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Wednesday, November 30, 2022

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Wednesday, November 30, 2022

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

Prayers.

[*Translation*]

### SENATORS' STATEMENTS

#### LAWYERS WITHOUT BORDERS CANADA

##### TWENTIETH ANNIVERSARY

**Hon. Raymonde Saint-Germain:** Honourable senators, Lawyers Without Borders Canada, a non-profit organization based in my hometown of Quebec City, recently celebrated its twentieth anniversary. That is 20 years of solidarity, international cooperation and commitment to the mission of giving access to justice to those who need it most and who could not otherwise access it.

Lawyers Without Borders Canada was founded in October 2002 by Dominique-Anne Roy, Pierre Brun and Pascal Paradis. These three committed lawyers from Quebec decided to join forces and participate, on a voluntary basis, I should note, in international solidarity efforts for justice. Lawyers Without Borders Canada is now an internationally recognized cooperative organization, known for its expertise, its credibility and its dedication to the promotion and protection of human rights. This organization makes a meaningful contribution, on the ground, to strengthening access to justice and legal representation.

Over the years, Lawyers Without Borders Canada has launched 52 projects in 32 countries with many local partners, helping hundreds of thousands of people. That is very commendable. Right now, Lawyers Without Borders Canada has 140 employees and volunteers in Bamako, Bogota, Guatemala City, Montreal, Port-au-Prince, Quebec City, San Salvador and Tegucigalpa. A total of 18 international cooperation projects are under way with 135 global partners.

[*English*]

Lawyers Without Borders Canada is a pioneer in the field of international legal cooperation. Its great achievement is to have allowed more than 100 lawyers from here to get involved elsewhere in service of those who need it the most. This pro bono commitment amounts to \$7 million of non-billed legal work over the past five years. This involvement of our lawyers allows their expertise and dedication to shine through — without borders.

For all these reasons, dear colleagues, I salute in this chamber the 20 years of success of this remarkable organization, an organization born here and now serving throughout the world. Thank you, *meegwetch*.

#### UNITED NATIONS INTERNATIONAL DECADE OF INDIGENOUS LANGUAGES

MORGAN TONEY AND KEITH MULLINS

**Hon. Jane Cordy:** Honourable senators, on December 13 of this year, 23-year-old Mi'kmaq singer-songwriter and fiddler Morgan Toney will travel to Paris, along with award-winning musician and producer Keith Mullins, to perform at the United Nations' launch of the International Decade of Indigenous Languages. They will perform "Ko'jua," an ancient Mi'kmaq song passed down in oral and singing traditions for over 500 years.

• (1410)

The International Decade of Indigenous Languages initiative aims to:

. . . draw global attention on the critical situation of many Indigenous languages and to mobilize stakeholders and resources for their preservation, revitalization and promotion.

Having grown up in Wagmatcook First Nation, Morgan decided at a young age that keeping his language alive is something that is very important to him. This led him to start singing traditional Mi'kmaq songs. He only began playing the fiddle three and a half years ago, but has created a fusion genre of music, joining his Mi'kmaq roots with his love for Cape Breton Celtic music. Morgan explained:

It's a really beautiful thing and I just think it's the right time because when you come to Cape Breton, you're surrounded by different cultures and you're surrounded by different languages and when you mix two cultures together and it blends and it just works so perfectly — that's something nobody has ever seen before.

Morgan and Keith are thrilled to have the opportunity to play before the United Nations and to share their culture with the world. They hope to be a positive influence for young Mi'kmaq children. In speaking about the impact of his work, Morgan has said:

Music is universal but our teachings are universal too and that's what I love when we talk about our Mi'kmaq teachings: it's not just Mi'kmaq teachings . . . it's something we can all learn from and no matter who you are, or what your nationality is, we have something to share.

Honourable senators, join me in congratulating Morgan Toney and Keith Mullins on their upcoming performance in Paris. Break a leg, Morgan and Keith — or, as we say in Cape Breton, "get 'er done!" Thank you.

### JEWISH REFUGEE DAY

**Hon. Leo Housakos:** Honourable senators, yesterday represented a milestone: It was the seventy-fifth anniversary of Canada and most of the world community voting “yes” for United Nations Resolution 181. That historic vote marked the beginning of the rebirth of the modern State of Israel, recognizing the right of the Jewish people to self-determination in their historic homeland where Jews have always dwelt.

That joyous day was not accepted by everyone, and indeed even today there are those who continue to engage in terror in an endeavour to destroy Israel. Just last week, a Canadian teen was killed in a terror bombing at a bus stop in Jerusalem.

Israel was small and poor on the day of its independence. Today, it is a proud, democratic nation, an ally of Canada and the Western world, a real economic success and a friend of developing nations.

Israeli research and development have led to a better life for untold billions around the world, producing major advances in green agriculture, medicine and technology.

If yesterday’s anniversary was a happy day, today is a sadder one. Today is Jewish Refugee Day, marking the departure and expulsion of a million Jews from their homes in the Middle East, Iran and North Africa. We should not forget that Jewish communities had existed in the region for millennia, contributing enormously to the growth and success of Iran and of Arab nations.

In response to the United Nations’ overwhelming vote for Israel’s independence, the Arab states launched a war that they quickly lost, despite overwhelming numerical superiority, and then began a campaign of hate aimed at the Jewish populations within their borders.

