situation and Canadians' loss of confidence in our institutions even worse?

Hon. Marc Gold (Government Representative in the Senate): You asked two questions.

With respect to your first question, everyone in this chamber must think about the public's opinion of our institutions. Canadians must have confidence in the work we do in the Senate and in our democratic institutions. That is important. We have a role to play as parliamentarians to ensure the public is more aware of the work we do so that we can help build confidence in our work and our institutions.

With respect to your second question, the answer is no. I am proud to be a senator and to represent the government. We are about to start a historic and unprecedented debate on the application of an act that helps bolster our democracy. Our job will be to ensure that the powers of the government, in this exceptional situation, are consistent with our democracy. I will have much more to say tomorrow when I speak to this issue.

Senator Carignan: Leader, I heard you say that you are not worried. Canada dropped seven spots in the global Democracy Index and now sits just ahead of Uruguay, even though the Prime Minister claimed that Canada was back. Doesn't it worry you that Canada has dropped from fifth to twelfth on the Democracy Index and now sits just ahead of Uruguay?

Senator Gold: With all due respect, esteemed colleague, that is not what I said. I said that Canadians should be very concerned. I am concerned by the level of confidence that Canadians have in our institutions. It is important that we all do our part to promote awareness of what we do and build the confidence we deserve.

[English]

NATURAL RESOURCES

DORMANT OIL AND GAS WELLS

Hon. Paula Simons: Honourable senators, my question is for the Government Representative.

Senator Gold, in 2010 there were 700 orphan wells in my province of Alberta. By 2020, there were 8,600 orphan wells. Late last month, the Parliamentary Budget Officer tabled a report that examined the probable cost of cleaning up those wells and whether the federal government had allotted enough to their fund for well cleanup.

The PBO found that \$556 million in federal funds had been allocated thus far to Alberta and that those funds had gone primarily to 10 large oil and gas companies, all of which were quite solvent and able to fund their own cleanups. In fact, almost one fifth of the total monies — more than \$102 million — went to just one oil giant, Canadian Natural Resources Limited, or CNRL, a company that posted third-quarter net profits in November of \$2.2 billion.

• (1440)

I asked the Parliamentary Budget Officer whether the subsidy had led to the accelerated cleanup of any inactive wells. He said they were unable to determine if CNRL or any of the other companies had actually cleaned up any more inactive wells than they might have done anyway.

So then I asked whether any of that \$556 million had gone to cleaning up actually orphaned wells. I was informed by the Parliamentary Budget Office that not one single orphan well in Alberta — not one — had been cleaned up with this grant money of more than half a billion dollars.

So now I would like to ask, what exactly did we get for the \$102.5 million we gave to CNRL, or the \$18 million we gave to Cenovus, or the \$16 million we gave to Husky or the \$12 million we gave to Imperial Oil under the federal cleanup plan?

Two, what are we actually going to do to clean up the wells that are actually orphaned?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The issue is a serious one, and one that engages responsibilities of the province, which has ownership of the natural resources. It also engages, of course, the role of the federal government, that works with provinces to assist wherever it can and to provide funding where it can for those efforts.

The Government of Canada appreciates the work of the Parliamentary Budget Office and the report. I will certainly make inquiries as to your specific questions and report back in due course.

Senator Simons: I'm just curious, if the fund was never designed to clean up orphan wells, why was it presented to Canadians as though that were its *raison d'être*?

Senator Gold: Senator, I cannot comment on the assumption behind your question, but I certainly will make inquiries and report back.

IMMIGRATION, REFUGEES AND CITIZENSHIP

AFGHAN REFUGEES

Hon. Mobina S. B. Jaffer: Honourable senators, my question is also to the leader of the Senate. Senator Gold, I first want to thank you. The last few weeks have been very difficult, especially for you, and you have represented us really well. I want to thank you for the work you have done on our behalf.

I don't need a response to this question, and this question would have been better last week when my colleagues Senator Ataullahjan and Senator Omidvar asked it. Senator, I just want you to make inquiries about why it's taking so long, when our country has made a commitment to bring 40,000 Afghan refugees, why is it taking so long to process them?

I am a beneficiary of quick process from Uganda. So were the Syrians and so are many other people who were refugees fleeing from other countries. I just want you to find out what is holding up the processing, because all three of us are getting lots of inquiries. We really need to know what is holding this up so maybe we can tell people to make other arrangements. Thank you, senator.

Hon. Marc Gold (Government Representative in the Senate): Senator Jaffer, first of all, thank you for your very kind words. My mother raised me well. She said always accept a compliment even when it's not quite deserved, and I feel in this case it isn't deserved but it's much appreciated.

I certainly will make inquiries. This is a situation that is troubling, not only to Canadians like you and others who are working hard on behalf, but most importantly for those either still in Afghanistan or in other countries waiting to be processed. I will do my best to get answers.

