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OFFICIAL REPORT
(HANSARD)

Thursday, November 19, 2020

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, November 19, 2020

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

Prayers.

SENATORS' STATEMENTS

NATIONAL CHILD DAY

Hon. Rosemary Moodie: Honourable senators, today I rise in celebration of Canada's children on the eve of National Child Day, which will take place tomorrow, November 20. Canada is home to 8 million children; that's nearly one in five Canadians under the age of 18. You've heard me say before that every child is worthy of every opportunity to grow and thrive.

So far, 2020 has been a tough year for all of us, but it has been especially tough for children. I would humbly submit that we have often underestimated and undervalued how disruptive this year has been for our children, and how it has negatively impacted them. The lockdown that first began in March was jarring for us, and all the more for our children. In a very abrupt manner, children were told to stay at home to protect their loved ones. They needed to stay at home, they missed March break, Easter came and went, they sacrificed Halloween and now Christmas is likely out of reach as well.

School, a fundamental dimension in their development, was taken away, and when it came back it was marred with issues. In my city of Toronto, the beginning of the school year was pushed back a number of times with switches to online schooling seemingly done in a random fashion, and outbreaks occurred throughout the schools. When it comes to the health of thousands of children, children are waiting for their medical procedures, access to primary health services, mental health services and immunization. Where they were shaken by the changing world around us, children lack access to important care.

Children have been through so much this year and have been examples to all of us of resilience, strength and selfless dedication to keeping those around us safe. All the more, children deserve to receive the focus of policy-makers to address the issues they are facing.

To all Canadian children, and on behalf of myself and all my colleagues here in the Senate of Canada, we applaud you, thank you and wish you a happy National Child Day.

CAPE BRETON UNIVERSITY—CENTRE FOR DISCOVERY AND INNOVATION

Hon. Percy E. Downe: Honourable senators, as a senator from Atlantic Canada, I wish to draw your attention to a new initiative that is planned at Cape Breton University. The university has announced that they are seeking federal infrastructure investment funding to establish the Marshall Institute as part of CBU's Centre for Discovery and Innovation. Key to the mission of the new centre, and emphasizing CBU's continuing commitment to

the various communities it serves, the Marshall Institute will honour the legacy of well-known Mi'kmaw activist Donald Marshall Jr. both in terms of the lasting impact of his wrongful conviction, and his work in upholding the hunting and fishing rights in the 1760-1761 Treaty of Peace and Friendship.

The institute will advance much-needed knowledge sharing and action, and will bring together Mi'kmaw elders, educators and leaders to work with CBU on issues related to Indigenous rights and environmental justice. This facility will build upon a 40-year relationship between the university and its Mi'kmaw neighbours, including outreach to the five local First Nations communities, on-campus support for students and the establishment of Mi'kmaw Studies as an academic discipline at CBU, resulting in more Mi'kmaw students graduating from Cape Breton University.

The institute will focus on research, but it will take that research and work with similar organizations to propose real change and real solutions to the challenges facing First Nations and Canadians. As the first such institute in Eastern Canada, it will fill an important gap in the national dialogue over how we can chart a new course in the 21st century.

Combined with the leadership role CBU has taken in the economic recovery of Cape Breton Island, an even more vital role given the impact of the pandemic, this work of both the institute and the centre will require significant investment in the amount of approximately \$80 million. That is why I encourage all senators to support this initiative and CBU in its efforts to secure federal infrastructure funding to build the Centre for Discovery and Innovation and the Marshall Institute.

The centre, although based at CBU, will benefit all of Atlantic Canada and that is why I believe it should have strong regional and national support. Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

LINCOLN, ONTARIO

Hon. Peter Harder: Honourable senators, I rise today to acknowledge the fiftieth anniversary of the town of Lincoln, Ontario, my hometown.

Located in the heart of the Niagara region, between the southern shore of Lake Ontario and the Niagara Escarpment, Lincoln's story began on January 1, 1970, when three communities — the town of Beamsville, the Township of Clinton, and most of Louth — were amalgamated. Through a vote of citizens, "Lincoln" was chosen to be its name. In doing so, they honoured the name given by Lieutenant-Governor John Graves Simcoe to the previous County of Lincoln, which lost its status with that amalgamation.

The genius of the town's leadership from founding mayor, Delby Bucknall, to the current mayor, Sandra Easton, was to celebrate the identity and history of the community of communities — Beamsville, Jordan, Campden, Rockway, Tintern, and my home community of Vineland.

Lincoln is a vibrant town with charm, a diverse landscape, agricultural and horticultural innovation, and tourism. It is a heavyweight in the world of wine, with approximately 50 wineries — visit them all — orchards and vineyards, and is often described as Niagara's Sonoma Valley. My community of Vineland is home to the first and oldest Mennonite church organized in 1801 by the Pennsylvania Dutch.

The neighbouring village of Jordan is historically known as the Twenty, taking its name from the Twenty Mile Creek, about 20 miles from Niagara Falls. It is home to the Jordan Historical Museum, and it is a museum with which I have a proud association, thanks to fond memories of visiting the museum as a boy. Most recently, the Lincoln Museum and Cultural Centre, as it is now known, is undergoing a dynamic establishment of a new centre, which was dedicated for construction in May of last year and looks forward to its opening next year. Traditions and artifacts from Indigenous peoples, as well as one of the earliest pioneer settlements in Upper Canada, will help us all appreciate the region and its association with agricultural and vinicultural innovation.

I owe much to my heritage. They are the community that formed me, the home which nurtured my thinking, the values of community, caring, honesty, integrity, family and work that have been essential to my career as they are to any authentic life. In so many ways, Vineland was a wonderful place to grow up. It was large enough that one could see the exciting things that the world had to offer right at home, such as a diverse population of immigrants, a rich cultural life, art, theatre, sports and more. Yet it was small enough that a young boy like me, and so many others, might experience these exciting things that aspire to a bigger life.

• (1410)

Today, I cherish my visits to Lincoln. I was just there on Tuesday to participate in the fiftieth anniversary celebrations. Lincoln's fiftieth anniversary year represents a significant opportunity to celebrate the community's rich past and bright future.

A dynamic town with big aspirations and a commitment to build a strong, diverse and vibrant community — a place to grow, belong, and prosper.

Happy anniversary, Lincoln!

NUNAVUT

Hon. Dennis Glen Patterson: Honourable senators, on November 6, 2020, Nunavut identified its first confirmed case of COVID-19. As of today, the number of confirmed cases grew exponentially to 74 cases in four communities. I want to thank our front-line workers; the Chief Public Health Officer, Dr. Patterson; public health officials and the rapid response team

who have been sorely tested and who have all worked around the clock to conduct contact tracing, provide medical support and continue testing community members.