We should not forget that there were substantial Jewish populations in countries such as Iraq, Iran, Egypt, Libya, Algeria, Morocco and Syria, and today these communities — for all practical purposes — no longer exist. Where there were hundreds of thousands, today there are almost none.

Between 1947 and the mid-1970s, Iran and Arab states fomented violence and discrimination against their Jewish citizens. Many were murdered, and a million became refugees. Israel took in many, but I note that Canada welcomed many of these refugees as well. They have contributed enormously to Canada.

The expulsion of Jews from Iran and Arab lands is an enduring refugee crisis that has yet to be resolved. Tens of billions of dollars in assets were stolen from Jewish refugees, and no compensation has ever been offered. On Jewish Refugee Day, I am proud to have been part of a government that, in 2014, became the second country — after the United States — to “. . . officially recognize the experience of Jewish refugees who were displaced from states in the Middle East and North Africa . . .”

To that end, I call on the current government to do more to educate Canadians about this tragic but too little-known story. I call on Canada to pressure the Arab states and Iran to compensate the victims and their descendants for their stolen wealth.

Last evening in Ottawa, the Sephardic communities of Montreal and Ottawa, along with the Embassy of Israel and the Jewish Federation, commemorated this anniversary.

This evening, B’nai Brith, Canada’s oldest Jewish advocacy organization, will host a virtual commemoration of the story of Jews from Iran and Arab lands. I understand that some of the victims will tell their stories.

Colleagues, as they grow older, their personal histories remain as poignant as ever.

### SISTER DOROTHY MOORE, O.C., O.N.S.

**Hon. Dan Christmas:** Honourable senators, how privileged are we who get to see the best: doctors, lawyers, athletes, poets, political leaders and learned professors, leading in their fields, to the betterment of us all?

They often leave us with a feeling of awe and a sense of thankful appreciation for their giftedness. We are indeed blessed to be in their company, and thankful for their myriad contributions to Canadian society.

Colleagues, it can and must be said that there are indeed angels among us, tapped into something bigger than you or me. I’m honoured to share the story of someone just like this.

Friends and colleagues, Sister Dorothy Moore, now 89, was recently the subject of a biography entitled *A Journey of Love and Hope*. What’s more, there was also a very recent film documentary shown at the 2022 Atlantic International Film Festival: *Sister Dorothy Moore: A Life of Courage, Determination, and Love*.

Sister Dorothy’s first incredible achievement was her decision to become the first Mi’kmaq student to attend a public school during the 1940s in Nova Scotia — an absolutely unheard of notion at the time.

Racism abounded at off-reserve schools. In time, the authorities kicked her out, but she unapologetically returned. She was on nothing short of a mission. There was no stopping her. Despite all the odds, she graduated from public high school — another unheard of notion.

Yes, honourable senators, in the case of Sister Dorothy, the phrase “no stopping her” kept taking the form of further and numerous miracles. This included obtaining two degrees: bachelor’s degrees in arts and education from St. Francis Xavier University in the 1950s.

She became a teacher and a school principal, and later pioneered university-level Indigenous studies at Cape Breton University in the 1980s — the first of its kind in Canada.

Those who know Sister Dorothy well would readily attest to the deep importance of faith in her life. She has always heard the Creator's call, and she has resolutely responded to it. Witness her decision to become one of the first Mi'kmaq in 1954 to take up holy orders with the Roman Catholic Sisters of Martha as evidence of this.

What more productive, gentle, faith-filled, determined and helpful example of servant leadership to the benefit of all could there be? What better descriptor might we apply to this real angel among us?

Others readily endorse this view of Sister Dorothy, such as Ramona Lumpkin, PhD, President and Vice-Chancellor, Mount Saint Vincent University:

Sister Dorothy Moore has been my hero, guide, and mentor. Sister Dorothy's story is that of a deeply spiritual woman who has overcome the cruelties of racism, fought to get an education, campaigned to preserve the Mi'kmaw language, and advocated eloquently on behalf of Mi'kmaw culture and values.

In the final analysis, Sister Dorothy's wisdom echoes through the years, always with her gaze fixed on the long horizon.

As she herself would likely say, "If you are planning for a year, sow rice; if you are planning for a decade, plant trees; if you are planning for a lifetime, educate people."

*We'lalin.* Thank you.

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Fahad Saeed Al Raqbani, Ambassador of the United Arab Emirates to Canada. 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!

#### UNITED ARAB EMIRATES—NATIONAL DAY

**Hon. Mohamed-Iqbal Ravalia:** Honourable senators, I rise today to recognize Canada's long-standing and valuable friendship with the United Arab Emirates, just ahead of the U.A.E. National Day on December 2, which marks 51 years since all seven emirates unified into one nation.

• (1420)

Canada and the U.A.E. have an important, mutually beneficial relationship focused on building prosperity for both of our societies in a sustainable manner. Our countries have partnered together to strengthen regional and global security, and to foster sustainable economic and social development in developing nations.

The U.A.E. is Canada's largest export market in the Middle East and North African region, with over \$2.5 billion in two-way trade in 2021. The U.A.E.'s investment in Canada is estimated to be at least \$30 billion, and there are over 40,000 Canadians living in the U.A.E.

