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Thursday, March 24, 2022

The Honourable GEORGE J. FUREY,  
Speaker

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

## THE SENATE

Thursday, March 24, 2022

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

Prayers.

### SENATORS' STATEMENTS

#### GREEK INDEPENDENCE DAY

**Hon. Leo Housakos (Acting Leader of the Opposition):** Honourable senators, tomorrow, Hellenes and Philhellenes from all around the world will be celebrating the national day of Greece's independence as they do every year on March 25. For Greeks, this symbolic date acts to commemorate the end of their 400-year-long struggle under the oppressive rule of the Ottoman regime.

For centuries, the Greek people were reduced to second-class citizens in their own home and endured the daily realities of extortion, excessive taxation and mass slaughter. The eventual struggle for independence was brought on by a series of uprisings and national rebellions by the Greek people in which they sought to drive out the occupying force and reclaim their freedom once again.

The fight for freedom was not one reserved only for the Greek people. It's only appropriate to highlight that the rebellion for Greek freedom originated by an organization called "Friendly Brotherhood" in Odessa, now modern-day Ukraine. Other defenders of democracy include none other than Lord Byron, who invested his wealth and gave his life in support of Greece's pursuit of independence.

On March 25, 1821, after having relentlessly fought an uneven battle against the onslaught of Ottoman forces for nearly a decade, the people of Greece declared their independence and restored democracy to its birthplace.

Over 200 years later, this triumphant victory remains an inspiring example of courage and determination in the face of tyranny and serves as a powerful reminder of the necessity to never back down in our defence of freedom and democracy. Today, in the face of the rising authoritarianism we are observing around the world, this reminder is as important as ever.

As Canadians, we must never forget that the fundamental values of freedom and democracy, which we hold dear, have their roots in ancient Greece, the oldest and richest civilization known to man. Above all, we must always recognize that we are blessed to have inherited these Hellenic ideals, which live on today in Greece and right here in Canada, thanks to the courage and sacrifices of the Greek heroes who fought to preserve them all those years ago in 1821.

With that, dear colleagues, I would like to take this opportunity, on the eve of the annual celebration of Greek independence, to extend warmest wishes to members of the Hellenic community across Canada and around the world.

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

#### WOMEN'S HISTORY MONTH

**Hon. Jane Cordy:** Honourable senators, while we are currently in the middle of Women's History Month, it is important to note that history, and indeed women's history, is being written every day. It is often thought to be stories of days gone by when it is, instead, something living — something current. There are more stories of women's achievements and contributions than can be shared in a single day or even a single month of the year.

Acknowledging women's part in history and making it visible allows others to follow in their footsteps. Women and men must not see women's lives and accounts simply as an addendum to history, but instead see themselves reflected in it.

There is no shortage of examples of trailblazing women across every discipline from every part of the globe. Many ancient and modern societies recognize women as a central part of their living, and indeed a driving force behind their advancement. Women have contributed immensely to propelling their communities and their industries forward. The first woman to do something is oftentimes the first person to do something.

Honourable senators, I am delighted to support a new initiative being undertaken by three inspiring Canadian women. Arlene Hache, Heather Morrison and Mary Clancy have joined together to create the Canadian Museum of Women's History. Their aim is to create a central place to tell the stories of the women of Canada. I believe this endeavour to be a vital one. The time is now for perspectives that have too long been left out of the narrative.

As a former teacher, I have seen the importance and the impact of the information and perspectives we share with our young people. Women's history is history. It must be learned and shared with all Canadians. Young women will certainly benefit from this knowledge but so, too, honourable senators, will young men.

I look forward to a bright future for this project that will hopefully continue to grow and expand. I encourage all senators to lend their support to this initiative.

Honourable senators, every day is a great day to celebrate the women in our lives and to celebrate women's achievements. Join me in applauding all the women who have forged a path and all those whose current achievements will fill the history books that are yet to be written. Thank you.

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

### STATISTICS CANADA—CENSUS

**Hon. Donna Dasko:** Honourable senators, with the momentous events of recent months, some of us may have missed the very exciting first findings from the 2021 Canadian census. I hope to change this in my brief comments today and provide a few key take aways.

• (1410)

Released on February 9, this first statement from StatCan tells us about population changes in this country. The census paints a picture of robust growth and relentless urbanization.

Did you know that Canada led all G7 countries in population growth from 2016 to 2021? Although the pandemic halted growth in 2020, Canada's population still grew at almost twice the pace of other G7 countries during that time frame.

Canada is now home to almost 37 million people, which is a 5.2% increase from 2016. Most of the increase occurred before the pandemic, and, in fact, 2019 was a record high year for population growth in this country. Immigration accounted for four fifths of the increased growth.

Among all provinces and territories, Yukon grew at the fastest pace nationally by 12.1%. Among the 10 provinces, Prince Edward Island had the highest growth at 8%, followed by British Columbia with 7.6%. Ontario also experienced above-average growth, with a 5.8% increase. Following Ontario were Nova Scotia and Manitoba, with 5% each, and Alberta with 4.8%. Quebec and New Brunswick each had growth of 4%, Saskatchewan's growth was 3.1% and Nunavut had a growth of 2.5%. Newfoundland and Labrador and the Northwest Territories were the only places to experience a drop in population over the five-year period.

The second big population trend can be described as relentless urbanization. Urban areas overall grew at a rate of 6.6%, while rural areas had almost no growth at all.

Here are some fast facts: All 41 of Canada's largest urban centres grew. Ottawa and Edmonton each exceeded the 1 million mark. The downtown areas of large cities are growing at a faster pace than ever. Notably, downtown Halifax, Montreal, Calgary and Toronto have grown significantly over this period. As well, the most distant suburbs of the three largest urban areas grew at a faster pace than the inner suburbs. In the Greater Toronto Area, we call that the 905 area. The 905 is famous for its swing voters, and now there are way more of them.

Colleagues, I hope you appreciate that I have mentioned all of Canada's provinces and territories in my brief statement today.

Thank you.

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

### PAUL CORKUM, O.C., O.ONT.

**Hon. Rose-May Poirier:** Honourable senators, I rise here today to pay tribute to an exceptional New Brunswicker, physicist Paul Corkum. Professor Corkum, a Saint John native, is

the 2022 co-winner of the prestigious Wolf Prize in Physics, joining the ranks of such laureates as the late Stephen Hawking. The University of Ottawa professor shared the prize with two fellow physicists from Europe.

Upon receiving the phone call, Professor Corkum did not recognize the number. In a time where we are always double-checking the caller ID before we answer, Professor Corkum thought it was a telemarketer and nearly hung up. Thankfully, he took the call to receive the prestigious award.

The Wolf Prize is awarded to outstanding scientists and artists from around the world for achievements in the interests of mankind and friendly relations among people. In the fields of physics and chemistry, the award is often considered second to the Nobel Prize. Between 1978 and 2010, 14 of the 26 Wolf Prize laureates were awarded the Nobel Prize shortly after.

Furthermore, 2022 marks the third year in the last five years when a Canadian has been a co-winner. Professor Corkum joins Gilles Brassard, who won in 2018 with an American colleague, and Allan H. MacDonald, who won in 2020 with Spanish and Israeli colleagues.

Professor Paul Corkum has gathered a long list of awards at home and abroad for his groundbreaking achievements, including a Royal Medal from the Royal Society, the Isaac Newton Medal and Prize from the United Kingdom's Institute of Physics, the Lomonosov Gold Medal of the Russian Academy of Sciences, the Harvey Prize from the Israel Institute of Technology, the King Faisal Prize for Science and the Gerhard Herzberg Canada Gold Medal for Science and Engineering. Professor Corkum is being honoured for his pioneering role in the development of attosecond science: one billionth of one billionth of a second.

Honourable senators, I will not go into the specifics of his research, since the details are well beyond my comprehension of physics. What I do want to point out is that, although we've been going through a pandemic the past two years, there have been other positive news and developments in the world. The COVID pandemic overshadowed a lot of what has happened these last two years, but the world kept turning. Discoveries and achievements, such as the ones made by Professor Corkum and his colleagues, illustrate that well.

Honourable senators, join me in congratulating Professor Paul Corkum for his long list of achievements and advancements in the field of physics, and for making New Brunswick and Canada proud on the international level. Thank you.

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

## ROUTINE PROCEEDINGS

### THE SENATE

#### NOTICE OF MOTION TO EXTEND HYBRID SITTINGS TO APRIL 30, 2022

**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 the provisions of the order of November 25, 2021, concerning hybrid sittings of the Senate and committees, and other matters, be extended to the end of the day on April 30, 2022;

That the Senate commit to the consideration of a transition back to in-person sittings as soon as practicable in light of relevant factors, including public health guidelines, and the safety and well-being of all parliamentary personnel; and

That any further extension of this order be taken only after consultation with the leaders and facilitators of all recognized parties and parliamentary groups.

### ENACTING CLIMATE COMMITMENTS BILL

#### BILL TO AMEND—FIRST READING

**Hon. Rosa Galvez** introduced Bill S-243, An Act to enact the Climate-Aligned Finance Act and to make related amendments to other Acts.

(Bill read first time.)

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

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

### THE SENATE

#### NOTICE OF MOTION TO AMEND SECTION 2 OF CHAPTER 4:03 OF THE *SENATE ADMINISTRATIVE RULES*

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

That section 2 of Chapter 4:03 of the *Senate Administrative Rules* (SARs) be amended by adding the following after subsection (2):

“(3) During periods of prorogation and dissolution, the senators who were members of the Subcommittee on Agenda and Procedure of the Committee of Selection on the day on which Parliament was prorogued or dissolved may exercise collectively the powers of the Committee of Selection under subsection (2).

(4) If a senator referred to in subsection (3) retires, resigns or otherwise ceases to be a member of a particular recognized party or recognized parliamentary group for any reason during a period of prorogation or dissolution, he or she simultaneously ceases to be a member of the Committee of Selection for the purposes of subsection (3), with the resulting vacancy to be filled by the leader or facilitator of the party or group to which the senator had belonged.”

## QUESTION PERIOD

### FOREIGN AFFAIRS

#### ASIAN INFRASTRUCTURE INVESTMENT BANK

**Hon. Leo Housakos (Acting Leader of the Opposition):** Honourable senators, my question is for the government leader in the Senate.

• (1420)

Every March for the last four years the Trudeau government has made payments of almost US\$40 million to the Asian Infrastructure Investment Bank, which is a major part of China’s strategy to expand its authoritarian governance and influence throughout the Indo-Pacific region.

According to an answer to a question on the Senate’s Order Paper, one final payment is scheduled to take place this month. That’s another US\$40 million in Canadian taxpayers’ money going to a regime that even Prime Minister Trudeau now has to admit is playing democracies against each other. Leader, has your government made this payment this month? If so, why?

Is the NDP-Liberal government ready to put an end to this payment? Are they willing to pull Canada out of the Asian Infrastructure Investment Bank? Will you agree to these conditions?

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

I don’t know the answer, but I will make inquiries with regard to whether the payment has been made and what the future intentions are of the Government of Canada.

**Senator Housakos:** I appreciate that, government leader.

Over the last few years, more than \$1.1 billion in approved or proposed funding has been tied to Asian Infrastructure Investment Bank projects in Russia. This means Canadian taxpayer dollars have been committed to improving Russia’s highways, supporting their railway system and supporting an infrastructure that they have used over the last few months in the most nefarious ways.

A week after the start of Vladimir Putin's illegal invasion of Ukraine, the Asian Infrastructure Investment Bank announced that it had put all of its activities in Russia and Belarus on hold and under review.

Leader, there is nothing to indicate that China will suspend these projects indefinitely. It has been exactly one month since the war in Ukraine began, and China still hasn't condemned Russia's invasion.

Why should Canadian taxpayer dollars continue to support this group?

**Senator Gold:** Thank you for the question.

Again, I'll make inquiries and will be happy to report back when I get the answer.

## FINANCE

### RELEASE OF SUSPENDED ACCOUNTS

**Hon. David M. Wells (Acting Deputy Leader of the Opposition):** Honourable senators, my question is for the government leader in the Senate.

Back in February, Senator Gold, more than 200 bank accounts worth nearly \$8 million were frozen when the federal government used emergency powers related to the "Freedom Convoy." During a committee meeting in February, federal officials reported that most of the accounts were in the process of being released.

Senator Gold, can you confirm that all affected bank accounts have been unfrozen?

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

I'm not in a position to confirm that without making inquiries, which I will undertake to do.

**Senator Wells:** Senator Gold, you will recall that I asked you that question about three or four weeks ago.

My supplementary question is, given the thousands of Canadians who gave \$10 or \$20 to the "Freedom Convoy" — and the government froze hundreds of accounts of those who gave — would you agree that this exhibits a gross lack of foresight by the government that there would be a run on banks by the thousands who gave?

**Senator Gold:** Thank you for your question.

No, I do not agree.

## FOREIGN AFFAIRS

### COVID-19 VACCINE ACCESS

**Hon. Mary Coyle:** Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, we know that global resilience in the fight against COVID-19 is absolutely essential. We're still in this pandemic.

We also know that over 80% of the Canadian population is fully vaccinated, yet, according to UNICEF, low-income countries have only approximately 9.4% of the population vaccinated with one dose. The rise in cases in one area of the world impacts us all. This is even more concerning with the arrival of new variants, including BA.2, which are disproportionately impacting areas of the world with low vaccination rates.

Senator Gold, can you tell us what Canada is doing to step up the way it is addressing the global inequality in vaccine access, especially in the global south? Thank you.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, senator, for the question. It's an important one.

Canada has contributed \$2.6 billion to the global fight against the coronavirus. This includes a total of \$1.3 billion to support access to the COVID Tools Accelerator.

Canada has also committed to donating the equivalent of at least 200 million doses to the COVAX facility by the end of 2022. This includes both financial commitments to COVAX and surplus dose donations. I'm advised that, as of March 4 of this year, 13.9 million surplus vaccine doses have been delivered through the COVAX facility, and the equivalent of 87 million doses have been provided through financial support.