I'd also like to pay tribute to the Government of Nunavut, led by Premier Savikataaq. They have been open and transparent with Nunavummiut and acted quickly and decisively to contain the spread.

Yesterday, Nunavut entered what is being referred to as a severe circuit-breaker lockdown, hoping to contain the virus by ensuring there is no more community spread.

This major health threat shines a bright light on issues facing Nunavummiut that we have known about for years. More affordable housing and better infrastructure are vital necessities. Many people live in overcrowded housing, leaving little room to isolate and increasing the chances of household spread. The lack of hospitals increases the anxiety of those who fall ill, as any complications will require being medevaced to the south.

That said, I want to speak directly to the people of Nunavut. Inuit are resilient people, and all northerners know how to shelter in place to avoid danger. This time, it's not a raging blizzard to hide away from, but a terrible disease. By following the advice of our health officials and our leaders, we can get through this.

I know that it will be difficult for those who can no longer visit elders or beloved family members. It will be difficult for the children who cannot attend school, and for their parents.

It will be difficult for the teachers that struggle to teach remotely in a territory with well-known gaps in reliable internet, and there will be continuing difficulties for business owners. But I believe that Nunavut can stop this spread. I continue to fight for you here in Ottawa, but my heart is with you all in Nunavut.

Qujannamiik. Matna. Koana. Thank you. Taima.

Some Hon. Senators: Hear, hear.

THE LATE HONOURABLE DAVID OSBORN BRALEY, O.C.

Hon. Marty Deacon: Honourable senators, I rise today to add my voice to those who have paid their respects and thanks to the late Honourable David Braley. Senator Braley has been rightfully commended for his legacies both in this chamber and the CFL.

But for me, there are two personal memories that spring to mind when I think of him. The first occurred when Senator Braley was serving as the honorary chair of the 2003 World Road Cycling Championships in Hamilton where I was volunteering at the time. Words cannot do justice to just how big a deal this event was for this community. These races are usually held in countries like Italy or France — not our Steeltown, Hamilton.

One day, someone asked me to take Mr. Braley on a course run to give him a sense of the race routes. I said, “Sure, are we doing this by car or by motorbike?” After some conferencing and phone calls — no cellphones — I was told that he would like to do this on bikes like the athletes do. I was a little nervous but agreed, and off we went, nice and easy.

At about the 12-kilometre mark, following some very steep hairpin turns, we pulled over and he said very quietly to me — just sort of over the shoulder— “Do athletes get killed on these routes?”

I told him no, their equipment and training is all at the very highest levels. After some silent contemplation, we both decided that perhaps we should continue the rest of the race by automobile, and we continued our enjoyable afternoon in the relative safety of a car.

The other experience I had was a few years later, and involved Ontario’s successful bid for the 2015 Pan Am Games. The work for this started in 2007, and while Senator Braley ended up being a staunch advocate for this bid, he was, at first, a little skeptical.

One day, about a month before the bid presentation was to take place in Mexico, he and I were part of a group visiting potential venues for games. This is a big deal, where you’re meeting with architects, the community and the local folks. While we were stepping off a bus, Senator Braley turned to me and just said, “Why?” To which I said, “I beg your pardon? Why what?” He looked at me and said, “I understand football and franchise growth, but why a Pan Am Games? What does it offer the city, the people and this country?”

I responded by saying, “Do I have five minutes to respond?” He said in his true style, “Yes, and only five minutes.” I took a deep breath, and I responded. I tried to cover all facets of what this could mean for the area, for the economy, for our athletes and for our country. After this, he was silent for what felt like a long time, and just said, “Sold. Thank you.” We won this bid, in no small part due to his typical Herculean efforts. In 2010, Mr. Braley resigned from the Pan Am host committee in order to become Senator Braley.

I’m most honoured that we have commonality on our respective paths to this historic institution. When I think back, I consider my good fortune in meeting Senator Braley, a strong man and a big personality, who would challenge the status quo at the end of the day. His support for his community was on a scale so big it was hard to comprehend at the time. He leaves a legacy worth remembering. Thank you.

Some Hon. Senators: Hear, hear!

[*Translation*]

VICTIMS AND SURVIVORS OF CRIME WEEK

Hon. Pierre-Hugues Boisvenu: Honourable senators, it is with conviction that I rise today to once again impress upon you the inestimable value of Victims and Survivors of Crime Week, which will take place next week.

[Senator Deacon (Ontario)]

For many families of victims across Canada, this important week provides a much-needed opportunity to be heard and to talk about their loss and their needs.

Victims and Survivors of Crime Week usually takes place at the end of May. Unfortunately, this year the government suddenly postponed it because of the pandemic.

Although it is being held virtually, this week is an important time of the year for all of us to remember the far too many missing and murdered victims and survivors in Canada.

This is a week for working together to better protect the hard-won rights of victims. As you know, I actively participated in drafting and passing the Canadian Victims Bill of Rights in order to ensure that victims have the same rights as criminals in our justice system. This long-term endeavour is far from over.

Esteemed colleagues, I make this statement in honour of the memory of the men and women who tragically lost their lives in 2020. Marylène Lévesque was murdered at 22. Océane Boyer was murdered at 13. Twenty-three people were killed in Nova Scotia. Recently, people were killed in Quebec City. And so many more.

I speak for those who were victims of spousal violence and who suffered terribly during lockdown. In 2019, 51 women were murdered by violent spouses, and in 2018, 16 children were killed right in their own homes.

I also speak for those who were sexually assaulted and who must live with the trauma of that assault every day. Sexual assault has been one of the most common crimes in Canada for years, much like human trafficking and the sexual exploitation of minors, a form of violence that still victimizes too many in 2020.

I am thinking of victims’ families, who never stop hoping for a sign, a message from their disappeared loved one.

I think of all the forgotten children, victims of pedophilia and cybercrime. This dark side of the digital age is a growing scourge.

I want to salute the dedication of front-line responders, the people who run shelters, the many organizations that support victims and the police officers who dedicate their lives to protecting and supporting victims of crime and their loved ones. They are indispensable.

• (1420)

Honourable senators, recognizing the importance of National Victims and Survivors of Crime Week is essential in a country like Canada. We must be a leader in recognizing and advancing the rights of victims of crime.

That is why I invite you to join me in demonstrating that the Senate of Canada, in a non-partisan spirit, supports and respects victims and victims' families across Canada.

Hon. Senators: Hear, hear.