I am honoured to be Chair of the Canada-United Arab Emirates Friendship Group, which currently has over 60 members from both houses of Parliament, representing all political affiliations. I would like to acknowledge the tremendous efforts of my predecessor, past chair Senator Percy Downe, and look forward to working closely with him in this next chapter. I would also like to acknowledge the support of two executive members, Senator Salma Atallahjan and Senator David Wells. Since His Excellency Fahad Saeed Al Raqbani, Ambassador of the U.A.E. to Canada, has been posted to Canada, the U.A.E. and Canada have further developed and deepened their strong bilateral relationship. We thank you for this, Your Excellency.

Canada has removed the visa requirements for all U.A.E. nationals to travel to Canada, and our two countries have signed memorandums of understanding on joint space cooperation, as well as expanding the existing bilateral air transport agreement. His Excellency has also taken the initiative to learn more about Canada and our people by travelling across this vast country from British Columbia to Newfoundland and Labrador. I would like to thank him for his commitment to enhancing bilateral ties, with the integral support of Ms. Melissa Valks, his executive assistant, who is accompanying the ambassador today.

Honourable senators, since its independence, the U.A.E. has been a dynamic, multicultural and forward-thinking nation, and a valuable ally to Canada. Please join me in extending my best wishes to the ambassador and to the people and government of the U.A.E. on their National Day, as our two nations continue to build a relationship of respect, cooperation and mutual prosperity.

Thank you, *wela'liq.*

#### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Sunny Sodhi. He is the guest of the Honourable Senator Marwah.

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

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

[*Translation*]

#### DAYS OF ACTIVISM AGAINST GENDER-BASED VIOLENCE

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, I rise today to mark the 16 Days of Activism Against Gender-based Violence that are taking place across Canada from November 25 to December 10, 2022.

As you know, my mission here in the Senate, and the fight I am waging more broadly, is dedicated to the memory of my daughter Julie, who was murdered by a repeat offender. She is with me everywhere I go, and she gives me the strength I need every day to fight the scourge of violence against women and girls in our country.

My first thoughts, colleagues, are for all those women who were murdered in 2022 because they were women and because many of them dared to say, “Enough is enough.”

According to the Ontario Association of Interval & Transition Houses, a woman has been murdered every week in Ontario since November 26, 2021. That’s 52 femicides in 52 weeks. In Canada, a woman is murdered every two days; in Quebec, a woman is murdered every two weeks. There was a 23% increase in the number of women and girls murdered in Canada between 2019 and 2021.

Femicide is just the tip of the iceberg in terms of all violence against women. Every day, far too many women suffer various forms of violence in silence. Every day, hundreds of them have to hide, leave home, move away with their children, quit their jobs, and leave everything behind to flee a violent abuser when they are the ones who are the victims.

Colleagues, we need to stand up and fight every time a woman is murdered in our country. We need to voice our outrage and never let ourselves become numb to the news of further assaults on women. We can never back down as long as there is a single woman being abused in our country.

As senators, we have been entrusted, under the Constitution of Canada, with the privilege of changing the laws of our country. This is our collective responsibility as legislators. We have a duty to take action to save these women’s lives. Our courage is not defined by our words, but by our actions.

As the 16 Days of Activism Against Gender-based Violence begin, men need to raise their voices and speak out against this violence. Above all, however, men need to make this violence a men’s issue, starting with raising awareness among our young people, who often express their feelings through violence. Violent men need to get help, because it is the only way they can break free of the vicious cycle of domestic violence.

Yes, we have to keep encouraging victims to report violence, but let’s not forget that reporting violence has been fatal to some women, because our justice system failed to protect them. It is up to us to do something about that.

Honourable colleagues, I am counting on you to join me in speaking out on this issue. Wear a white ribbon as a way of sending a message to abused women: “We hear you. Enough is enough.”

Thank you.

## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### FIFTH REPORT OF COMMITTEE TABLED

**Hon. Lucie Moncion:** Honourable senators, I have the honour to table, in both official languages, the fifth report of the Standing Committee on Internal Economy, Budgets and Administration entitled *Financial Statements of the Senate of Canada for the year ended March 31, 2022*.

### JUSTICE

#### STATUTES REPEAL ACT—NOTICE OF MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED

**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, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Parliamentary Employment and Staff Relations Act*, R.S., c. 33(2<sup>nd</sup> Supp.):  
-Part II;
2. *Contraventions Act*, S.C. 1992, c. 47:  
-paragraph 8(1)(d), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following sections of the schedule: 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16) and 85;
3. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;
4. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:  
-sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;
5. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:  
-subsections 107(1) and (3) and section 109;

6. *Yukon Act*, S.C. 2002, c. 7:  
-sections 70 to 75 and 77, subsection 117(2) and sections 167, 168, 210, 211, 221, 227, 233 and 283;
7. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:  
-sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;
8. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:  
-Part 18 other than section 125;
9. *An Act to amend certain Acts in relation to financial institutions*, S.C. 2005, c. 54:  
-subsection 27(2), section 102, subsections 239(2), 322(2) and 392(2);
10. *Budget Implementation Act, 2009*, S.C. 2009, c. 2:  
-sections 394, 399 and 401 to 404;
11. *Payment Card Networks Act*, S.C. 2010, c. 12, s. 1834:  
-sections 6 and 7;
12. *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, S.C. 2010, c. 23:  
-sections 47 to 51, 55 and 68, subsection 89(2) and section 90.
13. *Financial System Review Act*, S.C. 2012, c. 5:  
-sections 54 and 56 to 59;
14. *An Act to amend the Railway Safety Act and to make consequential amendments to the Canada Transportation Act*, S.C. 2012, c. 7:  
-subsections 7(2) and 14(2) to (5);
15. *Protecting Canada's Immigration System Act*, S.C. 2012, c. 17:  
-sections 70 to 77;

16. *Jobs, Growth and Long-term Prosperity Act*, S.C. 2012, c. 19:  
-sections 432, 433, 459, 460, 462 and 463; and
17. *Jobs and Growth Act, 2012*, S.C. 2012, c. 31:  
-sections 361 to 364.