I'm further advised that Canada has provided \$50 million to the Pan American Health Organization to support efforts to introduce COVID-19 vaccines and ancillary supplies to reach those living in situations of vulnerability across the Caribbean and Latin America, including at-risk Venezuelan migrants and disadvantaged populations.

Portions of this grant, colleagues, are being used to procure vaccine doses for countries through the organization, and these are in addition to Canada's commitments to COVAX.

**Senator Coyle:** Thank you very much, Senator Gold. You did mention something about ancillary supports, and I want to probe a little bit there.

We know that in addition to vaccine supply issues, many countries have difficulties in terms of a lack of appropriate vaccine infrastructure, including around the cold chain maintenance and vaccine storage.

What is Canada doing to address the gaps in infrastructure that are causing further delays in vaccine access in low-income countries?

**Senator Gold:** Thank you, honourable senator, for the question.

Canada is working with international partners to address all barriers to equitable access of vaccines, in part by improving global capacity to manufacture them.

I'm also advised that the government has announced an investment of up to \$15 million to COVAX Manufacturing Taskforce partners in support of establishing the South African technology transfer hub. This initiative will help build capacity to enable the development and production of mRNA vaccines and technologies in the region.

With regard to the rest of your question, I'll have to make inquiries and will be happy to report back.

## FINANCE

### CHARITABLE SECTOR

**Hon. Tony Loffreda:** Honourable senators, my question is for the Government Representative in the Senate.

Senator Gold, I would like to address the issue of the disbursement quota for registered charities. As you know, charities are required by law to spend 3.5% each year on their own charitable programs or on gifts to qualified donees.

In last year's budget, the government promised to launch public consultations with charities on increasing the disbursement quota. The government noted that this could increase support for the charitable sector and those that rely on its services by between \$1 billion and \$2 billion annually.

I noted that in its July 2021 report the government's Advisory Committee on the Charitable Sector also indicated that one of its working groups was consulting on the matter. This, of course, is in line with one of the recommendations made by the Special Senate Committee on the Charitable Sector in 2019.

Many are calling for the minimum 3.5% to be increased in light of the fact that there has been considerable growth in the investment assets of charities and foundations in recent years. We know that the disbursement quota is higher in the United States and Australia, for example. As we recover from the pandemic, now seems to be the appropriate time to increase the quota.

Can you provide us with an update on the government's consultations on this matter? What options are currently being considered and are discussions being held at the Department of Finance Canada to include proposed changes in the upcoming budget?

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

In Budget 2021, the government announced its intention to potentially increase the disbursement quota which could boost support for the charitable sector and benefit those that rely upon its services.

I'm advised that the federal government, indeed as you alluded to, launched a consultation process to give stakeholders and interested members of the public the opportunity to provide feedback. This process ended in December 2021.

The government looks forward to sharing the results of this consultation in due course.

**Senator Loffreda:** Thank you, Senator Gold, for that answer.

We know that most charities and foundations meet or exceed the disbursement quota, and that a reduction is available for those unable to meet the minimum amount of 3.5% due to circumstances beyond their control.

Are you able to provide us with statistics with respect to the number of charities that have been unable to meet the disbursement quota in recent years? Why are some charities unable to meet that minimum disbursement quota requirement? And what can be done to alleviate the pressure on them and have society benefit from their contributions?

**Senator Gold:** Thank you, senator, for your question and for your long-standing work in support of the charitable sector, which is well known to all of us, certainly in Quebec.

• (1430)

I'm advised that most charities, in fact, meet or exceed their disbursement quotas but that there is a gap of at least \$1 billion in charitable expenditures in our communities that exists today.

With regard to the specifics of your remaining questions, I will make inquiries with the government and report back to the chamber as soon as I receive an answer.

## HEALTH

### MENTAL HEALTH SERVICES

**Hon. Brian Francis:** Honourable senators, my question is for the Government Representative in the Senate.

In P.E.I., the rate of children and youth hospitalized for mental health disorders is the highest among provinces. It is almost twice the rate for Ontario and almost three times the rate for Nova Scotia.

Last summer, the Minister of Health announced over \$9 million in funding for 57 distress centres across Canada. Senator Gold, are you able to share with us how many of those centres were located in P.E.I.?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you very much for your question. Distress centres are a vital part of our community, providing mental health support and resources for those in need. We know that across our country, these centres are seeing a real surge in demand for their services.

While none of the 57 organizations that received funding through last year's announcement were located in Prince Edward Island, I'm advised that the Public Health Agency of Canada is currently working with an organization that services P.E.I.'s mental distress support needs regarding their funding request. The Public Health Agency of Canada is also providing over \$14.8 million over 36 months to Kids Help Phone to provide crisis supports for children and youth across Canada during the pandemic, including for young people in your province.

All Canadians, including those who are at risk and those living in rural and remote areas, need access to critical health and mental health resources and services. The government is working with provinces and territories on expanding virtual services, and the government is making sure that Canadians can use emergency supports and have access to them when they need them.

**Senator Francis:** Thank you for your answer, Senator Gold. The Public Health Agency of Canada also opened up an application process for additional funds for crisis services that took place last year, and the application process closed in the fall. Senator Gold, could you advise us as to whether or not any applications from P.E.I. received funding?

**Senator Gold:** Thank you for your question, senator. I'm advised that the successful applicants within the second process to which you referred have not yet been announced as some final work with applications is still ongoing. As I noted earlier and will repeat, the Public Health Agency of Canada is currently working with an organization to service P.E.I.'s mental distress support needs regarding a request for funding. I'll endeavour to seek clarification from the government and provide further information on federal funding for distress centres serving P.E.I. as soon as it becomes available.

[Translation]

## PRIVY COUNCIL OFFICE

### AGREEMENT WITH NEW DEMOCRATIC PARTY

**Hon. Jean-Guy Dagenais:** My question is for the Leader of the Government. Over the past few years, I have often heard — as have you, I'm sure — NDP members and even former NDP leaders call for the abolition of the Senate and insist that the work we do here in this chamber by virtue of the democratic powers conferred upon us is useless. We now know that the government you represent has saved its skin by cementing an alliance with the NDP, some of whose members will secure a pension for life by holding onto their seats until 2025. Voters chose a minority government, and the Liberals should be ashamed of manipulating that choice.

Leader, given the NDP's condemnation of the Senate, how can you, with honour and integrity, champion any bill arising from NDP policy that will be submitted to this chamber?

[ Senator Gold ]

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question, dear colleague. I am completely comfortable with it. I consider myself a man of integrity, and I am comfortable continuing to advocate for government bills here in this chamber. I should emphasize that government bills are government bills. The NDP is not part of the Government of Canada, so I am completely comfortable continuing to do the work I do as well as I can. Thank you.

**Senator Dagenais:** Honourable senators, I would remind you that the NDP was not selected to govern Canada. I therefore want to ask the Leader of the Government whether he would agree that it is unacceptable, shameful even, that we will soon be asked to consider bills that stem from an alliance that is not consistent with the will of Canadians, as clearly expressed in an election that I would describe as unnecessary and extremely costly, called by your Prime Minister, leader, in 2021.

**Senator Gold:** The short answer is no. Everyone in this place, and I mean we as parliamentarians, understands very well how our democratic system works. Elections are held. Voters elect an MP for their riding, and the government is formed by the party with the most support in the House. It is neither unacceptable nor shameful, nor outside the parliamentary norms of our Westminster system, that agreements and arrangements are reached between various parties.

In closing, I would like to point out that most Canadians, over 50%, voted for either the Liberal Party or the NDP. That being said, this agreement between the two parties is quite normal under our parliamentary system.

[English]

## HEALTH

### COVID-19 PANDEMIC—VACCINE MANDATE

**Hon. Denise Batters:** Senator Gold, a month ago, I asked you when your government would lift the federal vaccine mandates. The only change that has been made is testing requirements for fully vaccinated travellers returning to Canada. All the provinces have dropped or have plans to drop their mandates. This federal Trudeau government still doesn't even have a plan or, seemingly, a clue.

With Canada's vaccination rate as high as it is, over 80%, the time for freedom is now. When will the federal government drop the vaccine mandates and give Canadians their freedom back?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, senator. As we all know, the federal government has made changes to the vaccine mandates through the course of this pandemic. It has been evaluating the state of the science and the advice that it gets, and it will continue to do so. When and if further changes are to be announced, they will be announced in due course.



**Senator Batters:** Senator Gold, the Trudeau government's rules haven't kept pace with the evolving nature of the virus, particularly its Omicron variant. Even Canada's federal health agencies haven't endorsed blanket vaccine mandates as necessary, and Dr. Theresa Tam has said she thinks they should be reviewed. Doctors who testified before the House of Commons committee yesterday said that this government's universal mandates were coercive, of limited benefit and have driven up vaccine hesitancy. The doctors know the science, Senator Gold, and they are saying the mandates are not necessary, yet the Trudeau government still refuses to drop the mandates.

Senator Gold, if science isn't the basis for deciding when to lift the federal vaccine mandates, what is? Political science or political theatre?

**Senator Gold:** Neither one nor the other, with respect, senator. Science does not speak with one voice or a diversity of views, as there inevitably are in other areas of life as well. The government continues to evaluate the rules that it put in place, and its primary and exclusive concern is the health and well-being of Canadians.

## FOREIGN AFFAIRS

### NORTH ATLANTIC TREATY ORGANIZATION

**Hon. Larry W. Smith:** Honourable senators, my question is for Senator Gold.

Senator Gold, the recent aggression and invasion of sovereign Ukraine by the Russian Federation has highlighted a critical need for Canada to bolster its defence spending. Successive governments have failed to take seriously the very real threat posed not only to our sovereignty but the sovereignty of our NATO allies from adversaries abroad. Canada continues to fall short of its NATO spending obligations, becoming more isolated in a changing global environment. Even the most pacifistic of countries, such as Germany, are beginning to reverse their long-standing policies, recognizing the need to meet their NATO obligations and bolster their militaries.

• (1440)

Senator Gold, a simple question: When will the government commit to spending the full 2% of GDP on national defence, as is our current obligation under NATO?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. As I have mentioned in this chamber, I think as recently as yesterday — and the Minister of National Defence, Minister Anand, has announced this — Canada is evaluating and considering what changes or what measures are to be included in the budget with regard to defence spending.

I'm going to take this opportunity to remind this chamber that nothing in the supply and confidence agreement that was entered into between the Liberal Party and the New Democratic Party either undermines or compromises the government's commitment or the vision it set out in Strong, Secure, Engaged, Canada's defence policy, which was widely applauded as a major

step forward. At the top of the minister's mandate letter is making sure that the Canadian Armed Forces have the capability and culture needed to meet current and emerging threats.

I remark that when it comes to defence spending, the government is on an upwards trajectory, reversing years of cuts. Canada is notably now the sixth-largest contributor to NATO's commonly funded budget. The government has been making critical, smart investments into our forces in addition to increasing spending by 70% between 2017 and 2026 to ensure that the Canadian Armed Forces have the right people, equipment, training and culture to do the difficult tasks that we ask of them.

As I said at the beginning, and I'll conclude on this, the government continues in a responsible manner to evaluate a number of options to ensure that Canada continues to have a robust and effective response to Canada's defence needs both at home and abroad.

**Senator Smith:** Senator Gold, the question here is that Canada spends 1.39% of GDP on defence and we have been asked to spend 2% because we're not meeting our obligations within NATO.

Continuing the question, Guy Thibault, a retired Vice Chief of Defence Staff, was quoted this past week in a *Toronto Star* article, saying about the Arctic:

Clearly it's going to become a new frontier . . . And we should be very worried about what Russia is doing, not only in Eastern Europe but around the world, and China's interest up there.

Russia's militarization and encroachment in the North coupled with Canada's persistent patchwork of failed promises and policies have left the Arctic vulnerable for far too long. Senator Gold, will this government finally put in place a concrete action plan that reaffirms Canada's claim to the Arctic?

**Senator Gold:** Thank you for your question. Again, as I have stated on other occasions in this chamber, Canada is committed to doing everything that it can do, and is doing everything it can do, to defend our sovereignty in the Arctic. That includes investments in assets and training, and through other measures of diplomacy and the like.

### UKRAINE INTERNATIONAL AIRLINES FLIGHT PS752 TRAGEDY

**Hon. Michael L. MacDonald:** Senator Gold, the families of flight PS752 continue to seek justice for their loved ones who were killed in January 2020 when Iran shot down a Ukrainian passenger jet with Russian-made missiles. Following Putin's illegal invasion of Ukraine, the families of flight PS752 issued a statement declaring their solidarity with the people of Ukraine.

In a decision released in January of this year, the Ontario Superior Court of Justice awarded \$107 million plus interest to the families of six victims aboard this flight, which they can now try to collect with the seizure of Iranian-owned assets abroad. Senator Gold, what is the Government of Canada doing to help these families collect on the court's ruling?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you. The Government of Canada has always supported the victims of that terrible tragedy. With regard to specific steps the government may be taking, I'll have to make inquiries and report back.

**Senator MacDonald:** Senator Gold, yesterday we received a written response to a question that Senator Martin had asked about whether Canada would bring Iran to the International Court of Justice. However, the response really didn't answer the question, so I'll ask you again.

The government admits that further attempts to negotiate with Iran are futile. Will your government hold to account those responsible for this crime by bringing this case before the International Court of Justice?

**Senator Gold:** Senator, thank you for your question. I don't know the answer to that. I will have to undertake to try to find the answer.

