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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, October 5, 2022

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

Prayers.

SENATORS' STATEMENTS

THE LATE MARY VICTORIA COLLEY THE LATE DORIS IDA EVANS

Hon. Jane Cordy: Honourable senators, I rise today on behalf of my colleague Senator Wanda Thomas Bernard, who is unable to be with us today:

Most Maritimers will remember the third week of September because of the damage caused by Hurricane Fiona; however, many in East Preston will remember it as a week that we lost two phenomenal women: Mary Colley and Doris Evans. They were both bright lights in their community and a constant source of support and kindness.

Mary Colley was known as “Big Momma,” a name that reflects who she was at the core, a true community mother. Big Momma relied on her faith to bring her through tough times in life. She was known for her generous spirit and her dedication and commitment to her family and community. I will miss her ability to make me smile and laugh even when I did not feel like doing so.

Doris Evans was a retired school teacher, church elder, writer and dedicated lifelong learner and educator. She inspired hope in her young Black students at Partridge River School, the segregated school in East Preston. She strongly believed she could make a difference in their lives through the power of education. Her motto was, “If I can help somebody as I go along, then my living shall not be in vain.” Even after retirement, she continued tutoring adults and children who needed extra academic support.

Honourable colleagues, I offer sincerest sympathies to the Colley and Evans families. I encourage my community to honour the legacies of these women while we grieve their loss. The memory of Doris and Mary’s love and support rippled through every member of the community of East Preston, and their legacies will live on.

Honourable senators, on a personal note, I taught in East Preston for many years. The community has many strong, supportive and active women like Mary Colley, Doris Evans and, indeed, our colleague Senator Wanda Thomas Bernard. They have made East Preston a wonderful place with a strong sense of community.

Thank you. *Asante.*

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Paul Quassa, a former Premier of Nunavut, as well as Elisapee Quassa and Akuttuugaq Quassa. They are the guests of the Honourable Senator Patterson.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

PAUL AARULAAQ QUASSA

Hon. Dennis Glen Patterson: Honourable senators, I rise to pay tribute to Paul Aarulaaq Quassa, who has had a huge role in the successful negotiation of the landmark Nunavut Land Claims Agreement in 1993 and the consequent establishment of the Nunavut territory in 1999.

Mr. Quassa was born in Manitoak, a hunting camp near Igloolik, and raised in a very traditional way on the land. At the age of six, he was taken far away to a residential school in Churchill, Manitoba, where he spent the next 13 years far away from home. Throughout that time, he focused on his studies while working hard to retain his identity as an Inuk.

It was also at residential school that Mr. Quassa and other Inuit leaders who initiated the Inuit land claims movement in the 1970s first met and discussed their dreams of establishing an Inuit homeland carved out of the Northwest Territories. In 1972 he became a land claims field worker in Igloolik and went on to become president of Tunngavik Federation of Nunavut, signing the final land claims agreement.

Achieving the commitment to the creation of Nunavut within the land claims agreement was an exceptional achievement, since the federal government’s comprehensive claims policy at the time did not permit political development to be part of land claims negotiations. Under Mr. Quassa’s leadership, Inuit refused to accept a land claims settlement that separated land rights and political development. Their 25-year campaign involved a strategy to subdivide the Northwest Territories to establish a Nunavut territory with its own public government. This took negotiation, extensive community consultation in both the eastern and western regions of the Northwest Territories and appeals to the Canadian public.

Pivotal developments included two successful territory-wide plebiscite votes in the Northwest Territories, endorsing the principle of division in 1982 and ratification of the boundary for division in 1993. In this connection, I was privileged to have worked very closely with Mr. Quassa in my capacity as a member of the Legislative Assembly and then Premier of the Northwest Territories.

Mr. Quassa has also had a notable political career, having been elected mayor of Igloolik, then being elected to represent his home region of Aggu in 2013 in the Nunavut legislature and then having been selected to be Minister of Education, where he pushed to implement bilingual education in territorial schools in English and Inuktitut.

He was re-elected in the 2017 election and was subsequently selected by his peers to be Premier of Nunavut. Later, in 2020, he was elected as Speaker of the Legislative Assembly of Nunavut.

• (1410)

Having not run for re-election in Nunavut, Mr. Quassa is now elected to Iqaluit City Council and is active as a senior adviser to the massive Baffinland iron ore project at Mary River on Baffin Island, one of the largest employers in Nunavut. He is pursuing his vision for Nunavut: of Inuit becoming self-sufficient and self-reliant through responsible resource development on Inuit lands.

Thank you, Paul, for your great contributions to Nunavut.

Qujannamiik. Taima.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Daniel J. Song, K.C. and Roger Thirkell. They are the guests of the Honourable Senator Martin.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

WORLD TEACHERS' DAY

Hon. David Arnot: Honourable senators, I rise today on the occasion of World Teachers' Day, a day celebrated in Canada every October 5 since 1994.

On this day, we acknowledge three essential and related facts: First, education is a human right; second, every child has the right to be educated about their rights; and third, teaching is the profession — and the critical public service — that supports those rights.

Every school day, Canadian teachers work with our children, giving them the essential knowledge, information and social experiences they need.

I have profound respect for teachers, based on my personal experience in working with dedicated teacher groups in Saskatchewan as they prepared comprehensive curriculum resources on such important topics as treaties, the treaty relationship, democracy, civics and citizenship education.

Teachers breathe life into the past, reveal the present and work hard to shape the future for our children. Behind such public service, there are many late nights and innumerable hours of

curricular and extracurricular oversight, including in the arts, music, drama and sports, as well as science, technology and mathematics.

Teachers need proper resources to support the fundamental learning, understanding and knowledge to advance social progress and ensure a more diverse, equitable and inclusive future.

We cannot forget the unprecedented challenge teachers faced during the pandemic, particularly during the isolation periods. Similarly, we cannot ignore the ongoing, related and new challenges teachers will face in the future.

I am sure all of us in this chamber remember teachers who helped and inspired us in our past. Today teachers are inspiring the next generation to succeed as global citizens. Every day in Canada, teachers are our front-line heroes.

Honourable senators, on this World Teachers' Day, please join me in thanking our Canadian teachers, past, present and future.

ROYAL NEWFOUNDLAND REGIMENT

Hon. Elizabeth Marshall: Honourable senators, Newfoundlanders and Labradorians are proud of their military heritage and served with distinction in both world wars. Since we did not join the Canadian Confederation until 1949, Newfoundlanders' involvement in both world wars was different from other Canadians. While many Newfoundlanders and Labradorians served in the Armed Forces of Britain, Canada and other allied countries, we also had our own regiment that served as part of the British Army during the First World War.

During the Great War, the Newfoundland Regiment fought first in Gallipoli, Turkey, and later in Europe. In 1917, its brave actions earned it the title of "Royal" — an honour no other British regiment received during the First World War. The Royal Newfoundland Regiment was the only regiment from North America involved in the Gallipoli Campaign.

After the war, five battlefield monuments were erected in France and Belgium to commemorate the sacrifices of the Royal Newfoundland Regiment. The monuments are in the form of a caribou — an animal indigenous to Newfoundland and Labrador and familiar to all Newfoundlanders and Labradorians. The caribou was the emblem used on the badge of the Royal Newfoundland Regiment.

With a bronze caribou at each of the five sites in France and Belgium, it became known as the Trail of the Caribou. However, with no caribou monument at Gallipoli in Turkey, the Trail of the Caribou was incomplete. For many years, there were discussions and efforts to commemorate the Royal Newfoundland Regiment's involvement in the Gallipoli Campaign of the First World War with a sixth caribou monument at Gallipoli.