[English]

ROUTINE PROCEEDINGS

THE SENATE

NATIONAL FINANCE AND LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEES AUTHORIZED TO MEET ENTIRELY BY VIDEO
CONFERENCE DURING THE ADJOURNMENT
OF THE SENATE

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

That, pursuant to the order adopted by the Senate on November 17, 2020:

1. the Standing Senate Committee on National Finance have the power to meet entirely by videoconference for the purposes of its study of the expenditures set out in the Main Estimates and the Supplementary Estimates (B) for the fiscal year ending March 31, 2021, as authorized by the Senate on November 18, 2020; and
2. the Standing Senate Committee on Legal and Constitutional Affairs have the power to meet entirely by videoconference for the purposes of its study of the subject matter of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), as authorized by the Senate on November 3, 2020; and

That both the Standing Senate Committee on National Finance and the Standing Senate Committee on Legal and Constitutional Affairs be authorized, pursuant to rule 12-18(2)(b)(i), to meet for the purposes of the above studies, between November 23 and 27, 2020, inclusive, even though the Senate may then be adjourned for a period of more than one week.

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

Hon. Senators: Agreed.

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, we will be ready for the question in just a minute. I do want to take just a minute, though, if I could, to clarify something.

First, I was and still am very much in agreement with the motion the way it is written, and I was a supporter of and helped in drafting the motion. However, I do want to make a point, Your Honour, that these trying times we are having call for us to do many things we don't particularly like to do and that we are doing differently now than what I would like to see us do.

We have approved many billions of dollars in short sittings. We have committee meetings that are held in hybrid and virtual fashions. We have a Senate that is meeting in a hybrid format. That is not what the Senate was intended to do, but we are all compensating.

But there are bills sometimes that are, to many of us, more important than others, and even though we have spent billions of dollars — and much of that would be to save lives — we have before us a bill in Bill C-7 that is intended to do something else; some of us would say it's intended to do the opposite of saving lives. So it's of more consequence to some of us than it is to others.

Therefore, I, at least, want to be on the record in saying how saddened I am that we are going to be discussing an issue of this magnitude and importance, either in hybrid or virtual sittings. Although, as I said, I'm complicit in having written this, I heard there was some disagreement at the Standing Senate Committee on Legal and Constitutional Affairs that the way the motion is written compels the committee to sit virtually. I thank Senator Dalphond for shaking his head because it looks to me like he's going to agree with me. I, at least, simply want to be on the record that this does not compel the Standing Senate Committee on Legal and Constitutional Affairs to sit virtually; it allows them to sit virtually. If the committee were to decide they wanted to sit in a hybrid fashion, they could do that.

I want it to be on the record that they would, in fact, be allowed to sit in a hybrid fashion. Many believe they might be more convincing if they were sitting around a table.

Your Honour, I thank you, and I thank the Senate for giving me the opportunity to put those concerns on the record. With that, Your Honour, I would be ready for the question.

Hon. Yuen Pau Woo: Honourable senators, since we have a statement that intends to provide some clarification, I feel it's necessary to provide a fuller story of this matter. I, too, want to get this question dealt with as soon as possible. I do not know if the motion, as written, does allow for the committee to be able to sit in a hybrid form if it so chooses, so we should not take that as a given. However, I will leave that to those who understand procedure and who can interpret the motion with greater accuracy.

I would say, though, that the reason for this motion is because we decided not to sit next week, and we decided not to sit next week because of the worsening COVID situation. We have chosen to not be in this chamber, to not endanger ourselves and endanger the staff. If we were then to say that committees can do

exactly what we chose not to do — to sit in person in a hybrid format — it would beg the question as to why we chose it for the Senate as a whole to not sit in the first place.

So I would just ask that both committees, Legal Affairs and National Finance, weigh very carefully, first, if they have the right to sit in a hybrid format and, second, whether that is, in fact, the wise thing to do, given that we have made a decision that goes in the opposite direction when it comes to the chamber as a whole.

Your Honour, with that, I hope we can quickly get leave and have this matter settled.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I give notice that, later this day, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, November 30, 2020, at 6 p.m.

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

Hon. Senators: Agreed.

[*Translation*]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETINGS OF THE APF EDUCATION, COMMUNICATION AND CULTURAL AFFAIRS COMMITTEE AND THE APF NETWORK OF PARLIAMENTARIAN WOMEN, FEBRUARY 24 TO 28, 2019—REPORT TABLED

Hon. Jean-Guy Dagenais: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the meetings of the APF Education, Communication and Cultural Affairs Committee and the APF Network of Parliamentarian Women, held in Hanoi, Vietnam, from February 24 to 28, 2019.

[Senator Woo]

WORKSHOP ON ENHANCING THE ROLE OF PARLIAMENTARIANS FROM MEMBER STATES OF THE ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE IN THE UNIVERSAL PERIODIC REVIEW PROCESS, DECEMBER 10-11, 2019—REPORT TABLED

Hon. Jean-Guy Dagenais: Honourable senators, I have the honour to table, in both official languages, the report of the Assemblée parlementaire de la Francophonie concerning the Workshop on Enhancing the Role of Parliamentarians from Member States of the Organisation internationale de la Francophonie in the Universal Periodic Review Process, held in Geneva, Switzerland, from December 10 to 11, 2019.

• (1430)

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS AND DIRECTIVES AND REFER PAPERS AND EVIDENCE SINCE BEGINNING OF FIRST SESSION OF FORTY-SECOND PARLIAMENT

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

That the Standing Senate Committee on Official Languages be authorized to study and to report on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the committee also be authorized to study the reports and documents published by the Minister of Canadian Heritage, the Minister of Economic Development and Official Languages, the President of the Treasury Board and the Commissioner of Official Languages, and any other subject concerning official languages;

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

That the committee submit its final report no later than December 17, 2021, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO AGRICULTURE AND FORESTRY

Hon. Diane F. Griffin: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry, in accordance with rule 12-7(10), be authorized to examine and report on such issues as may arise from time to time relating to agriculture and forestry; and

That the committee report to the Senate no later than December 15, 2021.

[Translation]

COUNCIL OF ELDERS

NOTICE OF INQUIRY

Hon. Murray Sinclair: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to realizing Canada's Council of Elders.

QUESTION PERIOD

PAROLE BOARD OF CANADA

RIGHTS OF VICTIMS OF CRIMINAL ACTS

Hon. Pierre-Hugues Boisvenu: My question is for the Leader of the Government in the Senate.

Senator Gold, we are still waiting for the assessment report that Minister Bill Blair promised to deliver on deficiencies at the Parole Board of Canada, so I want to share two problems that some victims have recently reported to me.

First is the case of Mr. Larmond, a terrorist sentenced to seven years in prison in 2015 for being affiliated with the Islamic State and for having plotted to commit crimes against Canadians. Not only did this man radicalize other inmates at his prison, but he was also transferred to Canada's highest security prison because his behaviour had been deemed extremely dangerous. He was granted parole after completing two thirds of his sentence and is currently living in a halfway house in Calgary.