#### ASIAN INFRASTRUCTURE INVESTMENT BANK

**Hon. Leo Housakos (Acting Leader of the Opposition):** Senator Gold, this is a follow-up to my earlier questions about the Asian Infrastructure Investment Bank. In 2017, the Trudeau government claimed that membership in this group would create middle-class jobs right here in Canada. A question put on the Senate Order Paper asked the simple and obvious question: How many jobs were created as a result of Canada joining the Asian Infrastructure Investment Bank and pumping in tens of millions of dollars — billions of dollars? No surprise, the response from the Trudeau government didn't provide any number. We still haven't had a number. It pointed to just three Canadian companies that had signed contracts related to the Asian Infrastructure Investment Bank.

Leader, your government made these claims justifying Canada becoming a member of this group and pumping in billions of dollars of taxpayers' money. Why can't you back it up with facts? How many jobs have been created in Canada with Canadian taxpayers' investment in the Asian Infrastructure Investment Bank?

**Senator Gold:** I don't have those figures, but I will certainly make inquiries and report back.

**Senator Housakos:** Government leader, with all due respect, it has been months and weeks that we have been inquiring about this and we can't get a straight answer. Through our membership in this bank, the Trudeau government has sent over \$200 million to a regime that kidnapped Canadians and held them arbitrarily for years, yet the government can't tell Canadians how many middle-class jobs have been created, which they claim was the purpose of this program to begin with?

Leader, I'll ask again, why should Canadians remain a member of the Asia Infrastructure Investment Bank where after weeks and months we can't even provide this chamber, a chamber of Parliament, a simple answer to a simple question?

**Senator Gold:** I will repeat my request for an answer, transmit it and report back as soon as I can.

• (1450)

## ORDERS OF THE DAY

### CONSTITUTION ACT, 1867

#### BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Dennis Glen Patterson** moved second reading of Bill S-228, An Act to amend the Constitution Act, 1867 (property qualifications of Senators).

He said: Honourable senators, I rise today to speak to Bill S-228, An Act to amend the Constitution Act, 1867 (property qualifications of Senators).

This marks my third attempt to bring forward such a bill, though similar versions were also introduced by our former colleague the late senator Tommy Banks. I am touched to mention this dear departed colleague of ours because I know that Senator Banks was heartened when I promised him I would carry the torch on this bill when he retired from the Senate.

Because I have made other speeches in this chamber about this bill, I will keep my comments brief.

The bill seeks to remove the \$4,000-net-worth requirement for all senators, as well as the \$4,000 property requirement for all senators except those coming from Quebec. At the same time I tabled this bill, I also tabled a motion, which I will speak to today, that deals with the property requirements in Quebec. Stay tuned, because I will have more to say on that topic later.

I have introduced this bill and its accompanying motion for two main reasons. The first is that this bill would erase a major gatekeeper for prospective new senators — a major barrier for some. I believe that when we hear from Canadians with diverse cultural backgrounds, different faiths and varying lived experience, we are all the better for it. Diversity is Canada's strength and therefore should be represented in its institutions. In the Senate, our diversity — happily — engenders lively, rich and well-rounded debates and enhances our ability to speak up on issues important to minority populations and regional concerns. That is one of the mandates of the chamber and one that I am ardently committed to.

However, at this moment, we have requirements that were originally created to keep the masses out; we have requirements that have sought to ensure that this venerable institution was ruled only by wealthy landowners meant to temper the great unwashed who ruled the other place.

Here are the facts: According to a post by Consolidated Credit Canada, as of November 2021:

Canadians now have an average of a \$1.73 debt for every dollar they earn. A large amount, which totals \$2.1 trillion dollars of debt in the country. . . .

A February 16, 2022, Global News report tells that:

The purchasing power of Canadians waned further last month as wages were outpaced by an annual inflation rate that topped five per cent for the first time in more than 30 years.

The annual inflation rose to 5.1 per cent in January compared with a gain for 4.8 per cent in December, Statistics Canada reported . . . driven higher by prices for housing, gasoline and groceries.

Over the same stretch, wages rose by 2.4 per cent, a gap in purchasing power inflamed by rising costs for essentials like food that often hit lower-income households the hardest.

Finally, the *National Post*, in a June 17, 2021, article, listed the many factors that have contributed to sky-high real estate prices that have made home ownership impossible for many Canadians. This list includes foreign investors who have purchased “vast swaths of the Canadian housing market as investment properties.”

They go on to explain that even though foreign buyers make up only a relatively small percentage of the total housing market:

. . . only a small fraction of a city’s housing market will come up for sale in a typical year, even a moderate amount of outside cash thrown into the mix can tip the scales into the realm of \$1 million teardowns. Stock prices, for instance, are routinely sent into the stratosphere by buyers bidding up a small fraction of a company’s available shares.

Another factor they list is the issue of zoning bylaws that are geared solely toward single-family detached homes and the lack of developable land that is severely constraining the supply of available houses in the midst of an ever-growing population.

The *National Post* explains that:

. . . Canada’s per-capita supply of housing units is lower than in any other G7 country. Canada’s high rate of migration helps to increase supply pressures, but it’s no

excuse for such an acute housing shortage given that, proportionally, our rate of in-migration is lower than Germany, the U.K. and even Switzerland.

Finally, the article lists the surging cost of construction burdened by increased land transfer taxes, increased municipal taxes and fees collected from home builders, supply chain issues and “a latticework of local regulations.”

They go on to say that:

Even before the construction industry became blindsided by recent spikes in the costs of lumber and other materials, the average Canadian home was already getting progressively more expensive to approve and build. And with so many Canadians existing on the absolute margins of home ownership, each new cost comes at the expense of pushing another demographic of families out of the market.

Colleagues, I’m sure none of this is new to any of you. We’ve heard for years about rising inflation costs and wages that don’t keep up with the increasing cost of food and other necessities. We know that Canadians are getting priced out of home ownership. All of this matters when we talk about this bill.

There are middle-class folks in their thirties and forties who feel they can never attain home ownership. Some of them are living in our basements. In 20 years, these future leaders in their fields, whose voices we deserve to hear from, would not qualify to be members of this chamber. By keeping these requirements in place, we are, in fact, going backwards rather than forward. We are returning to a time when only wealthy landowners have the privilege of participating in the upper house.

My mind always lingers on an August 12, 2016, article by the CBC entitled “Property condition dissuades Stratford woman from applying, but doesn’t dissuade Mi’kmaq Senate candidate.”

The article tells the story of two women from P.E.I., both of whom were Senate hopefuls. Kelly Robinson, a long-time and well-known resident of Stratford, P.E.I., who has worked in non-profit and community organizations, was upset to see the \$4,000 property requirement. She stated:

It felt like it was going back to when only landowners could vote, only landowners could be certain things . . . And I just thought that is not the Canada that I’m in or that I thought I was in. I think it’s a very old rule that hasn’t been properly confronted yet.

The second woman was P.E.I. Mi’kmaq filmmaker Eliza Knockwood, who didn’t own \$4,000 in property. She applied anyway, with her supporters pledging to find a way around that if nominated. However, while that may have been possible under the old way of naming senators — such as was done in the well-known case of senator Peggy Butts, a nun who had sworn a vow of poverty — my newer colleagues will know that the Selection Committee will not even consider your application unless you meet all the basic requirements such as age, residence, net worth and property. How many more qualified voices and perspectives are we missing here today because of these antiquated requirements?

The second — and more personal — reason that I have doggedly pursued this change is the fact that I am one of the very few in Nunavut who owns property with freehold title. Through a series of plebiscites, Nunavummiut residents have reinforced the Inuit principle that no one owns the land. Outside of Crown land and a few grandfathered plots, homeowners own the structure but are only leasing the land it sits on.

According to section 23(3) of the Constitution Act, 1867, which outlines the qualifications of a senator, “He” — and I’ll take a moment to point out how antiquated this is in that it still assumes only men are appointed senators, but that’s a side point. See if you can understand this:

He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in Free and Common Socage, or seised or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alleu or in Roture, within the Province for which he is appointed . . .

Having trained in the law, I can tell you that no one uses such terms as “common socage” anymore and haven’t for many years.

More importantly, I contend that the requirement for freehold title would strictly disqualify not only Inuit in Nunavut but also First Nations homeowners who hold land allocated by Certificates of Possession granted by the minister or “CP lands,” as they are known, which are technically leased from the Government of Canada. It may not even apply — there are some opinions — to those who only own condominiums, since the land is technically owned by the condominium corporation.

• (1500)

Honourable senators, there is no need for these requirements. Your ability to perform your duties is not dependent on whether or not you own property or have a particular net worth. According to the Supreme Court of Canada decision of April 25, 2014 rendered in response to a series of reference questions on Senate reform initiated by former prime minister Stephen Harper, the Supreme Court of Canada stated that:

We conclude that the net worth requirement (s. 23(4)) can be repealed by Parliament under the unilateral federal amending procedure. However, a full repeal of the real property requirement (s. 23(3)) requires the consent of Quebec’s legislative assembly, under the special arrangements procedure. Indeed, a full repeal of that provision would also constitute an amendment in relation to s. 23(6), which contains a special arrangement applicable only to the province of Quebec.

I will get to that special arrangement portion in my next speech on the motion I’ll be introducing today, but I would like to end this speech by emphasizing that the decision states Parliament can, indeed, unilaterally remove the net worth requirement for all

senators and the real property requirement for every senator except those in Quebec, which this bill aims to do. We do not need to invoke the amending formula and involve provinces, apart from the special situation I mentioned in Quebec.

Colleagues, I do hope I can count on your support for this bill to modernize and reform the Senate. Thank you, *qujannamik*.

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

**Hon. Mary Coyle:** If the honourable senator would accept a question from me, I would first say thank you very much for your speech. Thank you for your efforts over and over again to right this wrong. It’s an embarrassment, as you have said. It’s an anachronism. It’s time for change. We hopefully will have a little longer in this Parliament to bring about this change. I hope it doesn’t take years, but I hope we can get it done in this Parliament.

Can you tell us why it has taken so long? What have been the obstacles up until this point to moving forward this very important motion to eliminate those net-worth and property-ownership requirements for Canadians to become senators, to come here and join us in this chamber? Would you tell us what the impediments have been?

**Senator Patterson:** Yes. Thank you for that question. When former senator Tommy Banks championed this same bill, which did the same thing, we didn’t have the clear advice from the Supreme Court in the decision that I quoted. That decision made it crystal clear, from no higher authority than the Supreme Court, that the amendment that I’m proposing can be done alone by the Parliament of Canada — the House of Commons and the Senate.

The spectre was raised at that time that this would require a constitutional amendment; it would require the invocation of the amending formula; it would require provinces to be involved. We’ve been through that movie, some of us, in connection with the repatriation of the Constitution and the Meech Lake and Charlottetown Accords. There’s no appetite, I believe, in Canada for going back into those challenging constitutional amendment processes.

That clouded the debate at that time. Now, this is an amendment of the Constitution. We can do it now — the Supreme Court is clear — with the consent of the House of Commons and the Senate. I think we are now in a better climate to consider this matter, just as, by the way, we’ve been considering the Saskatchewan Act amendment just recently in the Senate and as we’ve also done in other matters often brought forward by provinces to amend the Constitution where Parliament has the jurisdiction.

That is the problem that we clearly now don’t have. Your question is a good one. Why haven’t we eliminated this obvious and inequitable anomaly? I thank you for your support.

**Hon. Colin Deacon:** Senator Patterson, would you take another question?

**Senator Patterson:** Yes.

**Senator C. Deacon:** I would like to echo Senator Coyle's comments in terms of supporting your efforts and gratitude for your efforts. I'm just wondering whether you have looked into what the rationale was. Why did this exist in the past as a condition? Is there anything in that research that you may have done that would present a barrier to getting this finally through the Senate and the House of Commons?

**Senator Patterson:** Thank you for that question. Senator Deacon, I believe that this historical anomaly goes back deep in our Westminster parliamentary history, back to the time when there were Whigs and Tories, and landowners were considered more capable of making decisions for the people than were the rabble who were in the commons and who were not landowners. It was a time when it was considered that the wealthy were the best people to govern.

There's a long history of class behind this distinction of privilege for the wealthy, the net-worth requirement and the land-title requirement, and it's clearly not egalitarian. It's clearly not the way Canada sees itself, as a country with opportunities for all, even the opportunity to participate in this august upper chamber. The origins of this are buried in history. The language I read which describes the property requirement, referring only to males, is also a relic of our history, when it was thought that men were better qualified to make decisions for the public in Parliament. That's obviously also a very antiquated and elitist requirement.

Our history is not a proud one of why this invidious provision is still in the Constitution of Canada. Let's get rid of it. Thank you.

**The Hon. the Speaker:** Senator Patterson, there are more senators who have questions. Are you willing to answer more questions?

**Senator Patterson:** I am willing, subject to the willingness of the house. Thank you.

**Hon. Paula Simons:** Senator Patterson, I agree with you; the roots of this go back to 1867 which is — not coincidentally — the year that Britain passed the reform bill which gave universal manhood suffrage and the establishment of the Senate to be a cognate parallel of the House of Lords, a place where the closest thing they could find to landed gentry in Canada would sit.

I am deeply sympathetic to this bill and to the legacy of my dear friend Tommy Banks. I'm just curious how we could then ensure that senators live in the provinces which they are meant to represent. I remember my own screening process in which I had to provide, I think, four kinds of proof that I owned my house and lived in it.

How would we set up a system to ensure that senators really live in the provinces they are meant to represent without a property requirement?

**Senator Patterson:** I'm glad you asked that question, Senator Simons, because I relish the opportunity to make it clear that this bill will not diminish the requirement which is laid out in qualifications of senators that one reside in the jurisdiction that one represents.

• (1510)

This is a critical element of the qualifications for a senator based on our mandate to speak for regions. The requirement to reside is important and would not be changed by this amendment. Should it matter whether you live in a trailer, whether you live on a First Nation reserve or whether you live in a tent? Should that affect your ability to represent your region? No. It's not from property ownership that you derive your legitimacy to speak for your region. It's from living there, and it shouldn't matter where you live, and that won't change by this bill. Thank you.