Last month, through the efforts and cooperation of the governments of Canada, Newfoundland and Labrador and Turkey, a dedication ceremony was held for the sixth Royal Newfoundland Regiment monument in Gallipoli. The monument, a bronze caribou weighing 1,500 pounds and standing eight feet

tall, now stands proudly in Gallipoli to commemorate the sacrifices made by the Royal Newfoundland Regiment in the Gallipoli Campaign of 1915-16.

I was honoured to have participated in the dedication ceremony in Gallipoli along with our Honourable Speaker Senator Furey; the Honourable Lawrence MacAulay, Minister of Veterans Affairs; members of Parliament Clifford Small and Rachel Blaney; and representatives of the Royal Newfoundland Regiment.

Honourable senators, join me in celebrating this historic occasion. The Trail of the Caribou is now complete.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Brian Cormier. He is the guest of the Honourable Senator Hartling.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

THE LATE HONOURABLE MABEL DEWARE

Hon. Nancy J. Hartling: Honourable senators, I rise to pay tribute to the late Senator Mabel DeWare from Moncton, New Brunswick. Mabel led an extraordinary life full of accomplishments. I believe she will be remembered most fondly for her warmth and ability to make every person she met feel like they were truly important.

I had the honour to attend her funeral in August, when her life was celebrated by family, friends, colleagues and community leaders. She lived until she was 96 years old, and maintained her sense of humour until the very end.

Mabel spent the better part of her life working or volunteering to improve her community and her province, in addition to being a loving mother to 4 children, grandmother to 9, great-grandmother to 14 and devoted wife to Ralph.

Many first learned about Mabel during her rise in curling. She skipped her Moncton team to many championships. In 1963, her team became New Brunswick's first women's national curling champions. She was inducted into the Canadian Curling Hall of Fame and the New Brunswick Sports Hall of Fame for the feat. In 1979, she helped establish the World Women's Curling Championship.

Although Mabel had a career as a dental assistant, her passion for public service led her into provincial politics. In 1978, she was elected as the MLA for the Moncton West riding in the Legislative Assembly of New Brunswick, and she served for two consecutive terms. She was a trailblazer, becoming the first woman to be Minister of Labour and Manpower, later becoming Minister of Continuing Education and then Minister of Advanced Education and Training.

In 1990, she was appointed to the Senate of Canada by Brian Mulroney, serving until 2001. In this place, Mabel was remembered for her compassion and kindness. She was the first woman to become Opposition Whip, and is remembered by her caucus colleagues as good-humoured and sunny. Her tradition of donning a blue Santa Claus suit each Christmas was a particular crowd pleaser.

Former Senator Erminie Cohen said it best:

To every position she holds, she gives everything she has. Mabel is a people person. Her warmth and friendly disposition, the twinkle in her blue eyes and the smile on her lips endear her to everyone. She loves a good party, enjoys a good laugh and tells a mean joke.

One of her practical jokes was to remove five red light bulbs from the Senate Christmas tree and replace them with "Conservative" blue bulbs.

Her wit was legendary. Once, during her tenure as Minister of Labour, she visited a mine in northern New Brunswick. She was asked dismissively before an assembly of men what she, a woman, could possibly know about labour. She replied without hesitating, "I know more about labour than any of you ever will! A woman in labour always delivers!!"

A few years ago, I had the pleasure to meet Mabel's granddaughter at an event where I was speaking about workplace harassment. Her granddaughter told me how much Mabel wished she could have attended, but that her health wouldn't permit it.

Senator Mabel DeWare has been a great role model for me and an example of how forging friendships based on mutual respect and compassion can reach across all political boundaries.

She will be missed by our community, but especially by her family.

Thank you for serving Canada.

• (1420)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Zeb Jiva. He is the guest of the Honourable Senator Ravalia.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

FIRST RESPONDERS AND HEALTH PROFESSIONALS OF CLARENVILLE, NEWFOUNDLAND AND LABRADOR

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I rise today to recognize the heroism of the first responders and health professionals of Clarenville, Newfoundland and Labrador, whose quick thinking and collaboration saved lives following an explosion at the Come By Chance Refinery on September 2.

Just after 4 p.m., an explosion rocked the refinery, injuring eight people — some critically. As reports trickled out, paramedics from Fewer's Ambulance Service were already en route to the scene, bringing the victims to the Dr. G. B. Cross Memorial Hospital in Clarenville.

On-site at the hospital, the senior site manager, Dion Park, called a rare Code Orange, meaning a mass casualty event. According to Dr. Etienne van der Linde — the site lead for the hospital's emergency division — once the call went out, nearly every health care worker in town flooded into the hospital to do their part.

But as more casualties began arriving, it became clear that the Clarenville hospital, with its eight-bed ICU, did not have the capacity to treat all the victims on its own. Most of the patients would need to be sent to the Health Sciences Centre, or HSC, in St. John's, which is a 2-hour journey by ambulance or about 30 minutes by helicopter.

Dr. van der Linde and his team collaborated with the HSC to seamlessly transport these patients to St. John's.

By 8 p.m., staff in Clarenville had stabilized three patients to the point where they could fly, but there was a problem: The hospital only has a small helipad — not big enough to land the kind of aircraft needed to transport the patients, along with the medical staff and equipment that needed to accompany them.

Thinking quickly, the police blocked off the road around the hospital and cordoned off the Sobeys parking lot next door. Reports indicate that by 8:45 p.m., helicopters were touching down beside the Sobeys, and the first three patients were loaded aboard for transport, flanked by health care workers.

This event demonstrates the superior skill, resourcefulness and tenacity of first responders and health professionals in my province, as well as the support staff, including volunteers, working in rural communities. But it also exposes the vulnerabilities that persist, including a lack of resources, lack of funding and, unfortunately, staffing shortages.

I applaud the actions of Dr. van der Linde and his entire team. People living in rural and remote communities need — and have the right — to access proper and capable emergency care, regardless if their local hospital is next to a Sobeys.

On behalf of our Newfoundland and Labrador colleagues, I wish the victims a quick recovery, and my thoughts are with them and their families.

Thank you, *meegwetch*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Judge Maryka Omatsu and Andrea Margles. They are the guests of the Honourable Senator McPhedran.

[Senator Ravalia]

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, October 17, 2022, at 6 p.m.; and

That rule 3-3(1) be suspended on that day.

[*English*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the order adopted by the Senate on December 7, 2021, Question Period will begin at 3 p.m.

ORDERS OF THE DAY

EMPLOYMENT INSURANCE ACT EMPLOYMENT INSURANCE REGULATIONS

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Pat Duncan moved third reading of Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island), as amended.

She said: Honourable senators, I rise today on the traditional territory of the Algonquin Anishinaabe Nation to speak to third reading of Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island).

This bill was introduced by our former colleague Senator Diane Griffin of Prince Edward Island. I offered to continue the sponsorship of this bill in the Senate upon her retirement. I want to thank Senator Griffin for allowing me this tremendous responsibility, and I want to thank Senator Poirier for her work as

the bill's critic. I also want to extend special thanks to members of the Standing Senate Committee on Agriculture and Forestry and its chair, Senator Black, for their timely and able study of this bill, which resulted in an amendment.

As we heard during the debate at second reading, Prince Edward Island has two different Employment Insurance, or EI, zones. This results in a very skewed and unfair arrangement for those who live on the Island.

During the current period — from September 25 to October 8 — the unemployment rate is 4.4% in the Charlottetown zone, which includes the towns of Cornwall and Stratford. The unemployment rate is more than double that — 9.1% — for the rest of the province outside the Charlottetown zone.

Honourable senators, the system of two EI zones leads to the following differences in the number of hours worked to qualify for benefits, as well as for the length of time one can receive benefits: In Charlottetown, a person has to work 700 hours to receive up to 36 weeks of benefits. Outside of Charlottetown, a person needs to work for 560 hours to receive a maximum of 44 weeks of benefits. Let me remind you that this is based on the applicant's residence — not their place of work.