Senator Jaffer: Senator Gold, can you please also ask — when the trouble started in Afghanistan, many of us were told to work with NGOs to help the fleeing Afghans to arrive at other places, and we did. And now these people are without funds in other countries. This was done specifically by instructions from people in the government that they would be processed quickly.

May I please ask, what is holding up this process? I work with many women peace builders, and it breaks my heart that I assured them, our government assured them that their visas would be processed quickly. Now they are in Mexico and Portugal and many other areas waiting for our government to process their documents, so may I please also ask you to find out about that? Thank you.

Senator Gold: I will do my very best. Thank you.

[*Translation*]

FINANCE

LACK OF GUIDELINES FOR FREEZING BANK ACCOUNTS

Hon. Clément Gignac: My question is for the Government Representative in the Senate.

When the Minister of Finance issued the economic measures order, she created a significant and potentially dangerous precedent for allowing political authorities and law enforcement to order financial institutions to freeze bank accounts and suspend or cancel insurance policies, without first requiring a court order.

According to my sources, the so-called black list sent to financial institutions went from 15 or so names on Friday to more than 60, including some business owners.

There appears to be considerable uncertainty about the parameters used by authorities to come up with this list and, most importantly, there are no guidelines for financial institutions regarding the conditions to “unfreeze” these bank accounts.

Leader, in a democratic society like ours, where we do not want our actions to be arbitrary, can you assure this chamber that the offending truckers and protesters who have already left Ottawa and returned to their jobs will soon have access to their bank accounts, until their case is heard in court or they are convicted?

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

I would point out that RCMP Deputy Commissioner Michael Duheme has emphasized the importance of the powers granted by the Emergencies Act, as well as the close cooperation that has been established with financial institutions to freeze the protesters' funding sources.

The RCMP provided financial institutions with the names of the leaders and organizers, as well as people whose trucks were part of the blockades and illegal protests. At no time did they provide the financial institutions with a list of donors. I have been assured, senator, that the measures are targeted, that they are aimed solely at disrupting illegal activity in Canada, and that they are neither retroactive nor permanent.

These are exceptional circumstances, and these measures are appropriate within the framework of the orders issued by the government under the Emergencies Act.

As a final point, I have also been informed that, according to the statement issued by the RCMP today, officials are currently working with financial institutions to establish guidelines related to the freezing of bank accounts.

[English]

BANKRUPTCY AND INSOLVENCY ACT

Hon. Diane F. Griffin: Honourable senators, this is a question for the Government Representative in the Senate. It's going to sound familiar to him because I have asked it before, I believe in the last Parliament, and since I haven't gotten an answer and since it's important, I'm back.

My question is related to this: In 2003, the Standing Senate Committee on Banking, Trade and Commerce recommended that the Bankruptcy and Insolvency Act be amended to exempt funds in a Registered Education Savings Plan from seizure in bankruptcy, provided that two conditions are met: that the plan is locked in and the contributions to the plan in the one year prior to the bankruptcy are paid by the trustee for distribution to creditors.

Registered Retirement Savings Plans, or RRSPs, were exempted from seizure in bankruptcy in 2009. Both the RRSPs and the RESPs are government-backed vehicles for financial planning, but only one is secure in the event of bankruptcy. I'm wondering why that is and does the government intend to change its policy related to Registered Education Savings Plans and bankruptcy? Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. It does sound familiar, and I will endeavour to provide the best answer that I can, colleague.

• (1450)

The government does understand, and understands well, the important role that Registered Education Savings Plans play in allowing Canadians to save for future educational needs. My granddaughters have them. Many in this chamber are familiar with them.

As the Bankruptcy and Insolvency Act is fundamental marketplace framework legislation, it's important to strike the proper balance between the competing interests of different stakeholders and the integrity of the insolvency regime when considering exemptions such as you have raised. Currently, RESP funds are not protected in the event of bankruptcy because the two conditions recommended by previous reviews of Canada's insolvency legislation — namely, the locking in and the one-year cut-off — could not be met without undermining the policy objectives of RESPs. I'm advised that conditions such as those are critical to preserving the integrity of the insolvency regime and providing appropriate protections for all players party to this critical regime.

As you would know, RESP subscribers can access the capital contributed to the plan at any time, can open multiple RESP accounts for many individuals and, indeed, can use RESP funds for non-educational purposes. These features are important to encourage savings for educational purposes and to provide the necessary flexibility to return funds if a beneficiary cannot or does not want to pursue further studies. I have been advised that exempting RESPs from bankruptcy would create significant potential for abuse given these features.

All of that said, the government is committed to continuing to monitor Canada's insolvency laws to ensure they remain responsive to marketplace changes and, of course, the needs of Canadians.