Did Mr. Blair learn anything from the murder of Marylène Levesque? I will say it again, we are still waiting for his assessment report.

Senator Gold, how does the government explain to Canadians that this man, who was convicted of terrorism, was released after completing two thirds of his sentence and that his reintegration plan allows him to hit the slopes in the Rockies to apparently search for his soulmate?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for his question and his commitment to victims' rights and interests.

With respect to the case you mention, you know that under the Criminal Code, a person has the right to be released after serving two thirds of their sentence. This is not a Parole Board decision. It is the law. After that time we have no choice but to release the inmate. However, there is a provision for dangerous criminals. In that case, the government has an independent process whereby a risk analysis is conducted in order to make decisions that will protect society and help inmates reintegrate into society little by little.

Senator Boisvenu: Senator Gold, you are a former Parole Board commissioner who was appointed by a Conservative government. As you can see, the Conservatives often make non-partisan appointments.

How do you explain the board's decision in the case of the murderer of Brigitte Serre, who was killed in 2006 when she was stabbed with a knife 72 times? In fact, the decision on whether to release the offender on parole was communicated to the media before it was even announced to the families. The family found out by phone and through the media, following his parole board hearing, that the individual would not be released.

My question is this: When will Minister Blair finish his assessment of the flaws we are seeing every day in the way the Parole Board operates?

Senator Gold: The minister is still studying this complex entity. It is a national system and, as my colleague well knows, it is managed differently from one province to the next. The minister is still studying the matter. When he is ready, he will communicate his decision as quickly as possible.

[English]

FINANCE

FISCAL UPDATE

Hon. Donald Neil Plett (Leader of the Opposition): My question is also for the government leader. Leader, I realize this question was raised earlier this week when Minister Freeland appeared in the chamber during a Committee of the Whole. However, since we didn't get much of an answer — in fact, we got really nothing of an answer — I wish to give you the opportunity to give us a better answer than she could. Hopefully, you can provide us with the information.

The minister has repeatedly said that she would be providing a fall fiscal update. The former finance minister, Bill Morneau, had a habit of presenting the government's long-term fiscal projections on the Friday before Christmas, after Parliament had risen. Canadians were understandably paying a little less attention.

Last year, minister Morneau released a 2019 economic and fiscal update on December 16, three days after the House of Commons rose before the Christmas break.

Leader, are you able to get a commitment from your government that the economic update will be presented while Parliament is still sitting this fall?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator. I aim to please, but I fear I might disappoint you. I certainly don't know at what date the government will be releasing the fiscal update. The minister indicated in this chamber that it would be in the fall, and the calendar tells us when the fall ends. I will certainly make inquiries as to when we can expect that, and I will provide this chamber with the best information that's provided to me.

Senator Plett: Hopefully, you will be a little more committed to that task than the minister is. I asked her for written responses to many of my questions before we approved Bill C-9, to date — and she still has a few hours left — but so far I haven't received one of them.

Leader, I look at the parliamentary calendar, and I can't help but be concerned that the government will hide this very important economic update in the shadows of the Christmas holidays. Leader, can you tell us if the government will be the Grinch that stole Christmas again this year?

• (1440)

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. One is tempted to make light, to respond in kind, but my sense of humour fails me sometimes.

The truth is that this is a difficult time. Christmas and the holidays will be a difficult time for all Canadians and the families who are, first of all, struggling to know what the rules are going to be in their particular provinces, regions and municipalities, but, more importantly, still worrying about the growing wave of the virus that is upon us.

The government remains committed to supporting Canadians through this difficult time, and though one cannot promise as festive a season — we're in the season of lights as well, and Diwali — the government will do its best to ease the burden on Canadians through these difficult times.

[Senator Plett]

IMMIGRATION, REFUGEES AND CITIZENSHIP

SKILLED WORKER PROGRAM

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the leader of the Senate as well. Leader, I very much appreciate that you called me and gave me an answer to my question yesterday. I appreciate your thoughtfulness.

Leader, the challenge is that the visas skilled immigrant workers are given by the federal government, while the accreditation and permission for skilled workers to work in any province are given by provincial bodies. There is a disconnect because when skilled workers come to Canada, Canadians expect them to integrate into our society and work as skilled workers. However, they are finding and we are also learning that those skilled workers are not able to work as skilled workers. There are many stories — I relayed some yesterday so I won't repeat them — of how these workers lose their spirit.

When the minister says that he's going to bring 1.2 million immigrants, of which 60% will be skilled workers, I am really at a loss as to how those skilled workers are going to benefit Canadians if those skilled workers end up being low-skilled workers. What plan is in place to help those skilled workers achieve their dreams and also help Canada with their skills?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question and your ongoing commitment to this. It's a very important issue. As your question reveals, we have a challenge in this country because of the federal nature of our constitution and our country because the primary role for job training, for integration, for jobs, for labour, falls to the provinces.

The federal government has the Settlement Program, which is administered through Immigration, Refugees and Citizenship Canada, and it funds approximately 500 service providers throughout this country who provide front-line support to newly arrived immigrants to help them integrate.

As well, I certainly will take your preoccupations to my colleagues in the other place to see whether or not, in their ongoing discussions with our provincial counterparts — and it goes profession by profession, sector by sector — there can be some improvement in the way in which the provincial regulatory bodies treat skilled workers from abroad. Thank you for your question.

Senator Jaffer: Senator Gold, thank you very much for your answer. I am very much aware that the federal government does financially assist some programs across the country to help immigrants. However, those programs are mainly meant for refugees and immigrants who have joined their families. There are very few programs that assist skilled workers in any way.

I know you cannot answer this question today, so may I respectfully ask that you ask the federal government? There's a disconnect here. Why bring skilled workers who will not be able to work in their professions? How does that benefit Canada? Thank you.

Senator Gold: I'll be happy to make those inquiries.

[Translation]

FISHERIES AND OCEANS CANADIAN FOOD INSPECTION AGENCY

SEAFOOD TRACEABILITY SYSTEM

Hon. Renée Dupuis: Honourable senators, my question is for the Government Representative. Senator Gold, a report released two weeks ago by Oceana Canada states that Canada's seafood traceability requirements throughout the full supply chain, from "boat-to-plate," are woefully inadequate compared to those of other countries around the world.

Those who drafted the report say that this has major repercussions on Canada's fishing industry and also on other citizens.

The expansion of illegal fishing around the world means that these fish products are flooding the Canadian market, which results in major losses for the Canadian fishing industry and lost income and tax revenue for Canada. These well-known inadequacies make it difficult to track catches from where they are captured to the ports they go through and to the countries where they are processed, put on the market, purchased and finally consumed.