• (1430)

[English]

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE FEDERAL FRAMEWORK FOR SUICIDE PREVENTION

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

That, notwithstanding the order of the Senate adopted on Thursday, April 28, 2022, the date for the final report of the Standing Senate Committee on Social Affairs, Science and Technology in relation to its study on the Federal Framework for Suicide Prevention be extended from December 16, 2022, to June 30, 2023.

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## QUESTION PERIOD

### IMMIGRATION, REFUGEES AND CITIZENSHIP

#### WORK PERMIT PROCESSING BACKLOG

**Hon. Donald Neil Plett (Leader of the Opposition):** Senator Gold, on October 17, I asked you a question about the ongoing backlog of applications of highly skilled immigrants being forced to return to their home countries as their work permits expired. At the time, you said:

. . . I'm assured that the government will be doing even more to tackle the backlog in the short term while making our system more sustainable in the long term.

Senator Gold, this morning we are learning that the situation at Immigration, Refugees and Citizenship Canada isn't getting any better. This is from an article in *The Globe and Mail*:

. . . hundreds of people are seeking a judicial order that compels Immigration to finish processing their applications.

As of Oct. 31 . . . . Around 1.2 million were in backlog . . . .

Senator Gold, basic government services are not being provided by your government, and now this will cost taxpayers money to deal with the barrage of legal cases due to this backlog. What will it take for your government to take this backlog seriously, Senator Gold?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. The government takes this backlog very seriously and is applying itself diligently to address it. It is a real problem, and we understand the difficulty and hardship that it causes to people who cannot get answers as quickly as they would like and as they should.

The government remains committed and is continuing — and will continue — to address this problem to the fullest extent possible.

**Senator Plett:** Senator Gold, Immigration, Refugees and Citizenship Canada — IRCC — has been named in 709 mandamus applications filed in Federal Court this fiscal year. The fiscal year started in April.

This, Senator Gold, is outrageous. It's a sad day when people are having to seek a judicial order that compels IRCC to finish processing their applications. Yet, Senator Gold, just a few weeks ago, your government announced a massive immigration increase of half a million people in 2025.

Senator Gold, does your government even have a plan on how they're going to deal with this recent announcement? How will you address the backlog and the increase in immigration at the same time?

**Senator Gold:** Thank you for the question. The government is committed to increasing immigration to Canada to address the labour needs of this country, our need for the economy to continue to grow and to continue to attract talented, competent, able people to enrich our society.

With regard to the immigration processes, again, the government acknowledges the backlogs are serious. The government is applying itself to them and will continue to do so, even as it seeks to welcome more immigrants to Canada.

## FINANCE

### TAX RATES

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Government leader, according to statistics released by the Office of the Superintendent of Bankruptcy, a total of 25,809 consumers filed for insolvency, up 2.3% from the previous three months. Consumer insolvency filings have jumped nearly 25% in the third quarter of this year compared to the same time last year. With the rising costs of food, fuel and taxes, it's clear Canadians are reaching the breaking point. Canadians need certainty, and they need relief now.

Senator Gold, when will the government provide the assurances Canadians need by cancelling their planned tax hikes?

[ Senator Plett ]

**Hon. Marc Gold (Government Representative in the Senate):** Thank you. The problems that Canadians are feeling, whether it's expressed in insolvency, regrettable as it is, or in increased costs of living and housing, are a serious preoccupation of this government. Indeed, all governments — provincial, territorial and municipal — are addressing them to the fullest extent possible.

Canada has put in place a fiscal policy which includes both tax measures, incentive measures and benefits. It is a balanced and prudent one, and it is helping Canadians each and every day, and it's helping our economy generally progress forward.

• (1440)

**Senator Martin:** Government leader, not everyone has an inflation-proof job. The number of Canadian families seeking debt relief is increasing. In September alone, the number of insolvencies rose by 3.1% — and they are not alone.

In the third quarter, the total number of Canadian business insolvencies increased by 48.5% compared to last year: almost 50%. Increased borrowing costs, inflation, production and labour issues, as well as a government that won't cap its own spending have created the perfect storm. Leader, when will the government cap their spending and cancel their planned tax hikes?

**Senator Gold:** The government has no plans to “cancel their planned tax hikes.” The measures in place are responsible and prudent.

The government is also investing in Canadians, both in people and in our infrastructure, and in the future of our economy in a responsible and sustainable way.

[Translation]

## FOREIGN AFFAIRS

### CANADA-AFRICA RELATIONS

**Hon. Amina Gerba:** Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, the Minister of Foreign Affairs unveiled Canada's Indo-Pacific Strategy, which has a budget of \$2.3 billion over five years, last Sunday in Vancouver. I welcome this strategy, which will help diversify opportunities for Canadian businesses.