**Hon. Marty Deacon:** Thank you, Senator Patterson, for this work. I think we've all had a good review of the bill, and I think it has also forced us to go back and look at the language and the use of language in the application process. While we're at this, while we're doing this important work right now, how does Canada want to see itself? How does Canada want to be?

As you're going through this and reviewing the information as you have at this intense level, are there other pieces that jumped off the page for you that this is what we need to do here — without significantly changing other acts — that we also need to think about A, B or C? Did you have any reflection on that as you were doing your work and preparation? Thank you.

**Senator Patterson:** Thank you for that question, Senator Deacon. I thank honourable senators for the indications of support I've heard today. I'm awed at the prospect, with your support, of changing the Constitution Act. This is quite a humbling opportunity for any Canadian legislator.

The short answer to your question is that tackling this obviously arcane and inequitable provision in the Constitution Act relating to the qualifications of a senator, which senators in this chamber are very well familiar with, is a major step. We were all subject to the due diligence on meeting these criteria. I feel that changing this provision is a major step. So the short answer to your question, Senator Deacon, is, no, I have not looked at other flaws or ancient, inappropriate words in the Constitution Act. I've been focusing on this one. Thank you.

**Hon. Frances Lankin:** Thank you, Senator Patterson. Will you take one more question?

**Senator Patterson:** Yes.

**Senator Lankin:** Thank you. Let me also express my complete support for what you're attempting to do. I have seen this measure come forward over the years, and wonder sometimes why things take so long.

I'm also very cognizant of the need for us to study proposals in-depth and ensure that there aren't unforeseen implications. However, I wonder, given that this has been before this chamber before, if this is a case where we should move this to committee and get the study started. I am aware, reviewing the scroll notes, that there's agreement that there would probably be an adjournment taken, but I ask you to consider whether that's a necessary step. Are you ready with a referral to the question,

should that be something that the chamber wishes? I certainly would like to see this get to committee to get us moving on this. Thank you.

**Senator Patterson:** Senator Lankin, your question is music to my ears. No doubt it's an important bill that should be studied, probably by our Legal and Constitutional Affairs Committee. I'd love to see them delve into it, but you're right; timing is everything. I have limited time myself in the Senate, and I would love to see this bill make progress while I'm still with you.

So I would be most open to allowing our committee to do their important work on this bill and other bills before us in this chamber. I thank you for that suggestion and would welcome the question being called at the earliest opportunity, since it has been extant for decades in the Senate. Thank you.

(On motion of Senator Wells, debate adjourned.)

### JANE GOODALL BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Marty Klyne** moved second reading of Bill S-241, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals).

He said: Honourable senators, from Treaty 4 territory and homeland of the Métis Nation, I'm humbled to speak to you as sponsor of the "Jane Goodall Act." I have taken on this responsibility with the blessing of Dr. Jane Goodall and the Honourable Murray Sinclair. Together they launched an earlier version of the animal protection legislation in late 2020. As you know, the bill protects wild animals in captivity and addresses the unsustainable global wildlife trade.

I am grateful for Dr. Goodall and Senator Sinclair's guidance and support in preparing this new edition of the bill over the last year. We are very thankful for the valued contributions of a strong and newly announced coalition behind the bill. Supporters include Canada's leading zoos: the Toronto Zoo, the Calgary Zoo, the Granby Zoo, the Assiniboine Park and Zoo in Winnipeg and the Montréal Biodôme.

Supporters also include Canada's leading animal advocacy organizations: the Jane Goodall Institute of Canada, Humane Canada, Animal Justice, World Animal Protection Canada, Humane Society International Canada and Zoocheck Canada. Perhaps this coalition's most exciting contributions are new legal protections for captive big cats, bears, wolves, hyenas, seals, sea lions, walrus, certain primates, and dangerous reptiles, such as crocodiles, alligators, giant pythons and venomous snakes. All told, this bill bans over 800 captive, non-domesticated species at roadside zoos.

[ Senator Lankin ]

For context, there are up to 4,000 privately owned big cats in Canada, with reports of poor conditions, safety concerns and lack of oversight. For a sense of the scale of wildlife captivity, there are 100 to 150 wildlife attractions in Canada where animals may receive protection under the act, and an estimated 1.5 million privately owned exotic animals nationwide.

• (1520)

Like the original bill, Bill S-241 would phase out elephant captivity in Canada. The Granby Zoo has announced a transition out of keeping elephants, and I commend Paul Gosselin, CEO of the Granby Zoo, for his leadership in that regard. There are currently over 20 elephants at four locations in Canada.

The Jane Goodall act supports the continuation of Canada's great ape conservation and science programs at the Toronto, Calgary and Granby Zoos, subject to potential conditions.

As with the original bill, under the "Noah Clause," the federal cabinet can extend legal protections to additional wild animals, considering factors relating to wild animals' welfare in captivity. The legislation also establishes limited legal standing for affected species, allowing orders for animals' best interests, including relocation and costs in sentencing for illegal breeding, performance or conveyance covering elephant rides.

I am grateful that this coalition of superlative voices for animals supports Bill S-241, the Jane Goodall act. In a few minutes, I will share their messages with you. I hope other Canadian organizations will take a close look at this positive and evidence-based legislation and add their support.

We are building a big tent that puts animals first. Teamwork combined with conviction can tip the scales in favour of passing the Jane Goodall act in this Parliament. As you will hear, animals cannot afford to wait. If we work together and move quickly, the Senate — and, moreover, Canada — can lead the way at this pivotal time for animal welfare and wildlife conservation. Dr. Goodall and many others are counting on us.

As former Senator Sinclair noted, the Jane Goodall act builds on the Senate's great work in recent years to protect animals. Achievements include former senator Willie Moore's whale and dolphin laws; Senator MacDonald's shark fin ban; Senator Harder's extraordinary efforts to enact both those policies; former senator Carolyn Stewart Olsen's bill to ban cosmetic testing on animals, now the subject of government and opposition election commitments; Senator Boyer's sponsorship of Bill C-84

to address animal abuse; and Senator Bovey and Senator Christmas' sponsorship of government bills to protect aquatic habitat.

I also know Senator Dalphond is looking to strengthen Bill S-5 to end chemical testing on animals by 2035, another government election commitment. Pierre, I am with you.

After refreshing the chamber on the bill's legislative framework, I will explain this new version's three major changes. My sincere thanks to counsel and the Senate Law Clerk's office for their incredible work to realize the policy goals of the Jane Goodall act.

The three major changes in this bill are: a legislative framework for animal care organizations that meet five transparent and accessible criteria; new protections for the hundreds of species mentioned earlier, as well as updates on elephant and great ape policies; and increased focus on addressing the unsustainable global wildlife trade.

Before explaining the details, a few words about values. This legislation expresses the harmony of Western science and Indigenous understandings of nature. This knowledge tells us that action is urgent for wild animals, with many species facing cruelty and extinction right now. It is my hope that many senators will recognize this urgency, with an air of gravity, and be a part of this initiative.

Rooted in scientific evidence, the Jane Goodall act would establish the strongest legal protections in the world for wild animals in captivity, building on Canada's 2019 whale and dolphin laws as well as enhancing conservation measures.

Society's eyes are increasingly open to animals' true natures, through scientific research like Dr. Goodall's work with chimpanzees, as well as stunning documentaries from Sir David Attenborough and others. It is crystal clear that science, empathy and justice require legal changes for many additional wild species. With this bill, Canada's laws can respect the biological and ecological characteristics and needs of such animals and their place on our planet.

Senators, I am honoured to share a message from the bill's namesake, Dr. Jane Goodall, Dame Commander of the Order of the British Empire, world-renowned conservationist, founder of the Jane Goodall Institute and UN Messenger of Peace.

Today is an important day for animals. So many of them are in desperate need of our help and the *Jane Goodall Act* establishes protection and support for animals under human care. It is a monumental step forward for animals, people, and the environment. I am honoured to lend my name to this world-leading legislation that is supported by a wonderful coalition of government, conservationists, animal welfare groups and accredited zoos. Together we can and will provide a voice for those who cannot speak for themselves and put an end to the misery that is wildlife trafficking.

Together with science, the Jane Goodall act is based in Indigenous values. The bill's preamble includes the phrase "All My Relations," an Indigenous understanding that all life forms of Creation are interconnected and interdependent. The Truth and Reconciliation Commission called on Canadians to reconcile with the earth, through a restoration of reciprocity and mutual respect. That report stated, "Mi'kmaq and other Indigenous laws stress that humans must journey through life in conversation and negotiation with all creation."

In recent years in this chamber, Indigenous leadership has strengthened animal and environmental protection laws. We have heard powerful speeches from Indigenous senators, guiding the Senate to respect nature and to act as Canada's Council of Elders; the Jane Goodall act aims for further progress.

The original bill's author, our former colleague and the Chair of the Truth and Reconciliation Commission, the Honourable Murray Sinclair, would like to share his vision for the Jane Goodall act.

This legislation will further reconciliation with the natural world. When we treat animals well, we affirm our relationship with all of Creation and act with both self-respect and mutual respect. It is an honour that Senator Klyne has sponsored this bill, an inspiring continuation of Dr. Goodall's legendary work for animals.

Senators, as our former colleague noted, the bill's measures fully respect traditional and sustainable Indigenous harvesting practices and trades. Indigenous peoples have maintained relationships of gratitude and stewardship with animals since time immemorial. To emphasize and communicate our respect for Indigenous inherent rights, the bill contains a section 35 constitutional non-derogation clause.

Before exploring the bill's three major changes, how does the Jane Goodall act work? Like the whale and dolphin laws, Bill S-241 exercises federal jurisdiction over animal cruelty and international and interprovincial trade. The bill prohibits the acquisition and breeding of affected species, requiring permits from Environment and Climate Change Canada for those activities, as well as permits for transport across national and provincial borders.

The bill grandfathers in current populations, with all animals remaining in place. The federal or relevant provincial government may license new captivity, including for breeding, for animals' best interests regarding individual welfare and conservation or for non-harmful scientific research.

The reason for dual licensing authorities, in some contexts, is to acknowledge that the subject of captive non-domesticated animals has shared federal and provincial jurisdiction, with respect to animal cruelty and property and civil rights. The bill's preamble notes this constitutional duality. Canada has had this framework at least since 1892, when Parliament enacted animal

cruelty sections of the Criminal Code. Today, Bill S-241 takes the same jurisdictional approach to licensing as the whale and dolphin laws.

In addition, the Jane Goodall act bans the use of affected species in performances for entertainment as well as elephant rides unless licensed by a provincial government. This is relevant to sea lions and walrus at Marineland in Niagara Falls and to elephants at African Lion Safari near Hamilton. The federal government would not be able to grant such licences, to discourage allowing these activities.

Senators, before exploring the changes and updates, I am thrilled to share words from the strong coalition of supporters of the Jane Goodall act, including Canada's leading zoos and animal advocacy organizations.

The Toronto Zoo, the Calgary Zoo, the Granby Zoo, Assiniboine Park Zoo and the Montréal Biodôme have announced their support for the Jane Goodall act. They have also contributed expert advice on the new protections for big cats and other species, and other elements of the bill.

• (1530)

These five leading Canadian zoos are members of the Association of Zoos and Aquariums, or the AZA, the accrediting body with the highest standards in their field in the Americas. These large zoos represent a very high count of Canada's annual zoo attendance. For example, before the pandemic and with numbers rebounding, the Calgary Zoo had over 100,000 members and close to 1.5 million annual visitors. The Granby Zoo had 42,000 members and 830,000 annual visitors. Pre-pandemic, the Toronto Zoo welcomed 1.3 million guests annually. Moving out of the pandemic, the Toronto Zoo has a record number of over 37,000 memberships, representing more than 100,000 individuals.

Senators, Dolf DeJong, CEO of the Toronto Zoo, said:

Our zoos have a long history of supporting wildlife conservation in Canada and around the globe. Our commitment to animal welfare, conservation, science and education programs is vital to the survival of many species. . . . The Toronto Zoo is proud to support the *Jane Goodall Act* as it represents a critical step forward in protecting wild animals.

Dr. Clément Lanthier, President and CEO of the Wilder Institute/Calgary Zoo and President of the World Association of Zoos and Aquariums, or WAZA, said:

Every day at Canada's leading zoos, our amazing teams of dedicated specialists work to ensure that the animals we love receive exceptional care. The *Jane Goodall Act* will ensure the welfare of countless captive animals across Canada.

Within our coalition, I am pleased to report that six leading Canadian animal advocacy organizations also support the bill. These organizations have also contributed their expertise to the bill, such as protections for new species, the relocation of animals from unsuitable conditions to sanctuaries, and the global wildlife trade.

[ Senator Klyne ]

The Jane Goodall Institute of Canada is Dr. Goodall's team in Canada. They use community-centred conservation to mobilize action on biodiversity, climate change and environmental inequality in Canada, as well as chimpanzee habitat in Africa. A huge thank you to the Jane Goodall Institute team, who have guided the realization of Dr. Goodall's vision for this bill.

Barbara Cartwright is the CEO of Humane Canada, the national federation of SPCAs and humane societies. She has played a key role in bringing forward the Jane Goodall act. Ms. Cartwright said:

The *Jane Goodall Act* is a significant evolution in animal welfare in Canada. . . . Protecting animals in captivity and in the wild signals an unprecedented shift in Parliament toward integrated thinking about animals, people and the environment.

Camille Labchuk is a lawyer and the Executive Director of Animal Justice, Canada's only national animal law advocacy organization. She said:

This *Jane Goodall Act* is a welcome step toward improving Canada's outdated animal protection laws. . . . Animal Justice is especially pleased that the bill would offer animals limited legal standing in court—a groundbreaking move toward making sure our legal system prioritizes their well-being.