Senator Griffin: Thank you for the answer. That was information I had not previously been given, so I'm glad to receive that. In spite of my gladness in receiving it, I'm still concerned about the shortcoming. The government has given you information as to why it cannot do this. If the government chose to, it could apply additional conditions to make this happen. I'm still hopeful that the government will continue to review how it handles bankruptcies and these educational plans. My belief is that if the government wanted to do this, it could. That's not a question but a statement; I'm sorry.

Senator Gold: I infer from your statement that you would like me to inquire as to whether the government is pursuing this, and I would do so gladly.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

EMERGENCIES ACT

Hon. Salma Atallahjan: My question is for the government leader in the Senate.

Senator Gold, multiple provinces have shared their concerns regarding the invocation of the Emergencies Act. Saskatchewan Premier Scott Moe tweeted that he hopes the Emergencies Act "... would only be invoked in provinces that request it" The Manitoba premier called the invocation not necessary, and the Quebec premier has expressed that the police in his province have been able to contain the protest thus far.

Senator Gold, why didn't your government choose to collaborate and coordinate with specific provinces instead of opting for the widespread application of the Emergencies Act?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for the question. Again, this is a question that is very much up in the air and will be very much debated here. I will have occasion to speak to this in greater detail.

Suffice it to say that, as we know from the events here and elsewhere, neither the participants in the illegal activities nor the financing of these activities are restricted to one province.

As you will also know — because we are all following the news carefully and with concern — the operations that have been authorized to date under the Emergencies Act have, in fact, been taking place only in those areas where they are needed, as was and is the case here in Ottawa but happily is not necessarily the case elsewhere for the moment. The government has been clear that it will focus the activities only where they are needed and only when responding to the crisis cannot be done adequately with local jurisdictional tools.

Senator Ataullahjan: Senator Gold, Ontario Premier Doug Ford declared a state of emergency on Friday, February 11, which expires on Friday, February 25. Senator Gold, why subject the rest of the country to emergency measures when Ontario had already declared a state of emergency?

Senator Gold: Thank you for your question. Again, I will have occasion tomorrow to speak to this issue, to elaborate at greater length and to take further questions. Let me simply say that the decision to invoke the Emergencies Act was taken after consultation with all provinces. Not all provinces agreed. The Premier of Ontario — because you cited him — did indicate that he needed the support and that with the plenary tools that he would have at his disposal, he was not one of those provinces that opposed the application and invocation of the act. I think we here in Ottawa and the residents of Ottawa are very happy indeed with the results so far.

FINANCE

AUTHORITY GIVEN TO FINANCIAL INSTITUTIONS

Hon. Leo Housakos: Very happy with suspending Charter rights in this country.

My question is for the government leader in the Senate. When asked on Thursday about the seizure of Canadians' bank accounts, Minister Freeland said, “. . . due process remains in place. Charter rights remain in place. And of course, the courts are there”

In fact, the Trudeau government's Emergency Economic Measures Order states clearly that, “No proceedings under the *Emergencies Act* and no civil proceedings lie against an entity for complying with this Order.”

Leader, what recourse do Canadians have if they can't take legal action against their bank, for example? And why would Minister Freeland suggest that the courts are an option when her government explicitly prohibits these Canadians from availing themselves of that option and their courts?

Hon. Marc Gold (Government Representative in the Senate): I will answer some of that today, because the microphone — thank you for your question, of course, and thank you for giving me the opportunity to correct some of the assumptions and statements you have made, including the one that I barely heard, but heard enough.

The Charter has not been suspended. The operation of the courts has not been suspended, and that includes due process and the like.

There are protections for the banks in a very limited sense, but in no respect is it correct to say that the jurisdiction of the courts has been ousted if individuals feel aggrieved by the temporary measures that have been applied to them.

Senator Housakos: I'm not questioning whether the banks are protected; it's the citizens who are not protected, government leader.

Earlier today, during a press conference, Minister Freeland said:

For anyone who is concerned that their accounts may have been frozen because of their participation in these illegal blockades and occupation, the way to get your account unfrozen is to stop being part of the blockade and occupation.

That's from the Deputy Prime Minister this morning.

Government leader, what in the world does that mean? The blockade has been removed on Wellington. Does that mean their accounts are being returned to them, they are all good now, everything is fine? How does one go about proving to their bank that they are no longer part of a blockade that isn't out there any longer? Is there some form, affidavit or sworn allegiance to the Liberal Party or Justin Trudeau not to criticize them? How will they get their accounts unfrozen?

Senator Gold: Honourable colleague, it is challenging to answer these questions when legitimate questions about what protections are available to citizens are interspersed with statements that are not worthy of a response. However, I will respond.

The Deputy Prime Minister and this government have made clear that the ordinary protections of the law — the Charter and the courts — are in place to deal with allegations or claims that people have been treated unjustly. Indeed, court actions are already under way, which is testament to the democratic accountability of this act, an extraordinarily different act than ones that preceded it.