However, I would like to point out that Africa is also a large market, uniting around a free trade area worth over \$3 trillion in GDP and with 1.4 billion consumers. That number will rise to 2.5 billion consumers by 2050.

Senator Gold, when will the Canadian government present its long-awaited and much-anticipated strategy for Africa?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. As the government continues to develop Canada's strategy for Africa, it also continues to work with key partners to advance our shared priorities, including peace, security and prosperity.



That is why the Parliamentary Secretary to the Minister of Foreign Affairs visited South Africa, Malawi, Tanzania, Egypt, Morocco, Senegal and Nigeria this year to strengthen those ties. That is also why the government announced the opening of a new Office of the High Commission in Kigali and the establishment of a dedicated mission and permanent observer to the African Union. I'm told that the government will soon have more to say about the next steps in the Africa strategy.

**Senator Gerba:** I'm delighted to hear that, Senator Gold. However, as you know, a strategy can only progress if the two parties meet. Many other very powerful countries are already jockeying for Africa's attention. The entire continent is developing. In December, the United States will host the U.S.-Africa Leaders Summit. When will Canada follow suit? Is it part of the strategy that the Government of Canada is going to put forward?

**Senator Gold:** Thank you for the question. As I said, the government is currently developing the strategy and will announce details soon.

[English]

## LEGAL AND CONSTITUTIONAL AFFAIRS

### BUSINESS OF THE COMMITTEE

**Hon. Dennis Glen Patterson:** My question is for the Honourable Senator Jaffer as Chair of the Legal and Constitutional Affairs Committee.

Senator, when Bill C-28 on extreme intoxication was rushed through both chambers in June — and I know you'll remember those debates we had here — it was with the promise that both houses would take the unusual step of retroactively reviewing the legislation for any potential loopholes in light of concerns from victims' advocacy groups and women's legal organizations.

I note that the other place has already proceeded with their review. Senator Jaffer, can you tell us when we can expect your committee to begin looking into this issue?

**Hon. Mobina S. B. Jaffer:** Senator Patterson, thank you very much for your question — it's a very important one.

As you know, until very recently, we were studying Bill C-5, which is a government bill; it took many weeks to study. And then we had Bill C-210 which was a bill we had left since last June to finish. We finished that bill, and we're presently studying Bill S-205, and, after that, the steering committee will look at when we will do the study.

The study is very much on our minds, but we've had many other challenges, and you are not a stranger to the work of the Legal Committee. We have many bills to take care of, and we haven't forgotten it. We know that March is the deadline.

We're also aware that the House has started studying it, and we're working with the House as to when we should start the study. Thank you very much for raising it today.

## FINANCE

### COUNCIL OF ECONOMIC ADVISERS

**Hon. Donald Neil Plett (Leader of the Opposition):** Senator Gold, in April your government tabled a budget in which it announced that it would establish a permanent council of economic advisers, and promised more details in the coming months.

Eight months later, leader, and there's still no such a council in place, nor have we received the details we were promised in April. There isn't even a mention of the council in the Fall Economic Statement tabled this month. Senator Gold, is this council still something your government intends to put in place? If so, what is taking so long? Or will your government be announcing another task force to look into this council as yet another way to pass the buck to someone else?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. This is very much still something that the government is committed to, and I'm told that the government is working on it in an ongoing fashion, and it looks forward to announcing further details in due course.

**Senator Plett:** Senator Gold, I don't need to remind you that we currently find ourselves with the worst inflation in decades, and there is a recession on the horizon.

Many Canadians are struggling under the skyrocketing cost of living. Students are going to school hungry, Senator Gold. People are turning to food banks in record numbers — in Canada. Your government's plan is clearly not working, Senator Gold. If ever there was a time for sage, economic counsel, now would be the time.

How much longer do Canadians have to wait for the government to fulfill its promise to take the economy seriously?

**Senator Gold:** Canadians don't have to wait because the government does take the economy seriously, as reflected not only in the details of the Fall Economic Statement, but also in the credit ratings of well-known and respected rating agencies.

### GOVERNMENT SPENDING

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, since the finance minister unveiled her Fall Economic Statement earlier this month, we've heard repeated assurances from your

government that it has been fiscally prudent. You've stated that here. This was challenged by the Parliamentary Budget Officer, or PBO, when he and the finance minister appeared before the House of Commons Finance Committee on Monday. The PBO's office calculated that the government had announced \$52 billion in net new measures over the span of six years. Allow me to quote from the PBO directly:

Would I qualify this as restrained spending growth? The answer is unsurprisingly, no. When the government has \$81 billion in fiscal room and spends \$52 billion of that, even after taking into account new tax measures, it's not called keeping one's powder dry.

Senator Gold, why is your government not exercising any fiscal restraint in the face of the upcoming economic uncertainty?

• (1450)

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

The government respects the Office of the Parliamentary Budget Officer and its views, but the government, as Minister Freeland has stated publicly, doesn't agree with that assessment. The government, through prudent management of the economy and the resources available to it, has made a responsible decision to invest some — although not all — in helping Canadians through the difficult times, properly underlined by you and others in this chamber, in the face of cost of living challenges for all Canadians.

This government is responsible. It takes its responsibility seriously. That means having to do many things at once, such as managing the economy in a fiscally prudent way — especially coming out of the extraordinary expenditures that we in this chamber authorized to help Canadians through the pandemic — while at the same time helping Canadians as they struggle with the inevitably higher cost of living that worldwide inflation, inflation in Canada and other measures impose.