Along with the Jane Goodall Institute of Canada, World Animal Protection Canada is a leader on issues relating to the global wildlife trade and will be a key partner in developing regulatory recommendations and amendments on this subject. In the words of Melissa Matlow, their Campaign Director:

This is a historic bill that would make Canada a global leader in protecting wildlife and animal welfare. The unsustainable trade in wild animals requires urgent action, to prevent cruelty, extinction and future pandemics.

The Humane Society International/Canada, or HSI/Canada, also has expertise on the global wildlife trade, including elephant ivory and relocating animals to sanctuaries. Rebecca Aldworth, the Executive Director, said:

HSI/Canada has witnessed the suffering and deplorable conditions in roadside zoos, having intervened to rescue hundreds of animals from such facilities. We fully support this landmark Act, to help prevent cruelty and neglect, reflecting Canadians' desire to protect captive wild animals.

Zoocheck is another voice. They monitor the situations and numbers of wild animals in captivity in Canada and advocate for their protection. Since 1988, this has been Zoocheck's tireless cause. Rob Laidlaw, a biologist and founder of Zoocheck, provided our coalition with data informing this legislation's new protections. Mr. Laidlaw is responsible for the inclusion of dozens of species. He said:



Zoocheck is extremely pleased to support the *Jane Goodall Act*. This thoughtful, proactive and long overdue legislation will make Canada more humane for animals, as well as safer for Canadians, by reducing the number of dangerous animals held by unqualified people.

Colleagues, for all these superlative Canadian voices for animals, this bill is a recognition and continuation of their excellent work. I am very grateful for their contributions and support. If the Senate adopts Bill S-241, I am optimistic that the Jane Goodall act can receive strong support in the House of Commons.

Addressing wildlife trafficking was a 2021 election commitment of the Liberal Party, the Conservative Party and the NDP, setting the table for considerable consensus in the other place.

Furthermore, the mandate letter of the Honourable Steven Guilbeault, Minister of Environment and Climate Change, reflects the government's election commitments to introduce a bill to protect animals in captivity, and to end the elephant ivory and rhino horn trades in Canada. I appreciate the minister's kind words following Tuesday's introduction, and I look forward to any opportunities to collaborate with the government, the Senate government representative team and, indeed, all parliamentarians.

The House of Commons sponsor for the Jane Goodall act, Member of Parliament Nathaniel Erskine-Smith, agrees:

The *Jane Goodall Act* strengthens Canada's animal protection laws and fulfills the Government's mandate to protect animals in captivity. Canadians across the political spectrum care about animal welfare, and I hope to see this bill supported by MP's from every party.

Senators, I now turn to the details of the three major changes in Bill S-241. The first is a new legislative framework for Jane Goodall act's animal care organizations, including zoos, aquariums and sanctuaries, to be administered by Environment and Climate Change Canada.

The act's animal care organizations must continue to meet transparent and accessible criteria, with the first four based on the standards of the Association of Zoos and Aquariums, or the AZA. Consultants with animal welfare groups have confirmed that the AZA has the highest standards of accreditation for zoos and aquariums in the Americas, with only seven accreditations in Canada.

The act has five criteria for animal welfare organizations. The first is to administer the highest professionally recognized standards and best practices of animal care. The bill leaves this determination of fact to the minister, who may consider North American, European and other standards.

The second is to provide employees and others with whistleblower protection in order to be able to report animal welfare issues to the minister without fear of reprisal after taking any appropriate steps internal to the organization.

The third is to refrain from activities that misrepresent or degrade captive wild animals, including use in performance for entertainment such as displays of circus-style tricks or use in TV and film productions. An animal care organization may engage in educational demonstrations with animals, including supervised public observations and interactions involving natural behaviour or practices required for animal care.

• (1540)

The fourth criterion is to acquire wild animals in a manner that does not negatively impact species populations in their habitat or that contributes to a species' survival or recovery. For example, it would be permissible to take animals into captivity to save the species, as with California condors.

The fifth criterion is to maintain any other standards and best practices established by the minister, on the basis of the best available scientific, veterinary, animal care or animal welfare information, following consultations with experts. This fifth point is important, establishing an evidence-based and consultative process for any improvements needed in the future, to serve and protect animals' individual and collective interests.

Animal welfare scientist Dr. Jake Veasey has provided helpful advice on the new bill. Dr. Veasey has developed and published peer-reviewed research on an Animal Welfare Priority Identification System, known as AWPIS. The system aims to establish data-driven habitats and management programs for captive species that effectively prioritize their psychological needs and deliver peak animal welfare. This process establishes data on the evolutionary heritage and motivational characteristics of each species, using input from experts, including in and outside the captive management sector.

An insight of Dr. Veasey's system is that captive habitats for wide-ranging carnivores, such as tigers and polar bears, are not necessarily problematic because they limit the distances these animals walk, with many animals walking as much in zoos as in the wild, but because they remove the purpose from such movement. Dr. Veasey suggests that best practices should rebuild the connection between movement and meaningful outcomes, where captive animals are empowered to choose how and when they act to secure rewarding opportunities.

Dr. Veasey hopes to apply this methodology in establishing a polar bear refuge in Canada, to care for polar bears who have come into conflict with humans, and to study how we can help them adapt to a warming Arctic.

Once designated, Jane Goodall act “animal care organizations” may continue their animal care, conservation, science and public education programs for most species protected under the act, subject to potential conditions. Canada’s seven AZA zoos and aquariums will be the first to obtain this status through designations in the bill. In addition to the five zoos I have mentioned, these organizations include the Vancouver Aquarium and Ripley’s Aquarium of Canada in Toronto. These designations give weight to AZA accreditation, consultations with animal welfare groups on different accreditations, and Dr. Goodall’s regard for this credential.

The bill’s framework presents the possibility of gaining this status for some members of Canada’s Accredited Zoos and Aquariums, or CAZA, as well as any other organizations, including sanctuaries. This would very likely require some zoos or sanctuaries to improve or evolve, and Parliament can consider any developments prior to passage.

Many wildlife attractions in Canada may not receive the act’s status, at least in the near term, as this bill’s priority is animal protection at the highest standards. Such organizations or individuals would still be able to apply for licences for new captivity of individual species and can continue to acquire species not named in the initial designations.

Our goal, senators, is a race to the top in a positive and forward-looking spirit. Jane Goodall act “animal care organization” status can become the ultimate standard in Canada, established in law for the benefit of wild animals. Other countries will take note and may follow Canada’s lead.

One of Dr. Goodall’s priorities is that excellent zoos, aquariums and sanctuaries will be able to flourish under the legislation, a goal that this bill achieves. The world is not getting any better for animals, and these organizations play critically important roles in saving animals from unsuitable conditions and extinction.

In 2019, the Toronto Zoo assisted in relocating animals seized from a roadside zoo in Quebec. This past summer, the Toronto Zoo was prepared to provide a temporary home for some lions and tigers in private ownership in Maynooth, Ontario, following provincial animal welfare charges against the owners. Many staff volunteered to move to the area for an extended period to care for the animals. Unfortunately, the current law allowed for the private relocation of these animals without oversight.

An exciting development at the Toronto Zoo is their master plan to create a dedicated “saving species sanctuary” over the next several years, a sanctuary that could accept animals in need from all over Canada.

Canada’s leading zoos also play vital roles in wildlife conservation and research. Worldwide, captive breeding has played a role in over half of the cases where extinction has been prevented for birds and mammals.

The Wilder Institute/Calgary Zoo is the Global Secretariat for the International Union for Conservation of Nature’s Species Survival Commission Translocation Specialist Group, within this global authority on the status of the natural world with over 1,400 member organizations, as well as experts in over 40 countries. This body guides the re-introduction and movement of animals to re-establish wild populations.

The Calgary Zoo also leads or contributes to conservation and research programs relating to endangered Canadian species like black-footed ferrets, whooping cranes, burrowing owls, greater sage-grouse, the half-moon hairstreak butterfly, northern leopard frogs and Vancouver Island marmots.

The Toronto Zoo is studying and helping to restore Canadian populations of wood bison, eastern loggerhead shrikes, Blanding’s turtles, and rattlesnakes. The Toronto Zoo also maintains one of the few reproductive physiology labs in North America, biobanks that preserve wildlife by freezing reproductive materials.

Of note, the five Canadian zoos I have highlighted are all participants in AZA Species Survival Plans, designed to protect genetically healthy captive populations of endangered species as safeguards from extinction.

By establishing a legal status for credible “animal care organizations,” this bill can be good for animals and for attracting visitors, instilling confidence in quality animal care, safety, conservation, science and education. The “animal care organization” framework in the Jane Goodall act will be a win-win for wild animals and animal care professionals.

The coalition behind this bill has led efforts to establish new legal protections for over 800 species of what the act calls “designated animals.” The species of “designated animals” can be added to or removed from the act’s application by orders of the federal cabinet, through the “Noah Clause.” In determining these priority species, based on welfare and safety concerns, zoo and NGO input has been valuable, along with the advice of Dr. Lori Marino. She is the animal neuroscientist who proved that dolphins are self-aware and who leads the whale sanctuary planned in Nova Scotia.

Initial Jane Goodall act designations focus on large, far-ranging predators, certain primates and dangerous reptiles. Notably, some designations have a delayed coming into force of up to six months to allow owners to navigate social dynamics and reproductive issues among the animals. The following bans are all subject to licensing.

First — this being the Year of the Tiger — are the big cats. Close to 40 zoos keep big cats in Canada, and estimates for private ownership range between 3,600 and over 7,000 animals. Of course, reliable data is a problem.

In 2009, B.C. banned private ownership after a fatal attack. Ontario's laws are notoriously lax, with no licensing requirement for ownership, breeding or trade in big cats. Last year, an Ontario couple was able to relocate big cats without government oversight after their lions dug a hole under their enclosure and ate a tiger. The bill bans all seven big cat species, including lions and tigers, as well as multiple species of medium-sized cats, such as lynx and bobcats.

Next are bears. Over 25 zoos keep bears in captivity in Canada, and this bill bans all species kept in Canada, including grizzlies and polar bears.

• (1550)

This bill also bans wolves and other large, wild canines, including wolf-dog hybrids, coyotes, jackals and raccoon dogs, which pose an invasive species risk. Over 30 Canadian zoos keep wolves, a highly intelligent, social and extremely wide-ranging species. In addition, the bill bans hyenas, another top predator that we believe is kept at only three locations in Canada.

The Jane Goodall act prohibits captivity of all seals, sea lions and walruses, subject to licensing. Nine locations in Canada keep these species. Of note, the 2021 CBC "The Nature of Things" episode *The Last Walrus* documents that some walrus captivity in Canada may have scientific merit for helping wild populations.

However, Marineland has been known to house seals indoors for extended periods and uses sea lions and walruses in performances for entertainment. The Jane Goodall act designates walruses in consideration of Marineland's two walruses, Smooshi and her calf Koyuk, as profiled by director Nathalie Bibeau.

Of concern, a photo posted on social media in late 2021 shows Koyuk suffering from what appeared to be skin lesions. If passed, the bill will prohibit using Koyuk and his mother in circus-style tricks and impose government oversight on their potential relocation.

In designating walruses, I acknowledge years of determined advocacy from former Marineland head trainer Phil Demers. In a remarkable story, Mr. Demers previously imprinted on Smooshi, becoming her mother in Smooshi's mind. Since becoming an animal welfare whistle-blower in 2012, Mr. Demers has advocated for Smooshi and Marineland's other animals, dedicating much of his life to this cause. From Mr. Demers:

It's my dream to reunite with Smooshi and for her and Koyuk to go to a better home. I will never give up.

Senators, I hope this dream will come true.

Bill S-241 protects over 100 species of primates, including gibbons, baboons, bush babies and certain monkeys. Like great apes, we are members of this order of mammals, characterized by intelligence and sociability. In selecting priority species, our coalition considered their occurrence in captivity and welfare

concerns for tree-dwelling species. We have refrained from designating any species used in biomedical research in Canada, according to information from the Canadian Council on Animal Care.

Finally, with new designations, the Jane Goodall act prohibits many dangerous reptiles. This includes all members of the crocodile and alligator family; twelve species of anacondas, pythons and boa constrictors; and all venomous reptiles, including over 600 species of snakes and lizards. These designations are understandably prioritized on public safety grounds. Senators recall the tragic attack by a nearly four-metre python in New Brunswick in 2013, taking the lives of two young boys.

As I mentioned, the Jane Goodall act would phase-out elephant captivity in Canada, similar to our country's whale and dolphin laws. The primary reason is that our climate is unsuitable, requiring these huge, far-ranging, intelligent and social creatures to spend winters indoors.

As well, African Lion Safari's 16 elephants have been used for performance for entertainment purposes and for rides, resulting in an attack in 2019. CAZA banned elephant rides last year. Also last year, CBC reported that a Texas zoo cancelled a \$2 million deal to buy two elephants from African Lion Safari, a deal that would have separated mother-daughter elephants who normally stay together for life.

I commend the Granby Zoo's CEO, Paul Gosselin, for his leadership to transition from elephant captivity. For details on elephant policies, please see former Senator Sinclair's speech of November 19, 2020.

As to great apes, the focus of much of Dr. Goodall's life's work, this bill supports the continuation of the Toronto, Calgary and Granby Zoos' gorilla and orangutan conservation and science programs, subject to potential conditions. Interrelated AZA programs are keeping genetically healthy populations of these endangered species safe with viable captive breeding and supporting conservation in the field through funding and training.

Since 2011, the Toronto Zoo has participated in 60 gorilla and orangutan studies with universities, including York University, the University of Toronto and Laurentian University. Calgary Zoo veterinarians have presented their findings on gorilla medical conditions at veterinary conferences.

The continuation of captive ape conservation and science programs at high-welfare standards is important to Dr. Goodall as her team continues to work with local communities to save apes in the wild. I am inspired by the thought that the Toronto Zoo's new orangutan habitat is anticipated to open this summer. I commend CEO Dolf DeJong for his leadership.