Two colleagues at a seasonal workplace will receive very different benefits based on where they live. Practically, those who reside in the Charlottetown area often work outside of the zone where they live. The reverse is also true: Individuals might work in one economic zone and live in another.

Also, because the Charlottetown zone is demarcated the way it is, someone within that zone may have a longer drive — maybe three times the distance — to a workplace in the downtown area than someone who lives in the P.E.I. zone.

This is the situation that prompted me to take on this bill. It is a completely unfair situation that exists in the receipt of EI benefits on Prince Edward Island.

Honourable senators, such divisions exist in other places in Canada, including in the Yukon. What stands out is how small P.E.I. is in land mass by comparison. Its small size is what makes the current arrangement of a rural regional zone completely unfair.

For example, in the Yukon, the capital — Whitehorse — is one region, and the rest of the territory is another. That makes sense. The bulk of the population lives in Whitehorse. Whitehorse is the seat of territorial, First Nations and municipal governments. The Yukon Legislative Assembly, the Kwanlin Dün First Nation and the Ta'an K'wäch'an Council all have offices in Whitehorse.

In addition to the seats of these governments, Whitehorse also has a busy international airport, the Yukon's largest hospital and a retail catchment area that includes the whole of the Yukon, southeast Alaska and the northernmost home communities of Inuvik and Tuktoyaktuk in the Northwest Territories.

• (1430)

This separation of economic regions in the Yukon is understandable. Employment opportunities in Whitehorse are far different from those in Carcross or Teslin — 170 kilometres away in the case of Teslin, and more than 150 kilometres away in Haines Junction. There are very few areas of P.E.I. that are 100 kilometres away from Charlottetown.

Honourable senators, former member of Parliament Wayne Easter, now a farmer, was a witness at the Agriculture and Forestry Committee. He described the Charlottetown zone with his deeply rooted local knowledge. For most who do not know the province well, it might not make as much sense to read his description based on local street names and areas. However, if honourable senators take a look at the map, Mr. Easter's conclusion is very telling. He said:

. . . the Charlottetown zone isn't really the Charlottetown zone at all. . . .

Look at the map, understand it and you will have to ask yourself: Who the heck dreamt up this line and this zone, and why?

Wayne Easter described some of the issues he had dealt with as the member of Parliament for Malpeque. His former riding has some parts in either zone. He said:

. . . this is a small province, and seasonal tourism is the second-biggest industry.

I received the most complaints from the Riverdale Road area. It is the break line between zones 1 and 2, starting in the southern part of the riding. Neighbours on opposite sides of the road both work at New Glasgow Lobster Suppers, but at the end of the season, the worker in zone 2 qualified for EI. The neighbour across the road in zone 1 did not. Some managed to get other employment and gain their EI.

Others who lived in the city and drove to work at the tourist businesses were met with the same fate. The situation not only hurt workers, it also affected the ability of tourist operators to attract needed workers. The bottom line is that it's unfair and inequitable, and it makes no sense.

Interestingly, Pierre Laliberté, Commissioner for Workers for the Canada Employment Insurance Commission, emphasized that the 2014 decision to create two Employment Insurance zones was not based on their review. It was a decision made by the sitting government at the time. As he told the Agriculture and Forestry Committee:

Had we proceeded according to the usual process . . . it is likely that this would not have been done.

Honourable senators, the Agriculture and Forestry Committee also heard from representatives from labour and chambers of commerce. They supported this bill to rectify the unfairness and divisions this causes in the relatively small community of P.E.I. The current system also creates labour shortages. Several witnesses mentioned that employers ask applicants in a job

interview where they live. This affects their hiring decisions. Anecdotally, it leaves the question of the benefit of being honest about where one resides.

Honourable senators, it is clear that the two Employment Insurance zones in P.E.I. create real and deep divisions among neighbours and communities. It pits neighbour against neighbour and community against community. This is not a time when we need division in any part of our great country.

As honourable senators know, the bill returned from committee with one amendment and I would like to briefly explain what that amendment does. Senator Black, the committee chair, asked the government official if there were any challenges to implementing the measures in the bill if it were to receive Royal Assent. During clause-by-clause consideration, Senator Colin Deacon noted the lack of a clear answer from the official. He had thought of what could prevent or discourage the government from implementing this measure, especially because the government had been reluctant to do anything about this matter until now.

He, therefore, as elegantly and eloquently as always, moved an amendment delaying the coming into force provision of the bill. Rather than coming into force on the day it receives Royal Assent, it provides some time for the public service to make any necessary adjustments to their systems. The law will now, if made an act of Parliament, come into force on the first Sunday that is at least 30 days after the day on which it receives Royal Assent. I want to thank Senator Colin Deacon for this very thoughtful amendment, which I wholeheartedly support.

Honourable senators, in my second reading speech, I referenced committees from both houses of Parliament that have recommended P.E.I. return to one Employment Insurance zone. Most witnesses appearing before the Agriculture and Forestry Committee were in strong support of this bill. Two were not, although they were not opposed to it. I believe it is time for the Senate to do its job and adopt this bill so we can send it to the House of Commons for them to debate.

Honourable senators, let me conclude with the words of our former P.E.I. Senate colleague Diane Griffin, who introduced this bill here. She has always been a stalwart for her province. During her committee testimony, she said:

While it is the smallest province, Prince Edward Island is still an equal partner in Confederation. This issue needs Senate action, with the goal of sending the bill to the House of Commons. It's a way for the Senate to serve one of its constitutional roles of giving a voice to regional interests, especially for regions with smaller populations.

Honourable senators, I echo her words and urge you to support this bill at third reading. *Māhsi'cho, Gūnāłchish*, thank you.

Some Hon. Senators: Hear, hear.

[Senator Duncan]

Hon. Pierrette Ringuette: Would Senator Duncan answer a few questions?

Senator Duncan: Yes, I will try.

Senator Ringuette: The PBO did a study of the cost effectiveness of this bill and established that the federal program would be less costly by \$76.6 million. That means that there will be \$76.6 million less going to unemployed citizens on the Island over five years. That is a concern to me. Has your committee received or reviewed the PBO report?

Senator Duncan: I will try to answer that question, but it's not my committee; it is Senator Black's Agriculture and Forestry Committee that reviewed this bill and amendment. With regard to the PBO report, yes, I'm aware of it and I'm aware of the differences. The issue for Islanders has always been the fairness of the situation, and the difference in receiving benefits in one area versus another is absolutely of concern. However, I again note the support for changing to one zone.

Senator Ringuette: I understand the logic of the Island being one zone. It's only logical. But it's counterintuitive if the study of the bill did not entertain the PBO report and did not entertain the fact that over five years, once this bill is passed, there would be \$76.6 million less going to the unemployed citizens of P.E.I. That is a concern. I really believe that. If it has not been, it should be looked at before we proceed to third reading.

The other thing is that in order to reverse the loss of income for unemployed P.E.I. citizens, the bill should include provisions that the Employment Insurance program for this one zone is at the lowest denominator in regard to provisions to acquire Employment Insurance.

• (1440)

Senator Duncan, I hope that you understand the scope of the question and my concern. As an Atlantic Canadian, I can relate to the citizens who are on Employment Insurance and how tough it is, so I certainly would not want this institution to pass a bill that would remove some financial income for unemployed P.E.I. citizens.

If you can tell me that has been corrected, then I would say fine. But if it has not, I think we have to do another review. Thank you.

Senator Duncan: Thank you for the question. I believe what I did was revert to a former habit, perhaps one might say, of not answering the question in Question Period.

The PBO report that you referenced, I'm advised, was not available at the time of the study. The other point I hear you raising is a concern that there will be Islanders who are now collecting fewer benefits and there will be fewer benefits paid as a result of going to one zone. My understanding is that it could be possible, if it were one zone, to be paid at the higher zone. Is that not a possibility? That's the very question I raised, and I believe that would be the best end result.