**Senator Plett:** Senator Gold, we find ourselves in a period of skyrocketing inflation and financial uncertainty as the recession looms. Conservatives have been warning about your government's uncontrollable spending for years. This is not just my allegiance to Pierre Poilievre, as obviously your allegiance is to your leader. It's been challenged by the PBO, and economists across the country are in agreement that additional spending during an inflationary period will only make inflation worse.

Your government's response to the worsening inflation has been to simply announce more spending. Why does your government refuse to take these warnings seriously? When will you finally get serious about inflation, Senator Gold?

**Senator Gold:** The government is serious about inflation, and it is taking measures necessary to address it while helping Canadians weather the storm at the same time.

**Senator Plett:** Senator Gold, in the government's Fall Economic Statement, they noted that the cost of the Canada workers benefit would be increasing by \$4 billion this year. The problem with the increase of \$4 billion, however, is that —

again, according to the Parliamentary Budget Officer, or PBO — most of it will go to people who are not actually eligible for the benefit.

I'm not sure that this government can walk and chew gum at the same time, Senator Gold. The PBO said:

The substantial cost of this FES measure is largely due to the Government's policy decision not to recoup these advance payments when recipients' incomes rise and they become ineligible for benefits, or eligible for lower benefits.

That report goes on to say:

Not requiring repayment of federal benefits for ineligible individuals is a pronounced departure from the existing federal tax and transfer system.

Senator Gold, why is the government spending \$4 billion to give tax benefits to people who will not even qualify for them?

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

The fact is that the benefits the government has announced — and that the minister has defended, ably and publicly, in recent weeks — is money that will go to the Canadians who need it the most: low-income, working Canadians. Indeed, the current benefits will benefit over 4.2 million low-income, working Canadians, which is up from previous numbers of about 3 million.

Again, in times of rising costs — an issue which has been, as I said, properly underlined and which we all should be preoccupied with — this is one example out of many of the responsible initiatives the government is taking to help Canadians get through this difficult period.

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## ORDERS OF THE DAY

### FOREIGN INFLUENCE REGISTRY AND ACCOUNTABILITY BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Wells, for the second reading of Bill S-237, An Act to establish the Foreign Influence Registry and to amend the Criminal Code.

**Hon. Pat Duncan:** Honourable senators, I note that this item is at day 15, and I'm not ready to speak to it at this time. Therefore, with leave of the Senate and notwithstanding rule 4-15(3), I move the adjournment of the debate for the balance of my time.

(On motion of Senator Duncan, debate adjourned.)

[*Translation*]

## JURY DUTY APPRECIATION WEEK BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Lucie Moncion** moved second reading of Bill S-252, An Act respecting Jury Duty Appreciation Week.

She said: Honourable senators, I rise today as the sponsor of Bill S-252, An Act respecting Jury Duty Appreciation Week.

Every year, thousands of Canadians are called to jury duty. Canadians, provincial governments and the federal government recognize that jury duty is a vital component of our justice system and our democracy. However, this recognition is not expressed annually and is not reflected in governments' support for this cause. Even less well known are the challenges concerning the mental health supports available to individuals who carry out this civic duty.

Given my experience as a former juror, I have had several opportunities in this chamber to tell you about the challenges faced by jurors. Across Canada, from one province or territory to the next, this lack of understanding impedes the cause of jurors. Jury duty is a part of our justice system that deserves to be promoted and celebrated. My intention with Bill S-252 is to create an annual national event dedicated to promoting and raising awareness of all of the issues affecting current and former jurors.

In order to honour and show my gratitude to these citizens, I tabled a motion in the last session, asking the government to designate the second week of May in each year as Jury Appreciation Week in Canada. This motion was adopted by the Senate on May 12.

In particular, I would like to thank my colleagues, Senators Boisvenu and Dalphond, who have consistently supported the cause of jurors' well-being for several years now. I would also like to mention Senator Kutcher, who is also concerned about the welfare of jurors and who has spoken in this chamber on that issue.

• (1500)

Senator Gold also spoke in support of the motion on behalf of the government and the Minister of Justice. In his speech, he emphasized the invaluable service of individuals called to do jury duty and said that passing this motion would be a modest gesture of our appreciation.

I would like to read a short excerpt from his speech. He said, and I quote:

While most Canadians understand the importance of jury duty and view it as a part of their civic responsibility in a free and fair democracy, they often don't fully grasp the potential disruption to their lives and the lives of their families.

I am grateful for the support of my colleagues and the government in designating a Jury Appreciation Week in Canada.

Honourable senators, I think you will agree that the issues that affect jurors deserve our attention and the attention of Canadians at least once a year. These include recognition of the contribution of current and former jurors to the justice system and democracy, the mental health and well-being of current and former jurors, access to justice, and issues of representation and diversity on juries.

As senators, we have the privilege of being able to introduce bills to proclaim a national day or week. I want to take this opportunity to create a Canadian Jury Duty Appreciation Week through legislation. This official designation will reflect the scope and significance of these citizens' contribution to the Canadian justice system. The preamble of Bill S-252 is a good starting point for better understanding the importance of this official recognition.