The third major change is Bill S-241's increased focus on the unsustainable global trade in wildlife through a call for regulatory action in the preamble. This is a priority for Dr. Goodall. Subjects of concern include elephant ivory, rhinoceros horn, invasive species, the spread of a fungus wiping out frogs and poaching for bear gallbladders in Canada.

Recent scientific reports by the United Nations Environment Programme and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services recognizes wildlife trade as a top driver of pandemic risk and biodiversity loss.

This is a global problem, and Canada has an important role to play. Canadian demand for wild animals and related products fuels the unsustainable trade globally. Research conducted by World Animal Protection Canada found more than 1.8 million wild animals were imported into Canada between 2014 and 2019 for a variety of purposes, including for pets and luxury products. Most of these animals were not subject to any permits or pathogen screening. Improving data collection should be a priority.

There is good news. An accomplishment to celebrate was Canada's leadership role in building global consensus to see this month's first ever animal welfare resolution passed at the United Nations. Congratulations to Minister Guilbeault and his team on that milestone.

My office will work with the Jane Goodall Institute of Canada, World Animal Protection Canada and other partners to develop regulatory recommendations and amendments relating to the global wildlife trade and illegal trafficking. Notably, the Toronto Zoo has done award-winning work with Crime Stoppers to raise awareness of the illegal wildlife trade in Canada, focusing on the harvest and trade of turtles and the poaching of black bears, particularly for their gallbladders. Like elephant ivory and rhino horns, black bears taken from the wild are part of a global illegal wildlife trade estimated to be worth as much as \$23 billion annually.

I welcome any opportunities to collaborate with Environment and Climate Change Canada, and congratulate them on completing public consultations around elephant ivory last year, hopefully towards regulations.

Honourable senators, I would like to speak to you about another small but important change in the bill. The Jane Goodall act's preamble now makes an observation relating to Canada's last captive orca, Kiska, known as "the world's loneliest orca." I, too, want to support efforts to help Kiska live a better life, a shared goal of former Senators Moore and Sinclair.

Kiska was captured in Iceland in 1979 before being purchased by Marineland. Her five calves have died, and she has lived alone since 2011. This past year there have been reports of multiple whale deaths at Marineland, as well as a broken water system, subject to provincial animal welfare orders.

In her concrete tank, Kiska swims in repetitive, counter-clockwise circles and exhibits atypical behaviour like floating motionless or thrashing her head at the poolside. Senators, this is not right. Kiska should not have to die alone, and if she can safely be moved, options need to be considered.

For this reason, the Jane Goodall act's preamble observes that the Ontario Government has jurisdiction to grant civil standing to Kiska. This would allow for a court order in her best interests by her own right, such as relocation to the whale sanctuary planned at Port Hilford, Nova Scotia.

• (1600)

Great apes in situations of concern have received similar rights in Argentina. I do hope the Ontario Government finds its way to help Kiska. I also hope Marineland will consider working with the whale sanctuary's scientist-led team to evaluate Kiska's options. Indigenous values recognize our connection to other beings, and we must not turn a blind eye or abandon Kiska to a sad life.

We must also remember the approximately 40 belugas and five bottlenose dolphins at Marineland who deserve our concern as well. In the great nation of Canada, we must speak and act for the voiceless. That is what the Jane Goodall act is all about.

To conclude, senators, I am grateful for your attention and I thank you. I invite you to join debate and to be a part of the Jane Goodall act hopefully becoming law this Parliament. With that, I close with a passage from the Honourable Murray Sinclair's speech on the bill:

Senators, we live in a time of great challenge, with the natural world in peril. However, we also live in a time of great hope, with social values increasingly reflecting a moral and spiritual awakening. We can yet save this beautiful planet, along with Indigenous cultures and knowledge and the sacred and innocent animals who deserve our compassion.

In moving this bill forward, Jane Goodall and I believe that the most powerful advocates eventually will be youth, including her Roots and Shoots organization. Disrespect for animals is taught behaviour, and we may find that children have a lesson to teach us. My grandchildren, quite frankly, are excited about this bill, and I hope yours will be, too. For any parents and teachers listening across the country, we want to hear from your kids as we look to rediscover their forgotten wisdom about animals.

Thank you. *Hiy kitatamihin.*

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

**The Hon. the Speaker pro tempore:** Senator Richards, I understand you have a question, but there's only 12 seconds left.

**Hon. David Richards:** I'll just get the question out and he doesn't have to answer it. I was going to ask him if he thinks that all zoos must be permanently closed within the next few years. What does he think of that? That was one of my questions.

(On motion of Senator Wells, debate adjourned.)

## THE SENATE

### MOTION TO CALL ON THE GOVERNMENT TO DENOUNCE THE ILLEGITIMACY OF THE CUBAN REGIME—DEBATE ADJOURNED

**Hon. Leo Housakos (Acting Leader of the Opposition),** pursuant to notice of November 24, 2021, moved:

That the Senate call on the Government of Canada to:

- (a) denounce the illegitimacy of the Cuban regime and recognize the Cuban opposition and civil society as valid interlocutors; and
- (b) call on the Cuban regime to ensure the right of the Cuban people to protest peacefully without fear of reprisal and repudiation.

He said: Honourable senators, I move this motion as part of the Transatlantic Parliamentary Forum, a global initiative with legislators in Europe and the Americas in solidarity with the struggle of the people of Cuba for the right to live in a democracy.

Previous calls by freedom-loving Cuban Canadians to support those leading the peaceful struggle for human rights and democracy in Cuba have thus far been ignored by the Trudeau government whose policy toward Cuba has been based on silence and, even more worrisome, inaction.

I would like to highlight and recognize some Canadians of Cuban descent: Antonio Tang, Yanel Raul Nieves, Aime Calle Cabrera, Raimet Martinez Avila, Kirenia Carbonell Dieguez, Michael Lima, Manuel de Jesus Bujan, Ismary Bacallao and Andy Davila Miranda. All these are Canadians of Cuban descent who have come to this country and have built a great life for themselves and, of course, appreciate our freedom and democracy. But they have not forgotten to look back to their homeland, their friends and their families who don't have the same privilege.

Given the new reality that the world is living with the Russian invasion of Ukraine, it is more important than ever that Canada supports unity among defenders of democracy at a global level in the face of accelerated expansion of authoritarian regimes around the world. Both the violence of the war against Ukraine and the repression unleashed by the Cuban regime against those who think differently show the lack of moral and rational arguments and dictatorial impotence of those who resort to force in order to win a war or to gain or hold on to power.

After the Russian invasion of Ukraine, the world is entering a new era that requires new strategic thinking to redefine international relations between democracies and autocracies. Canada should take a significant step in that direction by denouncing the illegitimacy of the Cuban regime whose system and representatives have never been freely elected by the people.

Instead of supporting and legitimizing the same Cuban regime that justifies the invasion of Ukraine with Kremlin propaganda, Canada should recognize the pro-democratic opposition in Cuba as a valid interlocutor in our relationship with the island.

Globally, Canada has lagged far behind in its condemnation of the Cuban dictatorship. Instead, our current government continues with its policy of silence and inaction toward the repressive spiral that Cubans have experienced with particular brutality after the massive pro-democratic protests of July 2021. The Trudeau government continues to bet on shaking hands with Cuba's oppressors and engaging in behind-the-scenes diplomacy. It is time to raise our voices for all to hear.

The silence and inaction of the Trudeau government combined with the almost total lack of coverage by Canada's mainstream media makes invisible the serious and systemic violations of human rights in Cuba and the repressive spiral that Cubans are experiencing, which, after the peaceful pro-democracy protests of July 11, has acquired an intensity and scale not seen in decades.

By remaining silent in the face of this repression in Cuba, we are complicit. As bishop and human rights activist Desmond Tutu said, "If you are neutral in situations of injustice, you have chosen the side of the oppressor."

After 63 years without holding free, fair, democratic and multi-party elections, Cuba stands as one of the world's longest-lasting human rights predatory regimes. Since 1959, the current regime has persecuted, imprisoned and marginalized human rights defenders, journalists, dissident artists, intellectuals and critics.

• (1610)

It is estimated that at least half a million Cubans have been arbitrarily arrested or imprisoned for political reasons in the past six decades. Cuba's one-party regime stifles freedom of expression and assembly by locking up people for their beliefs and opposition to the government, outlaws political pluralism, prohibits independent media, criminalizes dissent and prevents the exercising of basic human rights and freedoms.

Things have worsened in the past 14 months as Cuban authorities have been responsible for serious and systemic human rights violations as part of a repressive policy that criminalizes peaceful protests and imprisons and mistreats Cubans from all walks of life for simply expressing their views and exercising their freedom of expression and peaceful assembly.

Human rights organizations have reported at least 10,000 repressive actions in Cuba from January 2021 to March 2022, including arbitrary detentions, imprisonment, forced house arrests, fines, sham trials, acts of repudiation, character

assassination campaigns, beatings, internet cuts, forced expatriations to harass and intimidate human rights defenders, critics, independent activists, artists and journalists.

Honourable senators, by the end of 2021, the Cuban regime had arbitrarily arrested 2,717 people, forced 3,743 into house arrest and carried out 60 acts of repudiation against pro-democracy activists. These acts are fascist by nature and constitute the greatest expression of intolerance and extremism promoted by the Cuban regime against those who think differently.

On July 11, 2021, more than 187,000 Cubans took to the streets in 45 Cuban cities in historic demonstrations to protest long-standing restrictions on human rights, simply shouting, “freedom,” “down with dictatorship,” and demanding democratic change as a solution to the country’s deep economic and health crises. The Cuban regime responded to the peaceful protests with extreme brutality and violence. With the massive deployment of special brigades and police in cities across Cuba, levels of surveillance, arbitrary arrests, persecution and repression in Cuba has reached levels “unprecedented” in 20 years, according to Amnesty International.

Security forces responded to the pro-democratic protests with extreme violence and opened fire on protesters. They used tear gas and beat protesters with batons. Those who were arrested were subjected to torture and cruel, degrading and inhuman treatment. Following these acts of brutality, Cuba surpassed Venezuela, Nicaragua, Russia and even Iran in its number of political prisoners. As of March 2022, the political imprisonment in Cuba constitutes the greatest human drama experienced by Cuban families today.

Worse still, these victims of repression in Cuba — the political prisoners — report the use of torture, as well as cruel, inhuman and degrading treatment in prisons, including solitary confinement, excessive use of shackles, beatings, verbal humiliation, acts of repudiation, the threat of rape and the denial of medical attention and family visits. Accounts of these methods of repression have been documented in letters and verbal reports sent by prisoners to their friends and families. Today, I raise my voice and encourage all of you to join me in denouncing the conditions of political prisoners in Cuba subjected to torture and cruel, inhuman and degrading treatment.

I want to take a moment to highlight the cases of some of these people. For instance, the artist and activist Maykel Osorbo, winner of a Grammy award for the song “*Patria y Vida*,” has been incarcerated since May 2021 in the maximum security prison of Pinar del Río. He is currently suffering from lymph node issues and has not been offered an adequate diagnosis or medical treatment for his condition.

Then there is Luis Manuel Otero Alcántara, a leading figure in the San Isidro movement and one of *Time*’s “100 Most Influential People of 2021.” He was arrested on his way to a demonstration in Havana on July 11 and transferred without a court hearing to a maximum security prison. He has led numerous hunger strikes in protest of his unjust imprisonment that have left him in poor health.

Felix Navarro and his daughter Sayli Navarro, coordinators of the Pedro Luis Boitel movement for democracy, were recently sentenced to nine and eight years in prison respectively, not for demonstrating but for simply asking the police about the status of some of the members of their organization who had been detained on July 11.

I am concerned about the vulnerable groups that were victims of the repression stemming from the July protests. Minors at the time of detention, 33 children were criminally prosecuted with half of them facing charges of sedition. According to Article 100a) of the Cuban Penal Code, the charge of sedition carries penalties of 10 to 20 years in prison or the death penalty.

There are at least 130 women who are political prisoners in Cuba. Furthermore, all the mothers of the July 11 pro-democracy protesters are being regularly threatened by state security with imprisonment if they denounce the legitimacy of their children’s cases at the international level.

I also want to take this opportunity to condemn the hundreds of trials that have been conducted in Cuba against peaceful democratic protesters in violation of due process and Article 7(e) of the Rome Statute of the International Criminal Court. Pro-democracy protesters are also charged with articles of the Cuban criminal code, such as sedition, public disorder and insulting public officials, which violate international human rights standards as they are a legal disguise to muzzle free expression and freedom of association. Without any due process, most protesters, whose average age is 34 years old, are being sentenced to prison terms ranging from 5 to 10 to even 30 years in prison for simply recording a protest or peaceful demonstration.

What has Justin Trudeau’s government done in the face of these atrocious human rights violations in Cuba in the past year?

Honourable senators, the Trudeau government has only made a few vague comments on the July 11, 2021, protests, mainly in response to questions from the media. Unlike when they condemned other dictatorships around the world, such as Venezuela and Belarus, these comments were not even official government statements published on the Government of Canada website. As a matter of fact, our Prime Minister made these comments mainly in response to pressure from the Conservative Party in the House. While we were quick to express solidarity with the people following the July protests, the Trudeau government merely repeated that it was aware of the situation in Cuba, but their concerns were never coupled with any action.

The initiative of the Trudeau government published in the November 16, 2016, “Fact Sheet – Strengthening Canada-Cuba relations” to accompany the Cuban regime in a supposed modernization of its system and in collaborative projects with a view to fostering inclusive and accountable governance through the exchanges with Cuba has been a catastrophic failure.

The Cuban regime has not been accountable to its people since it came to power, because it was never elected in free elections, and Cuba lacks any form of the separation of powers that is customary to us. It responds to peaceful protests with brutal

repression, as seen on July 11, 2021, when the unelected president Miguel Díaz-Canel appeared on television to give a “combat order” against peaceful protesters.