• (1500)

Furthermore, as the honourable senator knows, the banks have had, for the longest time, internal measures in place to deal with clients whom they suspect may have been participating in illegal activities and implicating their accounts. As I said in response to an earlier question, the government is working closely with financial institutions in these circumstances.

DELAYED ANSWERS TO ORAL QUESTIONS

(For text of Delayed Answers, see Appendix.)

(At 3:01 p.m., the Senate was continued until tomorrow at 9 a.m.)

[Translation]

APPENDIX

DELAYED ANSWERS TO ORAL QUESTIONS

PUBLIC SAFETY

ASSISTANCE FOR VICTIMS OF FLOODING

(Response to question raised by the Honourable Yonah Martin on December 7, 2021)

Public Safety Canada (PS)

November's flooding had a devastating impact on many communities in British Columbia, and our government is committed to being a strong federal partner in the response and into recovery. In the immediate aftermath of the event, the Government of Canada announced that we would match all individual and corporate donations to the Canadian Red Cross for the British Columbia Floods and Extreme Weather Appeal. Close to \$30 million has been raised during the matching period, which ended on December 26. With the province also matching donations, this has meant that almost \$90 million will be provided to support British Columbians as part of this appeal.

As of Jan. 17, 2022, the Red Cross has distributed more than \$17 million in evacuation-related emergency financial assistance to more than 7,200 eligible households.

The Government of Canada recognizes and commends the efforts of other charitable organizations on the ground. The Canadian Red Cross is working closely with community leadership and all levels of government to support emergency response and recovery efforts to these unprecedented and devastating events.

FINANCE

RECOVERY OF FRAUDULENT COVID-19 SUPPORT PAYMENTS

(Response to question raised by the Honourable Tony Loffreda on December 14, 2021)

CANADA REVENUE AGENCY (CRA)

The CRA will be undertaking post-payment verification activities for emergency, recovery and lockdown benefits recipients starting in 2022. These compliance efforts are planned for the next few years. Note that the CRA introduced additional controls over the lifespan of these benefit programs. For instance, in October 2020, the CRA implemented more upfront verification measures, and in May 2021, the CRA expanded these verification measures and focused on applications made by individuals who do not meet the income eligibility requirements.

The CRA began Phase 1 of the Canada Emergency Wage Subsidy (CEWS) Post-Payment Audit Program in summer 2020 with approximately 700 files selected for audit. Phase 2 was launched in November 2021 and involves approximately 2,500 files. Note the CRA designed the CEWS to include upfront verification. Prior to payment, the CRA validates information in an application against existing data holdings, and may also follow up by phone to verify certain elements of claims upon prepayment review. Additionally, high-risk accounts are referred to officers for manual validations (which may include employer contact) to verify information included in the application.

RECOVERY OF FRAUDULENT COVID-19 SUPPORT PAYMENTS

(Response to question raised by the Honourable Tony Loffreda on December 14, 2021)

- Service Canada takes the integrity of its programs very seriously.
- Ensuring that Canadians receive the benefits to which they are entitled is a priority for the government.
- To ensure the effective stewardship of our programs, the department investigates suspected cases of fraud, abuse and error.
- In the context of these investigations, individuals who abuse the programs are subject to monetary penalties and/or prosecution.
- Service Canada has well-established links with key partners such as law enforcement, financial institutions and the Canadian Anti-Fraud Centre to help address fraudulent activity in its programs.
- The department uses computer tracking, data analytics and linked data systems to detect fraudulent activity.
- Given that many cases remain under investigation, we cannot provide additional information on fraudulent individual and business claims.

EMPLOYMENT AND SOCIAL DEVELOPMENT

DISABILITY INCLUSION ACTION PLAN

(Response to question raised by the Honourable Chantal Petitclerc on December 16, 2021)

The Minister of Employment, Workforce Development and Disability Inclusion's mandate letter commits to "Move forward with the design, introduction and implementation of a Canada Disability Benefit Act and Canada Disability Benefit for low-income working age persons with disabilities."

While the proposed act has not yet been tabled, the government continues to engage the disability community on aspects of the benefit's design to ensure that, upon the Bill's passage by Parliament, the development of regulations can

start without delay. Starting last summer and continuing into 2022, the government is holding a series of roundtables with Canadians with disabilities and other stakeholders and researchers. The feedback from these roundtables along with the online survey conducted between May and September 2021 and the community-led consultations will support the development of the Disability Inclusion Action Plan, including the proposed benefit.

Our government is also engaging with P/T partners on the benefit to ensure it augments rather than replaces existing P/T benefits and supports. In support of this work, on July 21, 2021, Federal, Provincial and Territorial Ministers Responsible for Social Services tasked officials with developing a work plan on how jurisdictions can work together to support the development of this important benefit for Canadians with disabilities.

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