The preamble states:

. . . whereas designating a week dedicated to the appreciation of jury duty will highlight the work that jurors do and will help to educate citizens, organizations, the justice system as a whole, and the provincial and federal governments about the issues involved in fulfilling this civic duty;

The psychological damage suffered by jurors can sometimes resurface long after a trial. Like other former jurors, I suffered from post-traumatic stress disorder. Although the first-degree murder trial for which I served as a juror was held 30 years ago, I live with the repercussions of that experience every day. It would be nice if once a year, for one week, we could recognize this reality that affects thousands of Canadians and their families.

[*English*]

The annual recognition of jury duty would help encourage and promote ongoing and timely conversations between the federal government, the provinces and territories and the various stakeholders about the importance of improving support for jurors across Canada. It is also the occasion to remind ourselves of the daily struggles some jurors and former jurors experience with regard to their mental health.

Colleagues, the cause of jurors and their welfare has progressed very humbly in recent years. I believe the humble progression is in part due to the absence of a yearly reminder of the importance of jury duty.

In 2014, Mark Farrant was a juror in a first-degree murder trial. He helped raise awareness of the need for more jury support in Canada. Drawing from his own experience, he identified the gaps in support provided to jurors. He discovered that his experience was only the tip of the iceberg. Mark was diagnosed with PTSD after the trial and, like many other former jurors, he struggled to find support.

In 2016, his advocacy helped prompt the Ontario government to launch a free counselling program for former jurors. In 2017, Mark shed light on the issues at a national level. He brought the “12 angry letters” to the attention of parliamentarians and government officials. In those letters, 12 former jurors chronicled their suffering and struggle to find support.

[*Translation*]

It was not until 2017 that a parliamentary committee studied the issue for the first time. At its June 8, 2017, meeting, the House of Commons Standing Committee on Justice and Human Rights adopted a motion to conduct a study into counselling and other mental health supports for jurors. The study resulted in the tabling of a report entitled *Improving Support for Jurors in Canada* in May 2018. The fourth recommendation in this report was the genesis of Bill C-417, which was introduced for the first time on October 29, 2018.

The justice committee had recommended that an exception to the secrecy rule be created. I must congratulate Senator Boisvenu on the passage of Bill S-206, the former Bill C-417, An Act to amend the Criminal Code (disclosure of information by jurors), which implements this recommendation. The bill just received Royal Assent on October 18, 2022.

Despite many obstacles, ranging from prorogation to elections, Senator Boisvenu ably brought this bill to its conclusion. The passage of this bill is a pivotal moment in the quest for adequate support for the psychological well-being of Canadian jurors.

[*English*]

Colleagues, how can we continue this progress? I strongly believe that to bring change, we need to be reminded of the issues at stake. This is exactly what jury duty appreciation week will help accomplish. This has been the approach in other jurisdictions. The proposed week, the second week of May, coincides with the recognition of such a week by the American Bar Association and by other jurisdictions, notably the states of California and Louisiana. Courts across the U.S. as well as the Texas and Oregon legislatures and the Pennsylvania State Senate also recognize a week dedicated to honouring jury duty in the month of May.

The California legislature designated that week back in 1998. I think it's important to go back to the resolution adopted by the legislature at the time. It reads:

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of May 10, 1998, to May 16, 1998, inclusive, and the second full week in May of each year thereafter shall be proclaimed and celebrated as annual Juror Appreciation Week throughout

[ Senator Moncion ]

the state, in honor of the thousands of citizens who support the jury system, thereby making the cherished right of trial by jury a reality;

This was in 1998, colleagues. In 2022 — or 2023 for that matter — I believe Canada is ready to do the same.

In Canada, the week is now recognized by multiple stakeholders and by the federal government. It is not, however, enshrined in law. It was recognized for the first time in 2022 by the Canadian Juries Commission, which took the lead to put jury duty at the forefront, nationally, from May 9 to May 13.

Let me take the time here to recognize the invaluable contributions of the commission, including its founder and CEO, Mark Farrant; Tina Daenzer, CFO/COO; and all the hard-working board members who accomplish great and important work with very little. Their advocacy and relentless efforts are truly admirable. The official recognition of the week would help the Canadian Juries Commission fill in the gaps in support for jurors across Canada and help their efforts to implement some of the recommendations of the 2018 report of the Standing Committee on Justice and Human Rights.

[*Translation*]

Your Honour, colleagues, by supporting Bill S-252, we can remind Canadians and the government, each and every year, of the issues that affect jurors. Since this proposal is very simple, I hope we can pass the bill as soon as possible so that it can be sent to the other place. Thank you for your attention.

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

(On motion of Senator Martin, debate adjourned.)

[*English*]

## CRIMINAL CODE JUDGES ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

**Hon. Fabian Manning:** Honourable senators, I rise today to speak to Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner). While I am speaking today as the critic of this bill, I should state at the outset that I support the legislation and its objectives. However, as I have said before, I believe that much more needs to be done at the national level to address the growing rate of violence against an intimate partner.

• (1510)

The topic of intimate partner violence has been discussed at length in this chamber over the past couple of months. It has been the topic of motions, amendments and new legislation amending the Criminal Code, as is the case with Bill C-233. The discussions have also been the impetus for my own private member's bill, Bill S-249, An Act respecting the development of a national strategy for the prevention of intimate partner violence. I look forward to your support on this very important and timely piece of legislation.

While the statistics on intimate partner violence are heartbreaking, the fact that we are simultaneously bringing forward multiple initiatives to target this heinous reality fills me with a sense of hope.