Senator Ringuette: I'm sorry. I understand I was asking a question and requesting an answer, but as far as I know, there is nothing in this bill that says that the new one-zone island will be at the lowest denominator. Anyway, I hope that you as the sponsor of the bill will seek clarification to the question I'm asking. Thank you for looking into it.

The Hon. the Speaker: I'm not sure there is a question there, Senator Duncan, but if you wish to respond to it, please do.

Senator Duncan: If I can offer a more fulsome response to you in writing, I'm happy to do that, but there is no reason why the other place could not study the very questions and report on the very questions. It's a matter of getting the bill to them and having them address these issues as well.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

**CONSTITUTION ACT, 1867
PARLIAMENT OF CANADA ACT**

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On Other Business, Senate Public Bills, Second Reading, Order No. 8:

Second reading of Bill S-226, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speaker of the Senate).

Hon. Pierre J. Dalfond: Honourable senators, I see that this item has reached its fifteenth day. Accordingly, with leave of the Senate, I propose that study of this item stand until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(Debate postponed until the next sitting of the Senate.)

[*English*]

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Seidman, for the second reading of Bill S-234, An Act to amend the Canadian Environmental Protection Act, 1999 (final disposal of plastic waste).

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

NET-ZERO EMISSIONS FUTURE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Coyle, calling the attention of the Senate to the importance of finding solutions to transition Canada's society, economy and resource use in pursuit of a fair, prosperous, sustainable and peaceful net-zero emissions future for our country and the planet.

(On motion of Senator Duncan, debate adjourned.)

The Hon. the Speaker: Honourable senators, we are now at the end of the Order Paper. May I suggest with leave that we suspend until 3 p.m. until the minister arrives and we continue then with Question Period? Is leave granted, honourable senators?

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1500)

QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada, appeared before honourable senators during Question Period.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we welcome today the Honourable David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada, to ask questions relating to his ministerial responsibilities.

Pursuant to the order adopted by the Senate on December 7, 2021, senators do not need to stand. Questions are limited to one minute and responses to one-and-a-half minutes. The reading clerk will stand 10 seconds before the expiry of these times. Question Period will last one hour.

MINISTRY OF JUSTICE

CONDITIONAL SENTENCES

Hon. Donald Neil Plett (Leader of the Opposition): Minister, your government is proposing to extend conditional sentence eligibility for serious offences including sexual assault

through Bill C-5. Women's groups and victims' groups have expressed great concern about an abuser's ability to serve his sentence from his home or in the victim's community.

Jennifer Dunn of the London Abused Women's Centre stated in the House Justice Committee on April 29, 2022:

. . . Women and girls are five times more likely than men to be victims of sexual assault, and sexual assault is a violent crime on the rise in Canada. With conditional sentencing, many women will be stuck in the community with the offender, which places them at even higher risk.

Minister, what message is your government sending to victims of sexual assault by extending leniency to sexual abusers?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for that question, even though I disagree with the way in which it characterizes the issue. It will always be the case that serious crimes will attract serious penalties and that public security is our number one concern.

What we are doing, honourable senator, is making sure that where there is no threat to public security — and a conditional sentence order is only available when there is no threat to public security and the sentence that would be given would be less than two years. These are cases where incarceration is not the best way forward.

I would point you to recent comments by Justice Michael Moldaver — one of the leading law thinkers in Canada and a recently retired justice on the Supreme Court of Canada — who said that our criminal justice system needs to concentrate its resources on serious crime and should not be turning to incarceration where it is not the best way forward, either for the victim or for society at large.

Again, while you cite serious crimes, where those crimes are serious — and where the situation and circumstances were serious — those will always attract serious penalties. What we are doing here is allowing flexibility for a problem, such as a problematic addiction or another social challenge, to be addressed directly as opposed to using incarceration as a means to address that type of social problem.

To repeat, serious crimes will always carry serious sentences and conditional sentence orders are only available where there is no threat to public security.

Senator Plett: Characterizing what I asked. Sexual assault, minister, is a serious crime — a very serious crime, minister. If this bill passes, sexual abusers will be serving their sentence in their communities. Yet, as Jennifer Dunn stated, you have women on the other side of this who have to live with what happened to them and have to look over their shoulder in the community. That, minister, is a lifetime sentence. That is serious, minister.

[Senator Plett]

What message is your government sending victims of sexual assault by treating sexual abuse with leniency? Given that sexual assault is the most under-reported crime in Canada, what do you say to the advocacy groups who say that this will further deter abuse victims from coming forward?

Mr. Lametti: Senator, with respect, no government in Canadian history has done more to help victims than our government. That is particularly true with respect to victims of sexual assault. We have put resources into the system for training judges. We have put resources into the system to help the groups that help victims of sexual assault. We have brought changes to the Criminal Code to make sure that sexual assault is more effectively treated by the courts.

Conditional sentence orders, in any case — but particularly in the very serious situation that you have cited — are only available where there is no threat to public security. That includes victims, honourable senator. We are moving forward in a way that corrects the failed, so-called tough-on-crime policies of the Harper government, which have only resulted in clogging up the criminal justice system, in the overincarceration of Indigenous, Black and other racialized people in the Canadian justice system and which even an esteemed judge and expert like Michael Moldaver said have basically failed.

[*Translation*]

SPECIAL JOINT COMMITTEE ON THE DECLARATION
OF EMERGENCY

Hon. Claude Carignan: Minister, on April 26, you testified before the Special Joint Committee on the Declaration of Emergency, at which time you were asked for several documents that were used to support the decision-making process, and you invoked cabinet confidence privilege multiple times.

On June 28, the Public Order Emergency Commission issued a press release that read as follows:

The Government of Canada has responded to a request from Commissioner Paul Rouleau and agreed not to claim Cabinet privilege over the documents that Cabinet considered in making the decision to declare a public order emergency

I will also quote the statement by the commission's counsel that was reported in the press release:

This exceptional step recognizes the fundamental importance of the Commission's work and how critical these documents are in inquiring into why the Government declared a public order emergency

How do you explain this double standard? Cabinet privilege was waived for the Rouleau commission, but not for the joint committee.

Is that not disrespectful to the institution of Parliament?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Not at all, senator. Obviously, the inquiry and the parliamentary review committee are part of the

Emergencies Act process. They are required under the act itself. Clearly, we want to provide both with enough information to ensure that they can make their decisions and be in a position to review the decision made by cabinet.

Thanks to Justice Rouleau's commission, other measures will be put in place to protect sensitive documents. The government was therefore comfortable with the decision to partially waive cabinet confidence privilege.

In both cases, solicitor-client privilege was not asserted because it's a situation where a government can't be bound at a future time, and that's a quasi-constitutional right declared fundamental by the Supreme Court.

[English]

AFGHANISTAN CRISIS

Hon. Ratna Omidvar: Thank you, minister, for being with us today. My question is about Afghanistan. I asked this question last week of Senator Gold, your representative in the Senate, and I was informed that you were seized with the issue of providing a solution to the current conundrum of the anti-terrorism code and its impact on the delivery of humanitarian and other aid on the ground in Afghanistan because if Canadian non-governmental organizations, or NGOs, or Canadians did that, they stand in danger of being prosecuted under the Criminal Code.

I want to remind you that the U.S. and the U.K., the two most security-conscious nations in the world, have made exemptions to their anti-terrorism code to provide for the work of NGOs.

Can you kindly tell me when — and it is the “when” that is important, not so much as the how — are you going to table a solution?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for the question. It is an important question. It is a challenge that we have faced since Afghanistan fell to the Taliban, and — I repeat — it is a matter that we are seized with. It is a complex matter and we are searching for solutions.