According to these economists, there are also problems with product labelling, either because the products are labelled incorrectly or because the labels are deliberately misleading, which means that consumers are buying products that are not what sellers say they are. Consumers are the ones being hurt. This can also have an impact on health because product quality cannot be verified at all stages, from the time the catch is brought in until it reaches the consumer's plate.

What is more, fishery workers are also being systematically exploited. They are being locked up and held by force on ships for months at a time, without being able to leave. This has become known as a form of modern slavery, because this practice in the industry is certainly a violation of human rights. Also, let's not forget the depletion of fish stocks as a result of illegal fishing.

Senator Gold, what is the timeline for the traceability system? The Minister of Health, who is also responsible for the Canadian Food Inspection Agency, and the Minister of Fisheries were given this responsibility by Prime Minister Trudeau almost a year ago in December 2019.

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for the question. The Government of Canada is aware of the concerns raised in the Oceana Canada report and takes illegal, unreported and unregulated fishing very

seriously. The government is also committed to ensuring the safety and protection of consumers when it comes to seafood. This is quite clear. Canadian law prohibits product misrepresentation, and the Canadian Food Inspection Agency enforces these laws to protect consumers from food fraud, including the misidentification of fish species. Furthermore, the CFIA has introduced a series of strict requirements as part of the Safe Food for Canadians Regulations, which came into effect in January 2019, including requirements around traceability and truthful labelling. I have also been told that Health Canada is leading the government's efforts in cooperation with the industry and international partners to identify any additional measures that could improve supply chain traceability.

The Hon. the Speaker: Senator Dupuis, do you wish to ask a supplementary question?

Senator Dupuis: Yes, if I may, Mr. Speaker. Senator Gold, you are providing us with a lot of information on what the departments are supposed to be doing, but I would like to know where things truly stand with each of these two departments. I think it is essential that the two ministers responsible for these files come before us to answer these questions.

Senator Gold, would you agree to commit to inviting the Minister of Health and the Minister of Fisheries to answer questions during Question Period in the Senate?

Senator Gold: The short answer is yes. As you know, we had a discussion with the leaders about Question Period with the ministers. I hope that the Senate will reach a consensus on re-establishing a process to allow ministers to be present during Question Period. I heard that the ministers are pleased to be able to participate in Question Period in the Senate again because that experience was constructive and instructive for them and for us. I will certainly consider your suggestion on the presence of the two ministers, honourable colleague.

INTERNATIONAL TRADE

OIL AND GAS INDUSTRY

Hon. Jean-Guy Dagenais: Honourable senators, my question is for the Leader of the Government in the Senate. Leader, I personally find Prime Minister Justin Trudeau's attitude toward Joe Biden's election as the future President of the United States to be rather optimistic.

• (1450)

If I recall correctly, during the election campaign, Mr. Biden, who, by the way, is just as protectionist as Donald Trump, promised to scrap — that is the term he used to please his environmentalist friends — the Keystone XL pipeline.

That is definitely not good news for Alberta, even though Indigenous communities announced a billion-dollar investment in this pipeline yesterday. I would like the leader to tell us, without repeating here the usual political statements on the importance of maintaining good relations with our American neighbours, what the Prime Minister is prepared to do to protect Alberta's oil workers — or is he preparing to sacrifice them, as he sacrificed

dairy producers when he signed the Canada-United States-Mexico agreement and promised compensation that they are still waiting for?

Hon. Marc Gold (Government Representative in the Senate): Before I answer your question on Keystone XL, I'd like to correct the premise of your question. The government's position is clear, and it did not abandon any sectors when it signed this agreement with the United States and Mexico. On the contrary, this agreement has generated many benefits for Canada.

That said, the Government of Canada's position was clear, and it continues to support the Keystone XL project. I've been informed that the Prime Minister already broached this topic with Joe Biden, the President-elect, during their first conversation. The government continues to promote this project with U.S. officials at every opportunity.

As you know, construction on the pipeline itself is continuing in Canada. The government will continue to assess the process under way in the United States. This project is good for Canada and good for the industry, and it has already created 1,500 good jobs here in Canada.

Senator Dagenais: Leader, you often say that you disagree with my premise, but it's quite clear that Mr. Biden has no intention of supporting the construction of the pipeline. The government says that it continues to maintain a good relationship, that it is working hard and studying hard, but what, concretely, is our government going to do to stand up for workers? I want to know, concretely, what our government is going to do.

Senator Gold: Thank you for the question. The Government of Canada has made concrete efforts by working with our most important partner in the world on an ongoing basis on all economic and political issues. The government demonstrated its skills and abilities by successfully addressing a wide variety of issues that were causing problems between our governments. The Canadian government will continue to defend the interests of Canadians by relying on its world-renowned skills.

[English]

HEALTH

COVID-19 PANDEMIC—NORTHERN AND REMOTE COMMUNITIES

Hon. Patricia Bovey: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, looking north, we have all been utterly distressed to witness the quick spread of COVID-19 in a number of Nunavut communities. With the housing situation, the numbers of people in each home, the issues of mould and ventilation in many of the homes, the small sizes of the communities, and the remote and already stretched and insufficient medical stations, one has to ask how COVID can be treated via telehealth and eHealth and with no hospitals in the region.

[Senator Dagenais]

Senator Gold, what is the federal government doing to support these vulnerable Canadians and centres? How is the federal government assisting the Indigenous, Inuit and territorial governments?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government is, as we all are, very concerned about the exponentially rising cases in Nunavut and the spread into communities, as we heard from our colleague Senator Patterson earlier.

Since the start of this pandemic, the Government of Canada has been taking very significant action to ensure that Northern and remote communities have the resources that they need to combat and prevent the spread of COVID-19; \$500 million was provided to provinces and territories in March, followed by a further \$130 million in April to address health, economic and transportation priorities related to COVID-19 in Yukon, Northwest Territories and Nunavut. Most recently, under the Safe Restart Agreement, the Northwest Territories, Yukon and Nunavut have each been allocated over \$3 million for testing and contact tracing and over \$1 million to support health care capacity.

All of that said, the government remains committed to continue to work in coordination with community leadership, and it stands ready to provide additional support as needed. In particular, with regard to Nunavut, I have been advised that the Government of Canada remains in regular communication with the Government of Nunavut, is closely monitoring the situation and remains ready and able to assist the territory.

Senator Bovey: Thank you for that. We know that for months, Nunavut has been a COVID-free region, if I can call it that. I have been concerned over the months to have come to understand that they were without PPE.

Do they have sufficient PPE now? What training are they receiving? I would like assurances for this chamber, if I may, that sufficient emergency supplies have been sent north.