Cuba today has more repressive laws than ever before in its recent history. Some recent examples in the Cuban legal framework corroborate this statement. In August 2021, the Official Gazette published Decree Laws 35 and 42 that criminalize the independent press and critics of the regime to Regulation 102 that punishes the “dissemination of information considered false or detrimental to ‘public order.’”

More recently, the draft bill for the new penal code criminalizes all civil and political liberties protected by the Universal Declaration of Human Rights, including the rights to free speech, free assembly and peaceful protest, among other articles that violate the Universal Declaration of Human Rights.

I would be remiss in my remarks today if I didn’t also commit to raising awareness among my fellow Canadians about the moral and ethical implications of spending our money in Cuba, which is a beautiful island, one of the most beautiful in the world, but is governed by political regime that preys on the people’s rights.

Vacationing and investing in Cuba is tantamount to being active accomplices in financing the military conglomerate that operates hotels, financial institutions and the tourism industry. With that money we help, as Canadians, sustain in Cuba what GlobalFirepower considers the fourth-largest military force in the world.

• (1620)

In other words, Canadian money in Cuba does not contribute to improving the lives of citizens, but it is used by the regime to monitor, persecute and repress journalists, human rights activists and critics.

In the current global context, vacationing and investing in Cuba is tantamount to giving support to a regime that uses all its state-controlled media to reproduce the Kremlin’s disinformation machine on the invasion of Ukraine.

In doing so, we are helping the Cuban regime in its role as an active participant in a hybrid warfare that, through its disinformation, fabricates narratives that help justify Putin’s invasion of Ukraine and contribute to covering up the Russian regime’s responsibility for the perpetration of heinous war crimes against children and their civilian population.

Canada cannot forget that countries such as Cuba, Venezuela and Nicaragua are involved in the axis of aggression against Ukraine. Canada’s leadership in supporting the cause of human rights and democracy in Cuba is, more than ever before, vital.

In a world where the global growth of authoritarian regimes is the greatest challenge of our time, colleagues, I urge all of you to stand on the right side of history and set a historic precedent in Canada by passing this motion in solidarity with the people of Cuba who aspire to live in a free, democratic and inclusive nation, things that we take for granted that they haven’t tasted in six decades.

Canada cannot continue to launder the image of the Cuban dictatorship. It is morally questionable that we continue to vacation and invest in Cuba while ignoring the fact that the regime on that island is the largest jailer in the Americas with over 1,000 political prisoners dying in those prisons.

Cuba today is experiencing a unique historic moment because, for the first time in more than six decades, a new generation of young people has started to demand their rights in a public, peaceful and steadfast way.

This nascent culture of democratic rebellion requires international support and solidarity to be successful. The people of Cuba, the mothers of the hundreds of political prisoners, the defenceless population is crying out for international help and solidarity. Canada must listen to the spontaneous and legitimate voices of these Cuban people expressed in towns and cities all over that beautiful country on July 11, 2021.

Their peaceful demonstrations sent a loud and clear message to the illegitimate regime that is imposing itself in power that their time is over. Canada, as it has done against 21 other authoritarian regimes around the world, should impose sanctions on all the individuals within the Cuban regime responsible for the persecution, beatings and torture of the July 11 demonstrators and all those who on that and other dates have peacefully raised their voices for democracy in Cuba.

That is why I call on all of you to stand on the side of the Cuban people, not the Cuban regime, and to stand on the side of freedom, to stand on the side of democracy, to stand on the side of human rights. This is what this institution, I think, holds dear, and what Canadians hold dear. I think it’s important that we stand and make sure that they know that we are listening. We are watching. We are hearing. We’re going to be by them.

I thank you, colleagues.

Long live a free Cuba. *Patria y Vida*.

Thank you very much.

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

(On motion of Senator Duncan, debate adjourned.)

[Translation]

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE ASSISTED HUMAN REPRODUCTION LEGISLATIVE AND REGULATORY FRAMEWORK—DEBATE ADJOURNED

**Hon. Lucie Moncion**, pursuant to notice of November 24, 2021, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the Canadian assisted human reproduction

legislative and regulatory framework and any other related issues deemed relevant by the committee, when and if the committee is formed; and

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

She said: Honourable senators, I rise to speak to the motion to authorize the Standing Senate Committee on Social Affairs, Science and Technology to examine and report on the Canadian assisted human reproduction legislative and regulatory framework and any other related issues deemed relevant by the committee. The motion also states that the final report must be submitted no later than October 31, 2023.

I made the decision to proceed through a motion based on a suggestion made in this chamber by Senator Seidman, who was the critic for Bill S-202 in the last Parliament. I would like to thank her for offering to support me if I proposed a study in committee so that the Senate could examine all aspects related to assisted human reproduction in Canada. I will quote what Senator Seidman said on June 8, 2021:

[*English*]

Honourable senators, a national conversation about Canada's assisted human reproduction laws is long overdue. We must draw on the expertise of nations such as the United States, United Kingdom, India and others, who have studied assisted human reproduction and best practices for years. We are not short of sound evidence. Like Senator Moncion, I, too, agree that this is an opportune time to carefully study and review this subject matter, so that we can modernize our policies to reflect the current day.

[*Translation*]

In that vein, honourable colleagues, the purpose of my speech is to convince you of the merits of a motion to conduct a comprehensive Senate study on assisted human reproduction as soon as possible. This study is needed in order to identify solutions for bringing the objective of the Assisted Human Reproduction Act more into line with its actual effects.

In conjunction with this full and comprehensive study, I will also soon be introducing a bill to decriminalize payment for gamete donation. I see that I will have to narrowly define the objective of my bill in order to be able to raise awareness and to educate even more senators and Canadians about these issues. Moving forward with a bill that is strictly related to the legislative framework for gamete donation seems appropriate in the circumstances.

In previous Parliaments, I gave speeches about a bill seeking to allow the provinces and territories to regulate those aspects of assisted reproduction that are still criminal offences today, with a view to decriminalizing payment for gamete donation and surrogacy under certain circumstances. At the time, beyond my proposed bill, I attempted to demonstrate that, by criminalizing payment, the current legislation provides no way to ensure the health and safety of children born through the application of

assisted human reproductive technologies, surrogates and gamete donors. Criminalization encourages a culture of silence, thus increasing the risk of all manner of abuse and exploitation.

In this speech, I will first of all describe Canada's existing assisted human reproduction legislation. I will then highlight certain problems that could be studied in committee. For example, the current legislative framework does not provide adequate protections for children born through the application of assisted human reproductive technologies, surrogates and gamete donors.

Second, Canada's legislative framework is fundamentally contradictory because it fosters and facilitates reproductive tourism for commercial purposes in other parts of the world. The best example we have at present is the situation in Ukraine.

Third, I will set out the evidence that shows why the issue needs to be studied again using up-to-date information and setting aside the beliefs and theories that shaped the legislative framework that has been in place for almost 20 years.

[*English*]

Let me briefly present the state of the law in Canada.

First and foremost, it is illegal to pay for ova or sperm donations. It is also illegal to pay a surrogate, but it is legal to reimburse her for certain pregnancy-related expenses, such as additional food, clothing, vitamins and transportation costs incurred in travelling to medical appointments.

To give a mundane example, it is criminal to buy flowers for a surrogate while she is pregnant. It is also against the law to pay a donor. If found guilty of violating the Assisted Human Reproduction Act, an intended parent can face up to 10 years in prison and fines of up to \$500,000. Intended parents are afraid of the legal consequences of reimbursing ineligible expenses under the Assisted Human Reproduction Act and are forced to deal with agencies not currently regulated.

• (1630)

Whether we are for or against surrogacy or gamete donation, the altruistic system currently in force in Canada is flawed and must be improved. Many experts say we are behind and should learn from experiences abroad.

My concerns regarding the health and well-being of women and children born through the application of human reproductive technologies in Canada, but also around the world, are the primary reasons why I firmly believe these issues must be further studied.

The current criminal legal framework is inadequate and at the root of various health and safety issues we have witnessed in the world of assisted procreation. These women may experience very serious complications and face psychological risks.



Donors can develop ovarian hyperstimulation syndrome and long-term risks such as infertility, chronic disease or cancers. Surrogates can experience gestational diabetes, hypertension or potential damage to reproductive organs and any other health risk associated with being pregnant. These can be experienced by donors and surrogates in an altruistic system and a commercial system. The health risks do not discriminate based on whether someone is being compensated or not.

The current legal framework can, in theory, expose someone to serious penalties for simply making an unintentional mistake. The criminal framework encourages a culture of silence — the perfect fuel for abuse or negligence of all kinds. The lack of regulations and the culture of secrecy fostered by the criminalization of certain aspects of assisted reproductions are to blame. In this unregulated practice, agencies operate with very little guidance. The question that begs to be asked is: Why are we so focused on regulating the money while turning a blind eye to a health crisis?

[Translation]

The major principles set out in section 2 of the Assisted Human Reproduction Act are as follows:

- (a) the health and well-being of children born through the application of assisted human reproductive technologies . . .
- (b) . . . the protection and promotion of human health, safety, dignity and rights . . .
- (c) . . . the health and well-being of women must be protected . . .
- (d) . . . free and informed consent . . .
- (e) persons who seek to undergo assisted reproduction procedures must not be discriminated against, including on the basis of their sexual orientation or marital status;

As I explained in my introduction, the purpose of this motion is to formulate recommendations that will bring the intention of the bill back into line with its real-life effects. The idea is to propose a legislative framework that will implement guidelines to protect the health and safety of women and children and prevent abuse.

[English]

I will now talk about surrogacy and agencies. With respect to surrogacy, when it comes to the health and safety of women, but also to the ability of intended parents to be vocal when there is abuse, it is important that the agency be regulated. Agencies are currently completely unregulated, and likely to remain unregulated, as long as section 6(2) and 6(3) of the act still exist.

The criminal nature of the prohibition prevents the provinces and federal government from fully regulating the practice and pushes it behind closed doors for fear of legal repercussions.

In *Reference re Assisted Human Reproduction Act*, the Supreme Court of Canada found that licensing and regulation requirements were ultra vires the federal government's powers, and they are correctly within the provincial government's powers.

The committee should study these issues of jurisdiction and make a proposal that would respect the provinces and territories while better understanding the limits in which the federal government can legislate. How do we ensure that the potential decriminalization can be done in a way that is safe for everyone and without unintended consequences?

With respect to gamete donations, it is against the law to pay a donor under section 7(1) of the act. Ironically, Canada allows gametes to be imported from other countries, even if the donors there are paid. That explains why about 90% of sperm donations in Canada are from the United States, and only 5% to 10% are from Canadian donors. By supporting imports, the government is relinquishing oversight of the legal framework governing the collection of most gametes found in Canada's sperm and ova banks.

Legal uncertainty does no one any favours. It increases the risk that vulnerable people will be exploited and make uninformed decisions owing to the unequal power relations involved in using alternative means of procreation. In addition, improving access to alternative methods of reproduction supports equality between couples who have no difficulty conceiving and all other people, such as infertile couples, same-sex couples and single people.

[Translation]

We recently invited senators to watch the documentary *The Secret Society* and organized a question-and-answer session with the filmmakers and some of the subjects of the documentary. This documentary shines light on certain aspects of egg extraction from women who, for altruistic reasons, choose to undergo invasive hormone therapy to donate eggs. I encourage you to watch this documentary, which gives a lot of information on the current system and on the medical procedures women have to go through to donate eggs for altruistic reasons.

The film shares the story of couples with fertility problems and describes the processes they go through and the costs involved in becoming parents. It also shows that the current legislative framework for altruistic egg donations does not prioritize the health and well-being of donors. This highly invasive procedure, which is both physically and mentally taxing, must be better regulated, and these women must be better protected. The criminalization of payment makes it hard to regulate the practice properly. I urge you to watch this documentary to better understand what goes on behind the scenes in Canada's gamete donation system and to understand the very serious and dangerous consequences of a culture of silence.

It's important to look at the impact that Canada's legislative framework is having on the behaviour of Canadians abroad and the scope of its consequences. Our legal system creates collateral damage beyond our borders by heightening the inequalities among people around the world and increasing the exploitation of women elsewhere in the world.

[English]

The difficulty in accessing gametes and surrogacy services in Canada, attributed to our criminal legal framework, cultivates the exploitation of poor and racialized women abroad who face an increased and pervasive risk of exploitation. Many Canadians travel to other countries because they lack access to surrogates or gametes domestically. For example, Canadians who wish to use alternative methods of assisted reproduction are often unsure and afraid that an ineligible expense may be seen as an illegal payment. This encourages people to travel to other countries with more relaxed rules to use the services of a surrogate mother and to obtain gametes.

[Translation]

The actual impact of the implementation of the legislation does not line up with its objective. Paragraph 2(f) of the Assisted Human Reproduction Act states:

trade in the reproductive capabilities of women and men and the exploitation of children, women and men for commercial ends raise health and ethical concerns that justify their prohibition;

However, the act allows and facilitates elsewhere in the world what it prohibits in Canada. The consequences are even more serious abroad, in countries with more precarious legal protections and health care systems.

The pandemic and now the war in Ukraine have highlighted the collateral damage of the globalization of assisted human reproduction and reproductive tourism. In my last speech, I mentioned that around 100 babies born to surrogate mothers were stranded in Ukraine because their adoptive parents could not pick them up when the borders closed. The adoptive parents, surrogate mothers and children were all harmed by this situation at the beginning of the pandemic.

Now a similar problem has arisen in the context of the war in Ukraine. Ukraine allows paid surrogacy and regulates the practice. Its permissive legal framework is attracting intended parents from Canada. Anyone who watched the news last night may have seen reports of babies who are stuck in Ukraine.

**The Hon. the Speaker:** Senator Moncion, your time is up. Are you asking for five more minutes?

**Senator Moncion:** May I have five more minutes?

**The Hon. the Speaker:** If you do not wish to grant leave, honourable senators, please say no.

**Senator Moncion:** Thankfully, we know that the Government of Canada is working very hard to help these Canadian families and these Ukrainian women. However, it is clear that Canada's legislative framework heightens the inequality between women in different countries. The government is facilitating several aspects of assisted human reproduction elsewhere in the world, which benefits Canadians, but it has not considered the impact of its legislation on other parts of the world. The committee could also examine these important issues and propose solutions.