Obviously, I can't get in front of the process as it's moving forward given the way our Parliament works, but I can assure you that we are taking the matter very seriously, and that we are examining all options. I can't say more than that.

[Translation]

CREATION OF INDIGENOUS OMBUDSPERSON POSITION

Hon. Michèle Audette: Minister, as you know, the Standing Senate Committee on Aboriginal Peoples released its report entitled *Not Enough: All Words and No Action on MMIWG* back in June.

I would like to share what several witnesses said during the study. The report states, and I quote:

Several witnesses emphasized the importance of Call for Justice 1.7, the establishment of an independent National Indigenous and Human Rights Ombudsperson, by all governments, in partnership with Indigenous peoples

This also applies to the Government of Canada.

The committee was also pleased to learn that the Government of Canada has begun to reflect on what this position might look like.

My question is simple, minister. Where do we stand today?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. That is another very important question that concerns not just the report on MMIWG but also the United Nations declaration and the process for establishing an action plan. That is what I am in the process of doing with the various kinds of Indigenous leadership across nations and with national and provincial organizations. Part of this reflection is precisely about an ombudsman or perhaps a tribunal or some other form of review, if you will, to determine the scope of the rights protected by the declaration or other documents. I can tell you that this analysis is well under way, thanks to the major role played by Indigenous leadership, and I can tell you which leaders have a stake in this.

• (1510)

Discussions are being held as part of our consultation processes with respect to the declaration. This should address not only the requirements of the declaration but also what the report called on us to do.

CRIMINAL JUSTICE SYSTEM REFORM

Hon. Renée Dupuis: Welcome to the Senate, minister. In your December 16, 2021, mandate letter, the Prime Minister said your top priority is, and I quote:

. . . to ensure that all Canadians have access to fair and just treatment before the law. This includes reforming and modernizing the criminal justice system

Women have long known that the criminal justice system, as established in the Canadian Criminal Code of 1892, is based on policies and perceptions that constitute systemic discrimination against women. The Standing Senate Committee on Legal and Constitutional Affairs is currently studying Bill C-5, and witnesses have been telling us again and again that women do not trust the criminal justice system because it treats them poorly, whether they are the victims or the accused. Will you commit to overhauling criminal sentencing principles and including, among other things, women's perspectives as well as—

The Hon. the Speaker: I'm sorry, senator, but your time is up.

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. What I can commit to is moving forward with the perspective that you just

mentioned. As I said in another answer today, we have already taken steps to better educate new judges. Rona Ambrose introduced a bill to that effect that I strongly supported in both houses. It should help to better educate judges.

We have made changes to the legislation itself to build a better framework for sexual assault laws. That needs to continue. We are trying to incorporate the perspectives of women and other individuals who are marginalized by the justice system. Obviously, we are committed to continuing to make changes that will improve the justice system.

ILLEGAL PRODUCTION OF CANNABIS

Hon. Jean-Guy Dagenais: Good afternoon, minister. I will be speaking to you about the oversight of cannabis producers. Your Prime Minister justified the legalization of marijuana by saying it would undermine organized crime. However, police chiefs and even the RCMP believe that organized crime has hijacked the production of medical cannabis for its own benefit and that Health Canada has lost control of licences.

You are the Minister of Justice. I do not want you to shirk your responsibility by saying that this falls under the purview of Health Canada. We are talking about organized crime here. You are going to tell me that your duty is to protect citizens. What will you do to regain control of the situation?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for this important question.

Naturally, the act provided for a study. We have started the process for this parliamentary study with a former deputy minister who will look into several issues, including the one you raised, medical cannabis, and the potential circumvention of the regulations for other purposes.

He will be addressing that issue and investigating it. We are awaiting his report. I can tell you that I will examine and read this report carefully to find the answer to that question.

FIREARMS CONTROL

Hon. Leo Housakos: Minister, you are a Montrealer like me. I am sure that you are hearing how concerned Montrealers are about the growing violence in our region. Shootings are on the rise. *La Presse* has determined that there is a shooting every three days. The police and the municipal and provincial governments are doing their best, but the Trudeau government has nothing but empty words to offer.

Minister, why do you want to reduce sentences for gang members? Is it because you think they have the right to earn a living with their criminal activities? When are you going to take action to stop the flow of illegal weapons from the United States, especially through Akwesasne?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. Once again, this is an important question, but it exposes erroneous claims made by some members of the Conservative Party. Bill C-5 has

nothing to do with gangs. It does not address drug and gang crime at all. In fact, Bill C-21 does the opposite: It increases maximum sentences for these crimes from 10 to 14 years. We are also prohibiting assault weapons, and Bill C-21 will put a freeze on handguns, which are obviously the weapons of choice for gang members.

I am a Montrealer too, senator, and these incidents affect me deeply. However, I can tell you that no government in Canada's history has invested as heavily in securing our borders and fighting gangs. We're working hand in hand with Quebec and the other provinces to combat gangs and gun trafficking. We will continue to do so, but Bill C-5 does not deal with that; it's independent.

[English]

JUDICIAL APPOINTMENTS

Hon. Denise Batters: Minister Lametti, recently, federal judicial vacancies have ballooned to an all-time high on your watch. On September 1, there were a record 91 judicial vacancies. As of October 1, there are still 89.

The Supreme Court of Canada's *R. v. Jordan* decision means that people charged with serious crimes can go free because of excessive court delays. As the Minister of Justice, you have the sole and complete control over one simple solution to that problem: Appoint more judges and appoint them now.

When I asked you about this in 2021, you blamed the election. Well, we didn't have one of those last summer. Before that, you blamed empty judicial advisory committees, but guess what? You're responsible for appointing those too. Victims wait months and years for justice while courtrooms sit empty.

Your government has been in power for seven years, and your excuses have worn thin. After almost four years as Minister of Justice, why are you still failing to fulfill the most basic mandate of your job?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you for the question, senator. It is true — and frankly, it's the only thing that is true in your question — that there are 89 judicial vacancies.

What's important to note is that since 2017, we have created, as a government, 116 new judicial positions across Canada, including — and this is included in this number — 27 in the last budget. In fact, we're appointing judges at a faster pace, and there will be more appointments forthcoming soon.

I can say that with the additional positions that we have created, the provinces and provincial courts are happy that we have done this. They are extremely pleased with both the quality and the diversity of the appointments that we have made, and we will continue to do so. We have appointed, as a government, over 550 judges since we took office, and I proceed at a pace of over 100 a year. That pace will continue, and with the new positions we have created, we will continue to meet the needs of the Canadian judiciary.

• (1520)

[Translation]

HIV NON-DISCLOSURE

Hon. René Cormier: Good afternoon, minister. On the occasion of the 2022 International AIDS Conference held in Montreal in July, you announced that the government would launch consultations in October on the criminal justice response to the non-disclosure of HIV. Over the past five years, two extensive national consultations have been held on this topic. The most recent statement of principle to come out of these consultations, which was signed by 90 organizations, is patently clear on what needs to be done.

Minister, don't you already have the information you need to make this criminal justice reform with respect to HIV non-disclosure? What is the timeline for this consultation and when does your government plan to introduce a bill on this?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for your question. Obviously, I share your dedication to the cause. As for the timeline, it will be as soon as possible. The consultations will seek to determine what should be done. A parliamentary committee studied precisely that, but its answer was not necessarily well received by experts in the community. Understandably, we would simply like to ask the experts what they think of the committee's report and what we should do to avoid unintended consequences. It is a final update, if you will. I know it will take a little bit longer, but the consultations will be done in partnership with the expert community.

[English]

RECONCILIATION WITH INDIGENOUS PEOPLES

Hon. Brent Cotter: Good afternoon, Minister Lametti, and welcome back. We have a whole-of-government commitment to reconciliation with Indigenous peoples, centred around the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, and the Truth and Reconciliation Commission's Calls to Action, but we do not have an obvious whole-of-government strategy to achieve its goals.