Senator Gold: Thank you, senator, for the question. I mentioned the \$3 million already sent for PPE, and the government has also processed over 1,200 shipments of PPE to the territories.

Let me speak to Nunavut specifically. The government has sent over 771,000 items of PPE since the pandemic began in March. This breaks down as follows: About 235,000 items of protective clothing, 224,000 pairs of nitrile gloves, 171,000 face shields, 52,500 N95 masks and almost 139,000 surgical masks.

I'm not able to answer the question about training, but I would be happy to discuss this with you further and get a better idea of how I might provide more information.

[Translation]

CANADIAN HERITAGE

DECLINE OF FRENCH LANGUAGE IN QUEBEC

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

Leader, last week before the House of Commons Standing Committee on Official Languages, MP Emmanuella Lambropoulos said, and I quote:

... we hear, I don't want to call it a myth, I'll give the benefit of the doubt. We hear the French language is declining in Quebec. I've heard that on several occasions. I have to see proof in order to believe that.

That is what she said in English while putting the word "declining" in air quotes. She was talking to the Commissioner of Official Languages, Raymond Thériège. This insulting and disrespectful statement elicited a very strong reaction from many members of the House of Commons, including a number of Liberals. The Liberal minister responsible for official languages, Mélanie Joly, said that she was "extremely surprised," "stunned," and "disappointed" that her colleague would question the existence of the decline of French in Quebec.

My question for you, Leader, is this: Are you extremely surprised, stunned, and disappointed by what the Liberal MP said?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question. I was very disappointed and surprised by those remarks.

When you live in Montreal, when you are a francophile and a Quebecer and you walk around the city, it is clear that protecting the French language in Quebec is always going to be a challenge.

The importance of our two official languages is paramount in many ways, and this also includes the strength of the French language in Quebec. Everyone can choose their preferred adjectives, but I agree with the position of the Government of Canada, as expressed by the Prime Minister and Minister Joly.

Senator Carignan: I understand that you don't share that view, and neither do I, by the way, because there is clearly a decline.

What have you observed personally, every day, when you are in Montreal, that illustrates the decline of French?

• (1500)

Senator Gold: It's both complicated and nuanced. Montreal is Quebec's metropolis, and it attracts the vast majority of immigrants. Quebec is special and unique, it has specific powers with respect to immigration and integrating immigrants, and does a good job with that, but even so, for those who settle in Quebec past a certain age, it takes more time to learn French.

In addition, Montreal and Quebec City attract a lot of tourists, or at least they did before the pandemic. We see situations in some businesses where someone, say an employee or the owner of a little corner store, has trouble mastering French. There are signs like that, and for those who are sensitive to linguistic issues, which I certainly understand, that is an irritant. That is what I observe as I walk around Montreal.

[English]

PUBLIC SAFETY

CANADA-CHINA RELATIONS

Hon. Leo Housakos: Honourable senators, my question is for the government leader in the Senate. Government leader, yesterday in the House of Commons, an important vote took place. A motion was tabled by the Foreign Affairs critic, Mr. Michael Chong. That was unanimously supported by all opposition parties and passed. It essentially calls on the Trudeau government to take a firm stance against China, which is increasingly posing a national security threat to this country. It also calls on the government to, within 30 days, take a firm and final decision in dealing with Huawei and their implication in our 5G. It also calls on and compels the government, within a short period of time, to take a stance in standing up against this Chinese regime's intimidation and threats to Canadian citizens.

My question, government leader, is very simple: When will Prime Minister Trudeau and his government stop admiring and kowtowing to the Chinese totalitarian regime and start respecting the wishes of the democratically elected Parliament in this country?

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, if I might, I will answer the important part of the question without necessarily agreeing with it.

Again, we have to find some way to agree on some of your characterizations. Regrettably, honourable colleague, kowtowing is not a word that I would at all ascribe to our government's stance with regard to China, especially given the seriousness and complexity that defines our relationship with that government.

It is unacceptable for China to interfere in our affairs, whether it's in our electoral affairs or domestic affairs. Any intimidation of Canadians, including those of Chinese origin, is absolutely unacceptable. The government also recognizes the importance of protecting our infrastructure and making sure that it's secure.

With regard to the motion, however, the government needs the time and will take the time to review its security issues and the economic and humanitarian issues that are at stake in our relationships, guided by the expertise of Canadian officials and

elites, and will not be driven by motions or by the official opposition. The government will take action when it's appropriate, guided by its proper considerations.

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

ORDERS OF THE DAY

THE SENATE

MOTION TO FILL THE POSITION OF SPEAKER PRO TEMPORE BY MEANS OF A SECRET BALLOT FOR THE REMAINDER OF THE SESSION

Leave having been given to proceed to Other Business, Motions, Order No. 19:

On the Order:

Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Harder, P.C.:

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

1. for the remainder of the session, the position of Speaker pro tempore be filled by means of a secret ballot by all senators to be held before the end of this year, using a process to be established by the Speaker after consulting with the Leader of the Government, the Leader of the Opposition, and the leader or facilitator of any other recognized party or recognized parliamentary group; and
2. in the period preceding the secret ballot decision provided for under the first paragraph, any vacancy in the office of Speaker pro tempore be filled on an interim basis in accordance with the Rules.

REFERRED TO COMMITTEE

Hon. Scott Tannas moved:

That, pursuant to rule 5-7(b), the question under debate be referred to the Committee of Selection for examination and report.

He said: Honourable senators, Motion 19, in case you're scrambling through your Order Paper, is the motion by Senator Dalphond with respect to the election of a Speaker pro tempore.

I think we have found a general agreement amongst all the groups. My understanding is that it has been discussed. Therefore, honourable senators, I move the motion.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

INCOME TAX ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Duncan, seconded by the Honourable Senator Dasko, for the third reading of Bill C-9, An Act to amend the Income Tax Act (Canada Emergency Rent Subsidy and Canada Emergency Wage Subsidy).

Hon. Marty Klyne: Honourable senators, I rise today to speak to Bill C-9, An Act to amend the Income Tax Act which introduces the Canada Emergency Rent Subsidy, or CERS, and it modifies the Canada Emergency Wage Subsidy, or CEWS. I will be brief.

Senators, the COVID-19 pandemic has provided us with an unprecedented challenge and no manual or handbook of best practices to deal with it. I'm grateful for our front-line health care workers and how they did not hesitate to rise to the challenge right from the get-go and the great work they continue to demonstrate around the clock to ensure Canadians continue to get the best possible care.

Hats off to all our staff, families and friends for their support during this pandemic. I would be remiss if I did not thank those Canadians who continue to practise the health guidelines, protecting themselves and, in doing so, protecting those they care for, including the aged and youngsters alike.