This legislation has two key provisions which seek to protect against domestic and intimate partner violence. First, it requires a justice, before making a release order for an accused who is charged with an offence against their intimate partner, to consider whether it is desirable, in the interests of the safety and security of any person, to include as a condition of the order that the accused wear an electronic monitoring device. I support this requirement.

In 2021, the Quebec government commissioned a study to examine the use of electronic tracking devices in domestic violence cases. Jean-Pierre Guay and Francis Fortin, professors of criminology at the Université de Montréal, found that:

. . . the bracelets increases victims' sense of safety and spawn a "feeling" of empowerment and autonomy in victims, while "allowing for a more focused and optimized police response."

An article in *The Lawyer's Daily* pointed out some other important findings from this study. In particular, in Spain, where tracking devices have been used in domestic violence cases since 2009, there was some effectiveness, as there was a decrease in the number of women killed by their intimate partners: 45 in 2020, compared to 72 in 2004. However, the most conclusive evidence came from Australia, which demonstrated an 82% reduction of high-risk incidents. Of course, this is a relatively small tool in a judge's tool box, but I believe it is an important one.

While I am certain the technology is not perfect, I do believe that anything that can improve the feeling of safety and control for abuse victims can serve as a powerful instrument toward the rebuilding of their lives.

The second major provision is the amendment to the Judges Act. Bill C-233 stipulates a continuing education requirement for judges on matters related to intimate partner violence and coercive control. This part of the bill is called "Keira's Law" as it is named in the honour of four-year-old Keira Kagan, a girl from Milton, Ontario, who was tragically killed in what her family believes to have been a revenge-driven murder-suicide by her abusive father, Robin Brown. Keira's mother, Jennifer Kagan-Viater, described Brown as a controlling, violent man and a pathological liar who created a fictional existence.

The judge who presided over their divorce hearing when Keira was eight months old contended that Ms. Kagan-Viater was, in fact, leaving an intolerable situation. However, the judge who oversaw the custody hearing determined that the history of lies and abuse was of little relevance when it came to Keira. The judge acknowledged Mr. Brown's propensity for lying and acknowledged at least one confirmed incident of physical abuse; however, he concluded, "I am of the view that there is no risk to Keira." As a result, Mr. Brown received a very generous custody arrangement.

When Keira turned three, her mother remarried and had a baby boy with her husband. There were signs that Keira was being emotionally abused by her father. Judges had given Keira's father warnings that his access would be curtailed due to his behaviour and failure to obey court orders. Two weeks prior to Keira's death, Ms. Kagan-Viater sought a motion to suspend or supervise Brown's access to their daughter because she was worried that Keira was at risk. The presiding judge said the evidence was "serious" and "persuasive and compelling," yet said the motion was "not urgent."

Jewish Family and Child Service was called in to investigate. They sent in a caseworker to meet with Mr. Brown on a Friday. According to the Viater family, the caseworker confirmed that Mr. Brown was in fact displaying behaviour consistent with someone who would harm or kill their child, but that her supervisor wanted to wait and talk about it on Monday. But Monday was too late; Keira died on Sunday.

While it may be baffling to some of us that a father with a proven history of domestic abuse and subsequent court warnings could have this level of unsupervised access to his child, family law experts say courts often look at custody cases with the belief that an abusive partner can still be a good parent, even though the evidence suggests children are at a greater risk.

Last year, the Department of Justice Canada studied and reported on the risk factors for domestic violence and child abuse and noted there is indeed an overlap in risk, meaning those who abuse an intimate partner pose an increased risk to their children. The risks are amplified when there is a divorce or separation, as the non-abusive parent is unable to monitor or intervene.

Despite these risk factors, judges, who are tasked with making weighty, life-altering decisions in custody cases, are not required to undergo intimate partner violence training. Bill C-233 seeks to correct that. In effect, the bill signals to the Canadian Judicial Council the importance of continuing education seminars for judges on matters related to intimate partner violence and coercive control in intimate partner and family relationships.

This provision builds on the work of our former colleague and former Conservative Party leader the Honourable Rona Ambrose. After identifying a disconnect between the experience of sexual assault victims and the societal assumptions and misconceptions often leading to an unjust outcome in trials, Ms. Ambrose worked tenaciously to advance her goal of enhanced judicial education. Her tireless efforts ensured the passage of Bill C-337, requiring the Canadian Judicial Council to establish seminars relating to sexual assault and social context, which will undoubtedly lead to more just and fair outcomes for sexual assault victims.

Given the risk factors that are statistically overlooked in cases of intimate partner violence, we too have an opportunity to give judges the tools they need to make the right decisions for families like Keira's and to keep children safe from those who present serious risks.

Colleagues, while I support this legislation, I am hopeful that this is just the start of a broader reform and, indeed, a national strategy to protect victims of family and intimate partner violence. Please join me in moving forward this legislation and all initiatives seeking to prevent abuse. The further we force the truth about intimate partner and family violence out of the shadows, the closer we will be to putting an end to this shameful reality.

Thank you.

(On motion of Senator Duncan, debate adjourned.)

[*Translation*]

#### 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 5-13(2), I move :

That the Senate do now adjourn.

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

**Hon. Senators:** Agreed.

*(At 3:19 p.m., the Senate was continued until tomorrow at 2 p.m.)*

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