I have some acquaintance with such an approach in one of my former lives, specifically a multi-year strategy with commitments, targets, achievements and reporting required from all of the key government departments aimed at First Nations citizens, for example. In your department, for example, strategies and actions could relate to specific levels of reduced offending,

lower incarceration rates, lower recidivism, maybe 5% a year. They could also relate to health measures, education, economic opportunities and jobs. I could go on.

Can I ask whether you and our government are committed to this sort of accountable, all-of-government approach?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: It's a fantastic question. Thank you. I believe we are doing that in the manner in which you are suggesting. Perhaps not explicitly in one document, although I would point you to every single mandate letter from every single minister, which puts reconciliation as a goal that every single minister and every single department has. It forces us to work together. It forces us to work with Indigenous leadership across Canada at a variety of levels, not just the national organizations but First Nations and regional organizations, modern treaties, pre-Confederation treaties, et cetera. We are doing it, and we are accountable in terms of ministers being accountable through their mandate letters, which are made public.

I agree that we do need to coordinate. We're trying to break down barriers. I work closely with Ministers Miller, Hajdu, Vandal and Mendicino on all of these matters, and I work closely with Indigenous leadership. Certainly, more coordination and more of a sense that there is a common purpose are always desirable.

MANDATORY TRAINING FOR THE FEDERAL PUBLIC SERVICE

Hon. Brian Francis: CBC News reported that few federal public servants are taking part in the Indigenous-related training offered through the Canada School of Public Service, or CSPS. In 2021 only 16% took part in the training with the highest attendance, and the RCMP had some of the lowest number of participants. Following September 30, we cannot forget that the federal public service helped design, implement and maintain the residential schools and other harmful initiatives. Given your government's stated commitment to reconciliation, I find it disappointing and concerning that the development of competencies for improved sensitivity and responsiveness to Indigenous peoples is not already a requirement.

Will you commit to supporting a government-wide directive to make ongoing training related to Indigenous peoples mandatory for all federal public servants as soon as possible?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: I read that report and I share your concern, and it is something that I will raise in the appropriate channels.

I can say that within the justice department we are moving in the right direction both in terms of — on the Attorney General side — implementing the litigation directive that my predecessor, the Honourable Jody Wilson-Raybould, brought in and with respect to the policies that we develop at the justice level.

For example, with UNDRIP we have created a secretariat, and I can say that there is real enthusiasm within that secretariat — not to put it too bluntly — to right the wrongs of the past. I'm hoping that's something we can expand across government.

I agree. I read the report. I was concerned in the same way that you're concerned, and I will do my best to help change that.

[Translation]

BORDER SECURITY AND ORGANIZED CRIME REDUCTION

Hon. Jean-Guy Dagenais: Still on the topic of organized crime taking advantage of gaps in the legislation, some Canadians are persistently trying to smuggle cannabis across the American border, so cannabis seizures have skyrocketed and seem to be out of control. The office of the Quebec Minister of Public Security said that it has informed your department of the situation several times, but it is still waiting for your response. Would I be wrong to think that, as with the handgun issue, your government is trying to shirk all responsibility by shifting it elsewhere, rather than engaging in a serious fight against organized crime?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: You are fortunate to be able to ask a second question. That is the responsibility of my colleague, Mr. Mendicino, Minister of Public Safety. I know that he is working with his Quebec counterpart, Minister Guilbault. We have invested heavily on that file and we are working very closely with Quebec, whether on border issues, strengthening the capacity of police forces with anti-gang programs or other matters.

So there is both cooperation and investment in this file, with most of the investment coming from the federal and Quebec governments. Often we do not take credit in Quebec's public space for the federal government's investments, but we are making those investments and we do clearly see the problem. As I was telling Senator Housakos, I am from Montreal. I am a Montrealer, and I am aware of the challenge. We will continue to work with Quebec to protect our citizens.

[English]

OMBUDSMAN FOR VICTIMS OF CRIME

Hon. Salma Ataullahjan: Minister, recently your government appointed Federal Ombudsman for Victims of Crime Benjamin Roebuck, whom I wish to congratulate on his new role. I am, however, concerned that this position was only filled after a 361-day vacancy. During this time, a year's worth of legislation impacting victims was not reviewed by an ombudsman for victims of crime. Alternatively, the position of the ombudsman for federally sentenced offenders was filled the day after it became vacant in 2018.

[Mr. Lametti]

Why did it take your government so long to fill this critical position, and what message does it send to victims of crime that filling the position for ombudsman for federally sentenced offenders was clearly a greater priority for your government?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. Sometimes appearances don't reflect the reality of the situation. Filling that position was a priority. For reasons of privacy, sometimes things happen that get in the way. That office remained open throughout the whole time. The office was being run by an acting director. We now have an ombudsperson for that role, and the person we have selected is very good. But I can say with complete honesty that we did our best to fill that position from day one. Now it's filled, and we'll continue to move forward.

• (1530)

I would also point out that no government has invested as much in victims — and supporting victims — as we have. No government has invested as much political capital in supporting victims, in changing laws, in better training judges, in supporting organizations that support victims and in doing something like Bill C-5. Bill C-5 will help victims because it will declog the criminal justice system from cases that have caused rulings to be thrown out because of the *Jordan* case.

Over a third of the Charter challenges in our criminal justice system are challenging mandatory minimum penalties — many of which are the ones we have cited in this act that are clogging up the criminal justice system. So who will be primarily helped by making the criminal justice system more effective and efficient? Victims.

LEGAL AID FUNDING

Hon. Paula Simons: Minister Lametti, in my home province of Alberta, the legal aid system is facing a crisis. Defence lawyers are refusing to take on new clients due to the concern that compensation for lawyers who work on these difficult cases has not kept pace with the cost of anything. This is causing backlogs throughout Alberta's criminal justice system. Although legal aid is primarily funded by the province, there has been a tradition of federal backstop. Since Alberta is not alone in facing this crisis, has there been any consideration of doing something — more on a national scale — to ensure that the defendants and the accused are not losing the opportunity to have a full defence and to ensure that the criminal bar is receiving adequate compensation for what is often difficult work?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. I share that concern. It's an important question. I have worked very hard as the Minister of Justice to get more resources for legal aid funding across Canada and to be able to implement more permanent funding as we move forward. It's a constant battle, but I'm fighting it. I'm also working with my provincial counterparts —

because the administration of justice is a provincial jurisdiction — to create a funding allocation mechanism that is not only fairer but also more permanent.

By working with my colleagues, I do hope to get the funding to that point, as well as have a more stable funding path moving forward. Again, usually the federal contribution, at a base, covers criminal law matters, as well as immigration and refugee matters, with the provinces usually funding civil law matters to the extent they wish. Again, we are working at it. I can assure you that work is being undertaken at both the ministerial and the officials level, and hopefully we'll get to a better place soon.

MANDATORY MINIMUM PENALTIES

Hon. Marty Klyne: Minister Lametti, with Bill C-5, the government is moving away from mandatory minimum penalties for some crimes, as a reflection of those mandatory minimum penalties disproportionately affecting Indigenous and racialized populations. This is part of the federal government's efforts to address systemic racism in the criminal justice system.

However, as we know, this bill was not conceived to address the economic and social factors that create the conditions that lead to overrepresentation of those groups in the system in the first place. Can you tell us what will be done by the federal government — and within your department specifically — to address those root causes?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. That's an important question, and one that has often been lost in the debate on Bill C-5.

We have undertaken the development of an Indigenous justice strategy. Again, this process has been launched, if you will, and much of it will be determined and shaped by Indigenous peoples across Canada. That process is moving. We've also launched the development of a Black justice strategy, in which we will be working with experts and community leadership groups across Canada in order to address the root causes that you have cited.