We have lost over 11,000 Canadians to this virus, which continues to batter our way of life and kneecap our economy. My sincere condolences to the families who are left to mourn a loved one lost to COVID and those who were struck by the virus and who have since recovered — but not fully, due to the lingering effects.

My best wishes go out to the hundreds of thousands of owners and employees of small and medium-sized businesses, who are doing the best they can to serve customers in a safe environment, keeping the shop above water and, all the while, keeping themselves safe from COVID.

Honourable colleagues, small and medium enterprises, or SMEs, are the backbone of Canada's economy. These businesses are the ones that put it all on the line to create jobs, create wealth and create a future for the next generation to aspire to. SMEs are the reason Canada had a vibrant economy that offered the high

standard of living we all enjoy and is still the envy of many around the world. These SMEs continue to invest in their businesses, ensuring their place of business is a safe environment for employees, customers and suppliers.

Canada's SMEs make up over a million employers, of which 97% are small businesses. According to the Key Small Business Statistics published in January 2019 by Innovation, Science and Economic Development Canada, the proportion of Canadians employed by SMEs is close to 90%. We often took for granted these businesses and the goods and services they provide for our consumption, enjoyment and satisfaction. But COVID-19 has been a wake-up call for all of us. We don't take them for granted now, and we understand we cannot not support these businesses and their employees.

Statistics Canada reported that two fifths of small businesses had a 40% drop in revenue in April 2020 compared to April 2019. Businesses of 5 to 19 employees reported a 41% drop while those with 20 to 99 employees reported a 39% drop.

Honourable senators, we can't leave these SMEs to burn through all their cash reserves and not have the opportunity to build up enough retained earnings to continue to invest in the development of their employees and the repair and maintenance of their equipment and other assets. We certainly must do all we can to prevent those viable and adaptable businesses from having to close their doors and lay off employees due to no fault of their own.

• (1510)

Some businesses have been able to reinvent and transform themselves in order to survive, and some to resurrect a shuttered business. If we give up on SMEs now, the decline will only snowball and fuel an unwanted decrease in spending and reduction in personal savings and retirement funds, which could potentially lead to a rise in the default on mortgages, lines of credit, car loans and leases. Our SMEs are making all the investments they can and must make to provide safe environments for employees and customers, while developing new ways of doing business and invest further to lure customers back with the hope pre-COVID business levels will return.

Canadian business owners put it all on the line to start their business, and they have put it all on the line again to restart the business. They continue to demonstrate resilience and a Canadian work ethic to keep it all going.

Colleagues, the federal government's response to the impacts from the pandemic has been direct, flexible and a model for many countries to aspire to. Bill C-9 is a clear signal that the federal government will continue to support the backbone of this economy. This legislation offers Canadian businesses the funds they need to continue to operate and keep others employed and serve their customers. Bill C-9 proposes the Canada Emergency Rent Subsidy, or CERS, which will provide assistance to businesses so that, in simple terms, they can pay the rent, keep the lights on and ride it out.

As Senator Smith reminded us yesterday, the Minister of Finance tells us that the bill will be tweaked to allow businesses to apply for rental assistance so they can pay the rent; they won't have to pay the rent first and then apply.

The Canada Emergency Wage Subsidy, or CEWS, first introduced in March and has since provided businesses with \$48 billion in support, will be extended to June 2021 with the approval of this proposed bill, Bill C-9. As we know, colleagues, CEWS has been the lifeblood of our nation's employers and economy. There have been over 1.5 million applications approved, with 95% of these claims under \$100,000.

Bill C-9 will also update the CEWS program to include subsidies for an employer with a 70% or greater revenue loss in a single period to be eligible for a 65% wage subsidy as well as a further top-up of up to 25% for employers facing the greatest impacts due to the pandemic.

Knowing the vast majority of our economy depends on the survival of small- and medium-sized businesses should be the paramount reason to support Bill C-9 and why it is so important to do so expeditiously. Our businesses may be small, but they sure are mighty in many regards.

I support this legislation, colleagues, because it will straightaway provide a much-needed lifeline to our small- and medium-sized businesses, the owners and their employees — those who represent the backbone of our economy. I hope honourable senators will do the same. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Elizabeth Marshall: Honourable senators, I appreciate the opportunity to speak to Bill C-9. I would like to start by thanking Senator Duncan, Senator Smith and Senator Klyne for their comments on the bill, and also Senator Mockler for his comments on the committee report.

My comments will be brief. Bill C-9 amends two COVID-19 programs: the Canada Emergency Wage Subsidy program and the Canada Emergency Rent Subsidy program. The wage subsidy program was initially established for a 12-week period starting March 15, providing a subsidy of 75% of eligible remuneration up to a maximum of \$847 per week, per employee. The program has been extended and amended, most notably in July by Bill C-20. This bill, Bill C-9, further extends and amends the wage subsidy program.

Both Senator Duncan and Senator Smith spoke extensively on the bill, so I will not repeat the details of those two programs. Their comments speak for themselves, and the report of the Senate Finance Committee — tabled in the chamber on Tuesday — provides details on the bill and the testimony of witnesses.

Specifically, Bill C-9 provides for the extension of the wage subsidy program to June 2021 and also defines the formula by which the subsidy will be calculated. The previous bill, Bill C-20, which we approved in July, extended the wage subsidy program and prescribed the formula to be used over a number of months up to December 21.

While Bill C-20 was prescriptive, the bill provides the formula for calculating the subsidy for the periods up to December 19 only, which is only four weeks away. The formula for the periods from December 20 to June 2021 will be prescribed by regulation. In other words, unlike Bill C-20, parliamentarians will not have an opportunity to debate the details of the wage subsidy program, which will apply from December 20 onward.

Witnesses appearing before our Finance Committee last week were concerned that the government has not provided any details on the wage subsidy program which will take effect after December 19. They indicated that uncertainty is one of the biggest problems they face right now, and the absence of details about the wage subsidy program after December 20 is adding to that uncertainty.

In addition, the original wage subsidy program provided a maximum subsidy of 75% if there was a 30% reduction in revenues. However, the new wage subsidy program will now max out at 65% if there is a 70% reduction in revenues. In other words, witnesses were of the opinion that the maximum benefit of the original program was more generous than the program now being outlined in Bill C-9.

Witnesses appearing before our Finance Committee also outlined a number of other concerns and, as I previously mentioned, these were identified by Senator Smith when he spoke yesterday. The report of the Senate Finance Committee also highlights the concerns brought forward by witnesses.