[ Senator Moncion ]

• (1640)

When the current legislative framework was created and then implemented, the Royal Commission on New Reproductive Technologies told the government to proceed with care. In fact, *Proceed with Care* was the title of its final report, published in 1993. At the time, the government did not have the data to understand the actual impact of the policy it was proposing. We now know that the health, safety and well-being of surrogates, gamete donors, children born through the application of assisted human reproductive technologies, and future parents would be better protected by regulations than by criminal prohibitions.

[English]

No empirical evidence exists that would support a differential treatment in the western countries towards paid surrogates and women who become surrogates for altruistic reasons. Both are at risk of power imbalances and need to be better protected under an adequate regulatory framework.

Empirical evidence has significantly reduced concerns that arose in the early days of the Assisted Human Reproduction Act. It was believed and some still believe now that, in wealthy countries, surrogates would be vulnerable women who would serve the needs of wealthy families. Evidence has proven that in countries that are comparable to Canada, there is no overrepresentation of poor, uneducated or racialized women among surrogates or donors.

For example, in 2015, Maneesha Deckha, professor and Lansdowne Chair at the Faculty of Law at the University of Victoria, published an article in the *McGill Law Journal*. In it, she refers to U.S. research and the profile of surrogate mothers in Western countries by quoting Erin Nelson, professor of tort law. She says:

Contrary to feminist arguments made in the early days of ARTs, the women who act as surrogates are not poor, uneducated women of colour who comprise some sort of reproductive 'underclass' to serve the needs of wealthy white women.

While this dichotomy is one of the reasons why Canadian lawmakers justify the need to criminalize commercial surrogacy and gamete donations, it is not based on empirical evidence.

Paid or not, in the context of a wealthy country like Canada, what is needed is a legal framework that looks after everyone's health and safety. Criminalization only fosters a climate of fear and silence, which stifles discussion and increases the risk that vulnerable people will be exploited, whether we are talking about surrogate mothers, intending parents, gamete donors, gamete recipients or children.

A Senate study would provide recommendations based on testimonies and up-to-date empirical evidence that were not, at the time, available to the sponsors of the Assisted Human Reproduction Act and the Baird commission.

[*Translation*]

In conclusion, our world has changed considerably since the adoption of the Assisted Human Reproduction Act and even more since the Baird Commission released its report in 1993. In light of the empirical evidence in recent academic publications and testimony from various stakeholders, the time has come for Parliament to review the extent of the empirical evidence on assisted human reproduction, to ensure that there is a legal framework that truly protects the health and safety of Canadians and that guarantees fairness and justice for the intended parents, surrogate mothers and children born through the application of assisted human reproductive technologies.

Whether or not you agree with decriminalizing payment for these practices, the time has come to review and study these issues through a 2022 lens.

Dear colleagues, I urge you to support this motion and authorize the Standing Committee on Social Affairs to study this important issue.

Thank you for your attention.

(On motion of Senator Seidman, debate adjourned.)

[*English*]

## THE SENATE

MOTION TO RESOLVE THAT AN AMENDMENT TO THE REAL PROPERTY QUALIFICATIONS OF SENATORS IN THE CONSTITUTION ACT, 1867 BE AUTHORIZED TO BE MADE BY PROCLAMATION ISSUED BY THE GOVERNOR GENERAL—DEBATE ADJOURNED

**Hon. Dennis Glen Patterson**, pursuant to notice of November 25, 2021, moved:

Whereas the Senate provides representation for groups that are often underrepresented in Parliament, such as Aboriginal peoples, visible minorities and women;

Whereas paragraph (3) of section 23 of the *Constitution Act, 1867* requires that, in order to be qualified for appointment to and to maintain a place in the Senate, a person must own land with a net worth of at least four thousand dollars in the province for which he or she is appointed;

Whereas a person's personal circumstances or the availability of real property in a particular location may prevent him or her from owning the required property;

Whereas appointment to the Senate should not be restricted to those who own real property of a minimum net worth;

Whereas the existing real property qualification is inconsistent with the democratic values of modern Canadian society and is no longer an appropriate or relevant measure of the fitness of a person to serve in the Senate;

Whereas, in the case of Quebec, each of the twenty-four Senators representing the province must be appointed for and must have either their real property qualification in or be resident of a specified Electoral Division;

Whereas an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Whereas the Supreme Court of Canada has determined that a full repeal of paragraph (3) of section 23 of the *Constitution Act, 1867*, respecting the real property qualification of Senators, would require a resolution of the Quebec National Assembly pursuant to section 43 of the *Constitution Act, 1982*;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the Schedule hereto.

## SCHEDULE

### AMENDMENT TO THE CONSTITUTION OF CANADA

1. **(1) Paragraph (3) of section 23 of the *Constitution Act, 1867* is repealed.**

**(2) Section 23 of the Act is amended by replacing the semi-colon at the end of paragraph (5) with a period and by repealing paragraph (6).**

2. **The Declaration of Qualification set out in The Fifth Schedule to the Act is replaced by the following:**

I, *A.B.*, do declare and testify that I am by law duly qualified to be appointed a member of the Senate of Canada.

3. **This Amendment may be cited as the *Constitution Amendment, [year of proclamation] (Real property qualification of Senators)*.**

He said: Honourable senators, I rise again today, but this time to speak to Motion No. 19, which seeks to remove the real property requirements for senators hailing from *La Belle Province*.

As you know from my speech earlier today, this motion is connected with the intent of my Bill S-228, to remove net worth and property requirements from senators' qualifications as listed in the Constitution Act, 1867. I would like to stress again that it does not remove the requirement that is in the Constitution Act which requires senators to be resident in the province or territory they represent.

Again, I draw your attention to the Supreme Court of Canada's decision of April 25, 2014, which concluded:

... a full repeal of the real property requirement (s. 23(3)) requires the consent of Quebec's legislative assembly, under the special arrangements procedure. Indeed, a full repeal of that provision would also constitute an amendment in relation to s. 23(6), which contains a special arrangement applicable only to the province of Quebec.

The Supreme Court of Canada decision elaborates on the arguments that led them to such a decision, saying:

The Attorney General of Quebec contends that the repeal of the real property qualification in s. 23(3) would affect the operation of s. 23(6), which allows Quebec Senators to either reside in the electoral division for which they are appointed *or* to fulfill their real property qualification in that division. It follows, in his view, that Quebec's consent is required to repeal the provision.

Colleagues in this chamber are already familiar with the special arrangement referred to in the decision: The Constitution can be amended in matters specific to a province or territory by having a motion adopted in the Senate, in the other place and in the provincial or territorial assembly. This is very similar to the Saskatchewan Act amendment currently being actively considered by this chamber.

For colleagues who may not know about the additional qualification requirement faced by our colleagues from Quebec, section 23(6) of the Constitution Act, 1867 states that:

In the Case of Quebec he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division.

As Quebec senators well know, there are 24 electoral divisions in Quebec. Historically, these divisions were created on linguistic and religious lines, separating anglophones from francophones and Catholics from Protestants. These divisions, as I feel most would agree, are no longer relevant today.

Further, it requires Quebec senators to own property in a region that they may well not live in, meaning that several senators face the additional burden of owning another property on top of their primary residence if they are not already resident in the electoral district they were appointed to represent.

I would also point out to senators that these 24 districts are anachronistic. They are focused on the southern part of the province and do not account for Nunavik and the territory of the James Bay Cree.

Our former colleague, senator Charlie Watt, in fact, owned property in southern Quebec that he had never laid eyes on.

Given the irrelevance of these divisions in this modern age and given the many arguments I made earlier today against the elitism and exclusion and barriers perpetuated by property requirements in general, I am asking senators for their support in moving this motion forward, alongside my Senate public Bill S-228.

Thank you, honourable senators. *Taima.*

• (1650)

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

**Senator Patterson:** Yes.

**Hon. Pierre J. Dalphond:** Thank you. Honourable senators, I would like to thank my colleague for raising interesting issues for Quebec senators.

As you pointed out, and as the Supreme Court has indicated in the Reference re Senate Reform case, this will require the consent of the National Assembly of Quebec. Do you think that one of the first amendments to the Constitution of Canada, especially for Quebec senators, will have any likelihood of success in the National Assembly?

**Senator Patterson:** Thank you for the question, Senator Dalphond. I would certainly not opine on political matters in Quebec. I would not dare to do that. My thinking about this is that I should first seek the support of the Senate for this modernizing amendment to the Constitution, and then let the Government of Quebec deal with that as they see fit.

I have, as you may know, met with I believe all Quebec senators, and I have also spoken to the Quebec government's office here in Ottawa — they call it *la maison du Québec* — but that's as far as I have gone. I would not venture to make an opinion on how that will be dealt with. One would hope that the Province of Quebec would be open to broadening the qualifications to include all of the regions of Quebec and to include every citizen of Quebec who is 30 years of age and otherwise qualified. Thank you.

**Senator Dalphond:** Thank you. Will you agree to take another question?

**Senator Patterson:** Yes.

**Senator Dalphond:** Thank you. First, I'm impressed by the interest you have for that issue, which is an important issue, I must say. Today you have spoken to a bill that you have introduced, and that bill will amend the federal Constitution, in the sense of the Constitution of Canada limited to federal institutions. That can be done only by the federal Parliament amending its internal Constitution by an act of Parliament, which means three readings in the Senate and three readings in the House of Commons. It's kind of a long process. What you are proposing, however, for Quebec is a motion that will require the consent of the Senate, a motion in the House of Commons, and a motion in the National Assembly, which is a slightly different process.

Would you agree that, in order to make sure that all senators are equal and remain equals in this chamber, that we should first move your motion to amend the Constitution, and if adopted by the other house and adopted by the National Assembly, then we should proceed to adopt your bill concerning the other senators of Canada?

**Senator Patterson:** That's a very good question, Senator Dalphond, as ministers sometimes say when they are not sure how to answer a question. I agree with you that it would be desirable to have this provision applied to every province and territory in Canada. It would not be preferable to have Bill S-228 proceed in both chambers and have reform for every part of Canada but Quebec.

What you propose does appeal to me in that it's logical. But what would like to suggest is that this chamber consider these two bills as companions and consider them together, which is why I am speaking to both the bill and the motion today. That's my answer: Let's proceed with the support of this chamber. Let's proceed and treat them both together as interrelated and for the benefit of all of Canada. Thank you.

[Translation]

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

**Hon. Renée Dupuis:** Yes.

Thank you for raising these two points, Senator Patterson. With respect to Motion No. 19, in recent years, months and weeks, the federal government's position, which it outlined to the Standing Senate Committee on Legal and Constitutional Affairs yesterday, has been that it would rather wait until a province takes the initiative and presents a constitutional resolution to study a bilateral federal-provincial amendment to the Constitution, which would be the case with your motion.

I don't know what your thoughts are on this position. I'm not saying that I'm against the motion, but if the Senate were to adopt the motion you are presenting, how would we move forward, given the federal government's position?

[English]

**Senator Patterson:** Thank you for that intriguing question, Senator Dupuis. Maybe the best way we could proceed with this would be to give weight to the rightness of remedying this antiquated and elitist provision by endorsing it in the Senate. Then I could go to the Province of Quebec hopefully with support and advice from my esteemed colleagues from the Province of Quebec and see if, with the imprimatur of the Senate, the Government of Quebec would consider supporting such a change. Maybe that would be the logical way of dealing with the problem that you have described, which would give Quebec the opportunity to then signal its support.

I would still like to see the motion and the bill examined thoughtfully here, and hopefully approved, and then I could take that step with the support of senators from Quebec to then encourage the Province of Quebec to support such modernization and overdue reform. Thank you.

[Translation]

**Senator Dupuis:** Thank you.

[English]

**Hon. Donna Dasko:** Would Senator Patterson take another question? Thank you, senator.

I want to approach this question similarly to Senator Dalphond but from a different angle. Although it's desirable in your view to have these two initiatives go forward at the same time, from the enthusiasm we saw earlier here today for the earlier motion, it would seem likely that the first one could go forward while the second one might take a little more time.

Is that acceptable to you, even though you would prefer to see them both go together? Is it acceptable for you for the first one to go forward, and then perhaps Quebec, seeing the change in the other provinces, might in fact be more enthusiastic about taking this on if the change occurs in other parts of the country? Given that the current practice is so elitist, it seems to be very unacceptable to many of us. Thank you.

**Senator Patterson:** Thank you for that. You know, I think you make a very good point. If the reform is approved by both houses for every province and territory except Quebec, it will place an interesting challenge to the Government of Quebec and the people of Quebec to follow suit.

• (1700)

I have heard Senator Dupuis' suggestion — which I would like to explore further — that the federal government's position is to wait for a province to initiate such a change. I am not familiar with that position. She may be referring to what happened with the Saskatchewan matter that we are considering. I would take that into account in deciding how to proceed.

Let us have the bill studied in committee and the motion considered here. I am sure I will have further opportunity to discuss the strategy as we go forward. Thank you.

(On motion of Senator Wells, debate adjourned.)

## BUSINESS OF THE SENATE

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That the sitting be suspended to await messages from the House of Commons, to reassemble at the call of the chair with a ten-minute bell.

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

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1910)

**APPROPRIATION BILL NO. 5, 2021-22**

FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-15, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2022.

(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.)

[*Translation*]

**APPROPRIATION BILL NO. 1, 2022-23**

FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-16, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023.

(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.)

**ADJOURNMENT**

MOTION ADOPTED

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 29, 2022, at 2 p.m.

**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.)

(*At 7:19 p.m., the Senate was continued until Tuesday, March 29, 2022, at 2 p.m.*)

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