For Indigenous people, we have funded greater investments in Gladue reports on sentencing — the pre-sentencing reports — to get better coverage and better quality across Canada for Gladue reports. With respect to Black and racialized peoples, we have also begun the pilot project: Impact of Race and Culture Assessments, or IRCAs. These function like Gladue reports. It is an idea that originated in Nova Scotia but was seized upon by experts in Toronto, so those are the two jurisdictions where the pilot project is beginning.

In the meantime — until we elaborate upon those larger strategies with the collaboration and consultation of those communities in question — we are looking at other measures to try to help address the root causes of overincarceration and try to weed out systemic discrimination.

UPDATE ON CRIMINAL INVESTIGATIONS

Hon. David Richards: Thank you, minister, for being here. Minister, there have been a number of criminal investigations initiated over the last few years. One was over the coastal pipeline that suffered damages costing multi-millions of dollars. Another was about the burning of a dozen or more Catholic churches out West. Where do these investigations stand in the file? Are there still ongoing investigations, and can you give us an update on how they are proceeding?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. With all respect, in Canada, the way we have divided up our system — and I congratulate the previous Conservative government for having done this, as I thought Minister Nicholson did a great job with it — is that the investigative function is undertaken by the place of jurisdiction, whether it be the RCMP or another police force. So those investigations would be undertaken independently by the police force of jurisdiction.

The prosecutorial function is then independently done by the Public Prosecution Service of Canada if it's covered by the federal prosecution or — in most cases of criminal offences — by provincial prosecution services. Again, those are independent — and I think they should be independent — of the office of the Attorney General.

So I'm not in a position to comment on any of those questions, nor should I be, given the way our system has evolved. I quite frankly think the system as it currently stands is working reasonably well.

NORTH WARNING SYSTEM

Hon. Yonah Martin (Deputy Leader of the Opposition): Minister, my question for you is in the context of your role as vice-chair of the cabinet committee on Canada and the World.

Today, we are confronted with an unprecedented rise of a totalitarian axis of countries — that includes Russia and China — clearly prepared to use military force to achieve their ends. Most democratic states — Germany, the United Kingdom, Australia, India and Japan — are responding to this threat by refocusing on national security and building up their defence capabilities. Apart from a long-overdue and inadequate announcement on the North Warning System, Canada is doing absolutely nothing. Minister, what accounts for this total inaction?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator, for the question. I obviously won't divulge any cabinet confidences, because I can't. What I can say is that we are aware of the factors that you have cited in your question. As an example, I will talk about something that has happened very publicly: We have moved with our allies in a very concerted manner with respect to the situation in Ukraine. I think that in both material terms and leadership terms, the Ukrainian government of Volodymyr Zelenskyy would say that Canada has been one of the main contributors and leaders with respect to that current situation. It has been done through cooperation with NATO and G7 allies, and it has been coordinated.

I think it is fair to say you can expect the same kind of actions and the same kind of leadership from Minister Joly and the rest of our government.

JUDICIAL APPOINTMENTS

Hon. Mobina S. B. Jaffer: Thank you for being here today, minister.

• (1540)

I spoke to you privately about something, and I mentioned it at the Legal Committee. I want to mention it again: Thank you for trying to make the Supreme Court of Canada more bilingual. I want to recognize the work of my former Senate colleagues Tardif and Chaput, who tried to achieve this goal.

Minister, ever since your government came into power, you have tried very hard to get diverse nominations from the judicial advisory committees in different provinces. For example, in my own province, there are 11 vacancies for the Supreme Court. What is the delay? Why are there delays? Is it because the advisory committees are not providing diverse names? What is the reason for the delays?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. As you will recall from my previous exchange, one of the main reasons is because we have more places to fill. We have created 116 new judicial positions since 2017. We created 27 in the last budget, plus 2 prothonotary positions.

We are working hard, and the JACs are working hard. We replace and replenish the JACs every couple of years, as is provided for in the system. We do that diligently. I appoint judges at a pretty rigorous and even pace, and we do that after a consultation process. I think you will hear positive feedback from across Canada with respect to the judges we've appointed.

I work hard with the bar associations across Canada and with other legal groups to encourage people to apply and to encourage people to apply to the JACs when those positions become open. The results speak for themselves: Since 2016, 55% of our appointments have been women, 12% have been visible minorities, 6% identify as LGBTQ2+ and 4% are Indigenous. Of them, 32% are functionally bilingual and another 13% can read in both languages. That's more than some in our house.

The system is working well. We've built trust in the system, not only with judges but also with members of the communities that we're targeting.

The Hon. the Speaker: Thank you, minister. Your time has expired.

[Mr. Lametti]

[*Translation*]

MANDATORY MINIMUM PENALTIES

Hon. Pierre J. Dalfond: Welcome to the Senate, minister.

As part of the study of Bill C-5, which proposes to abolish 20 or so minor offences that have been identified as having disproportionate repercussions on Indigenous peoples, Black Canadians and marginalized Canadians, we heard from witnesses who suggested that we add an amendment for the other penalties for which minimum penalties would continue to apply. This means that there would be some built-in discretion given to the courts to hand down a penalty that could veer from the minimum penalty that would continue to apply in these cases. What do you think of this suggestion, minister?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. That is a very important question.

First of all, the offences targeted are offences for which Indigenous peoples, racialized individuals and members of the Black community are overrepresented. Whenever possible, we have chosen offences that disproportionately affect those communities. Those are the offences being targeted here.

At the same time, we want to build trust in the system. After more than 10 years of tough-on-crime rhetoric from the Harper government and its strategy that was a complete failure, a certain segment of the population still needs to be convinced. By passing this legislation, we will build trust, because the sky is not going to fall, and Indigenous people and members of the Black community will be less disproportionately affected in our justice system. This will help resolve the situation in the justice system, to some extent.

That's where we are right now.

Third, if we want to tackle the root causes of systemic racism, why should we give judges who look like you or me additional discretion? It would be better not to give —

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

[*English*]

ISLAMIC REVOLUTIONARY GUARD CORPS

Hon. Donald Neil Plett (Leader of the Opposition): Minister, on June 12, 2018, you and your cabinet colleagues voted in favour of a motion to designate Iran's IRGC as a terrorist entity.

Minister, it has been 1,576 days since you stood up to signal your support for that. IRGC terrorists have since killed 59 Canadians and 30 permanent Canadian residents on Ukraine International Airlines Flight 752. Women in Iran have been protesting on the streets, and Mahsa Amini, a 22-year-old woman, has been murdered. Those are serious crimes, in my opinion. I hope they are in yours. Canadians are dumbfounded by

your government's reluctance to designate the Islamic Revolutionary Guard Corps as a terrorist organization in its entirety. In the 1,576 days that have gone by, has an independent council in the Department of Justice gotten around to reviewing documents listing the IRGC under —

The Hon. the Speaker: Senator Plett, thank you. Minister Lametti, please go ahead.

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you. That is an important question. I think everyone in this room shares the sentiments you have brought forward.

We strongly condemn the actions of the Iranian government. We strongly condemn the actions of the IRGC and the impacts it has had, not just on Iranians and particularly Iranian women, but on Canadians as well with the downing of PS752.

As a government, we are looking at that situation. We have condemned all of those actions in the strongest possible terms, and we are keeping all of our options open as we study how best to move forward.

I can assure Canadians, Iranian-Canadians and Iranians, as well as all of you, that we are united in the sentiment of condemnation of the government and of that group. We will continue to use every means at our disposal in order to fight that.

FETAL ALCOHOL SPECTRUM DISORDER

Hon. Mohamed-Iqbal Ravalia: Minister, thank you for being here today.

Addressing fetal alcohol spectrum disorder is one of the Truth and Reconciliation Commission's Calls to Action. Specifically, Call to Action 34 states:

We call upon the governments of Canada, the provinces, and territories to undertake reforms to the criminal justice system to better address the needs of offenders with Fetal Alcohol Spectrum Disorder (FASD), including:

- i. Providing increased community resources and powers for courts to ensure that FASD is properly diagnosed, and that appropriate community supports are in place for those with FASD.

As you're aware, access to diagnostic clinics is patchy at best across Canada. Making a diagnosis of FASD requires a multidisciplinary team and involves complex physical and neurodevelopmental assessment.

Could you please speak to the screening methods available for FASD for offenders in the criminal justice system?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you for that question, senator, and I share the place from which that question comes.

As a government, we have committed to implementing the Calls to Action of the TRC. You have cited one of them. That one will require, in particular, work with the Minister of Health as we move forward, as well as cooperation with the provinces, which administer the criminal justice system across Canada as part of their constitutional responsibilities.

But I commit to being an active participant in the implementation of that as we move forward.

I will be honest that, for the time being, my goal is to get Bill C-5 over the finish line, which also responds to a TRC Call to Action regarding the overrepresentation of Indigenous people in the criminal justice system, to take one measure.

• (1550)

There are other measures that need to be taken, and I strongly feel that the question of fetal alcohol spectrum disorder will also be something that comes up both in the context of our elaboration of an Indigenous justice strategy and a Black justice strategy, and then in concert with the Minister of Health we can move forward.

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Hon. Brian Francis: Minister Lametti, prior to the coming into force of the United Nations Declaration on the Rights of Indigenous Peoples Act in June 2021, the Standing Senate Committee on Indigenous Peoples heard from many witnesses who were critical of the federal consultation process.

Could you tell us what steps you and your department have taken in the last year to ensure that Indigenous people have the capacity to adequately and meaningfully participate in the co-development of upcoming legislation as well as the action plan? I also want to know whether you have a plan to increase the use of mediation with Indigenous communities to prevent and resolve disputes and avoid the use of costly and time-consuming litigation.

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. That's a good question. I felt that the consultation process for UNDRIP was a good process, and even a very good process. There were some voices who felt that they hadn't been heard, although we did our best.

The main thing we have done — and I say “we” in a collaborative way — to ensure a better process this time around is to put much of the responsibility and the mechanics of the consultation process on the Indigenous leadership groups themselves. We have provided support. We have provided funding. A number of leadership structures across Canada — because it is completely asymmetrical, particularly with the Assembly of First Nations, or First Nations. It is a completely asymmetrical picture when it comes to consultation, and so we are working in collaboration with a number of different groups at a number of different levels, as I've mentioned before — nations,

regions, national groups, treaties, modern treaties, no treaties, et cetera — and we've put much of the consultation and the leadership for that consultation in the hands of Indigenous peoples such that it is a truly collaborative process.

On the Department of Justice side, we have created a secretariat that is dedicated to working with and collaborating with and trying to fill in any gaps that might exist, and I think the process is moving very well. It is an intense process, but I do think this will get us to an action plan in a better —

The Hon. the Speaker: Thank you, minister, but your time has expired.

[*Translation*]

SUPPORT FOR JURORS

Hon. Lucie Moncion: Thank you for being here in the Senate today. My question is about assistance for jury support organizations.

Organizations with a mission to provide support to jurors need funding to implement the recommendations set out in the 2018 report of the Standing Committee on Justice and Human Rights in the other place, entitled *Improving support for jurors in Canada*.

The report takes into account jurisdictional issues that limit the support the federal government can provide. Federal funding for non-governmental entities is therefore a critical part of successfully moving this issue forward.

Could you tell us how your department supports these organizations?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: I'm working with Mark Farrant on a way to support jurors. That was Michael Cooper's private member's bill, which I supported from the get-go in its earlier iteration, ever since I was appointed as minister, to help jurors who need psychological support because of their contribution and its impact. That was very important, and we supported the bill. Thanks to the resources of Mr. Farrant's organization, we will continue to find ways to act on the recommendations in the report you just referred to.

[*English*]

ENVIRONMENTAL JUSTICE

Hon. Rosa Galvez: Welcome, Minister Lametti. I'm sure you are aware of increasingly diversified litigation on intrinsically related environmental matters that impact our already overloaded judicial system. To name a few, environmental activists, Indigenous leaders and Black communities are being arrested for defending their land, water and air from pollution. There have been lawsuits from provinces for too much action against climate

change, lawsuits from citizens for not enough action on climate change, rural communities potentially suing oil and gas companies for unpaid taxes and lawsuits against corporations for misleading and greenwashing.

My question is: How is your government comfortable with the clarity of present environmental laws, its ability to meet its climate commitments and implementing the "polluter pays" principle?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. I mentioned a moment ago that every mandate letter for every minister contained a clause on reconciliation. The other mandatory clause has been climate. Everything that all of us do is filtered through the lens of fighting climate change and protecting our environment. You've asked a very complex question, which I can't possibly answer in a minute and a half because of its complexity, and it touches not just what I do but what all of us do here as well.

We are trying on multiple fronts to fight climate change. We have put a price on pollution as one element of a climate change policy, but it will also involve an economic transformation. In a positive sense, there is a new green economy that Canada is uniquely positioned to lead on, and sometimes we have to go to court to defend that vision, which we have done successfully and which we will continue to do successfully. I take a strong hand as Attorney General in the way those cases devolve.

But we will continue. And it requires working with Indigenous peoples; it requires working with business; it requires working with community groups; and it requires working with municipalities, provinces and territories. It's complex and it touches the work that all of us do, but we don't have any options.

REVIEW OF THE ROLES OF THE MINISTER OF JUSTICE AND ATTORNEY GENERAL OF CANADA

Hon. Donald Neil Plett (Leader of the Opposition): Minister, more than three years ago, Anne McLellan tabled a report about the SNC-Lavalin affair. Could you tell us where the government is in implementing her recommendations?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. I would have to get you the exact number but there were eight recommendations. I believe we're at seven. Certainly, we took that work to heart immediately. I can say that as Minister of Justice and Attorney General, I had internalized — I wasn't consulted for that report, for good reason, but former Minister McLellan did a great job consulting all of my predecessors.

I think I had internalized the kinds of things that she had recommended in that report moving forward. Regarding the things that haven't been done — changing the name — we have already segregated work in the department, but in some cases it is literally the name plate change. We can come back with a more fulsome answer, but in spirit we're following that report already, and in practice most of the recommendations have been implemented.

JUDICIAL DISCRETION

Hon. Kim Pate: At the Legal Committee last week, you discussed with Senator Cotter the fact that every major sentencing law reform Indigenous inquiry has called for the repeal of all or at the very least this clause for structural discretion of the type that former Chief Justice McLachlin recommended in *Lloyd*, yet you have decided not to implement that. What is your government planning to do to remedy this situation? And have you considered a reference to the Supreme Court of Canada on this issue?

Hon. David Lametti, P.C., M.P., Minister of Justice and Attorney General of Canada: Thank you, senator. I said at the committee, and I will repeat now for the whole of the Senate, that I think this is what is possible now. There are a number of mandatory minimum penalties which I think the vast majority of the Canadian public would not agree to repeal — sexual assault offences and sexual offences against children, for example, are things that I think the Canadian public would not accept — or

there are other questions that would need to be addressed first. For example, in the North, we need to address housing quite badly before we can think about certain mandatory minimum penalties because there aren't options for places to go that are safe. We have invested in shelters and that sort of thing in the North, but more work needs to be done. I sincerely believe this is where we are now.

• (1600)

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

I know all senators will want to join me in thanking Minister Lametti for being with us today. Thank you, minister. We look forward to seeing you again.

(At 4 p.m., pursuant to the order adopted by the Senate on September 21, 2022, the Senate adjourned until 2 p.m., tomorrow.)

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