The other program established by Bill C-9 is the rental subsidy program. This program replaces the Canada Emergency Commercial Rent Assistance program, or CECRA, as we called it. CECRA was administered by CMHC. Landlords had to apply for the old CECRA program, and many businesses complained about the program saying it was too complicated, too reliant on landlords to administer and the all-or-nothing threshold of a 70% revenue reduction left many hard-hit businesses without assistance.

Bill C-9 proposes a rental subsidy program for the periods between September 27 and December 19. Again, while the bill provides for the program up to June 30, 2021, no details on the formula for calculating the subsidy after December 19 are provided. The bill provides for these details to be prescribed by regulation, similar to the wage subsidy program.

The new program, now called the Canada Emergency Rent Subsidy, will be administered by the Canada Revenue Agency rather than CMHC. I see this change as positive with regard to obtaining current information about the program. Unlike the Canada Revenue Agency, which provides current financial and program information on the wage subsidy program on an ongoing basis, CMHC provided very little information on CECRA. There's a brief reference in their quarterly financial statements, but no current, ongoing information was provided. The Canada Revenue Agency, in their appearance before our National Finance Committee last week, assured us that they will be publicly reporting financial and program information on the new rental program on an ongoing basis.

Honourable senators, Bill C-9 does not include any mandatory reporting, program or financial information on the wage subsidy program or the rent subsidy program, and that brings me to my biggest concern.

During the pandemic, there has been very little program and financial information available to parliamentarians or to any Canadian interested in government's COVID-19 spending. Most of the information is dated, and in many cases there is no information. If you look at the Department of Finance website, you'll see these documents: financial statements of the government for the year ended March 31, 2019. The financial statements for the year ended March 31, 2020, have yet to be released. I understand they may be released next week, but again that is nine months after the fiscal year-end.

• (1520)

Budget 2019, dated March 19, 2019: We have not had a budget for 20 months. The economic and fiscal update 2019, that was dated last December 16, 2019; *The Fiscal Monitor*, the most recent being the one for August 2020; and the fiscal snapshot is dated July of 2020. All of this information is dated. Since the pandemic, access to financial and program information is practically non-existent. Government was releasing a biweekly report on COVID-19 spending prior to proroguing but has not provided any since then, so the last report on COVID-19 spending is dated August 6, over three months ago.

You may recall that I asked the Minister of Finance on Tuesday if she would reinstate this report, but she was noncommittal, which means we will not be receiving it.

The Canada Revenue Agency is voluntarily releasing current financial and program information on the wage subsidy program, but this could be discontinued at any time, like the biweekly COVID-19 reports.

The Canada Revenue Agency was also releasing current financial and program information on CERB until that program was transferred to the EI program in October, so that information is no longer available.

Canada Mortgage and Housing Corporation, or CMHC, which delivered the former rent subsidy program, provided very little information on that program. Their quarterly financial report for June indicated that \$196 million of the \$3 billion program budget had been disbursed, and the COVID-19 August report indicated \$644 million had been spent. In November, there was a press release indicating \$2 billion of the \$3 billion had been disbursed, but I saw no financial or program information between August and November on that program.

The government's most recent projected deficit figure was released in early July as part of the fiscal snapshot at \$343 billion. We have had no update since then, although COVID-19 programs have been expanded and amended.

In addition, there's so little program and financial information being released that it is not possible for us to even estimate a revised deficit number.

Honourable senators, it is literally impossible to track the COVID-19 spending. Anyone interested in this information has to review numerous documents on numerous websites, and that will only provide a partial picture. Despite the government claiming to be transparent, it is not.

Honourable senators, when we released our report earlier this week on the COVID-19 spending, there is a recommendation in that report relating to financial transparency. Here, directly from the report, is what it says:

Your committee also believes in the transparency of government spending. Prior to August 6, the government was providing a bi-weekly report on COVID-19 spending. The government should reinstate the publication of this report and publish timely monthly updates on all of its COVID-19 program spending.

I would like to give other examples of the difficulty encountered in trying to find information on government's COVID-19 spending. Added to this government's previous statements that there is no limit to what it is willing to spend during the pandemic emergency phase, last week the Prime Minister said, "...resources are not infinite. ..." The Minister of Finance said the identical wording. She said that resources aren't infinite. It seems like the government has done a 180-degree turn, which leads me to wonder what has changed. Has the government finally looked at the numbers?

Honourable senators, it is time for government to tell Canadians what impact COVID-19 has had on the government's treasury. After all, it is these same Canadians who will have to foot the bill. Thank you, honourable senators.

Some Hon. Senators: Hear, hear!

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I would also like to say that I will be brief, but I will not be able to say that.

However, I do also want to echo Senator Marshall's comments in thanking the committee that met to deal with this legislation during the remembrance break. The work that all of our committees do is appreciated, especially in the times that we are in.

Colleagues, today we are considering Bill C-9, An Act to amend the Income Tax Act (Canada Emergency Rent Subsidy and Canada Emergency Wage Subsidy).

Colleagues, this legislation does two things. First, it amends the Income Tax Act to revise the eligibility criteria and subsidization level under the Canada Emergency Wage Subsidy and extends the subsidy to June 30, 2021.

Second, it amends the Income Tax Act to introduce the Canada Emergency Rent Subsidy.

While the changes regarding the wage subsidy are largely a further extension of the existing program with additional support in the event of lockdowns, the Canada Emergency Rent Subsidy is a significant overhaul and a relaunch of the now defunct Canada Emergency Commercial Rent Assistance program,

known as CECRA. These changes to CECRA are long overdue, improvements that Conservatives have been calling for since spring.

It was May 20 when the Prime Minister announced the Canada Emergency Commercial Rent Assistance program for small businesses was coming online in a matter of days. According to the government, the program would "provide important relief for small businesses experiencing financial hardship" and was "another measure" to "help keep Canadians on the payroll."

The following day, on May 21, the Conservative Party warned the government that the program contained two major flaws that would limit its effectiveness.

First, the program was designed so that businesses would not be eligible for the rent assistance until they had a revenue drop of at least 70%. This meant that for businesses that experienced a 69% drop in revenue, the program was useless; they were not eligible. And if a business had seen a revenue drop of 70% and were eligible for the program, they would lose all the rent assistance as soon as their revenue improved 1 percentage point, from minus 70% to minus 69%. Any junior public policy analyst would have immediately realized that such an all-or-nothing approach with a sudden drop-off in benefits was bad public policy, yet the government seemed to be oblivious.

The second major flaw with the program was that the businesses were prohibited from applying for the assistance. Instead, it was up to the landlord to determine whether they would make this assistance available to businesses that leased space from them. But in order to do so, the landlord would be required to absorb a 25% loss of rental income. This may have been the first time in history that a government had the brilliant idea of providing financial assistance while prohibiting the intended recipients from applying for it.

The Conservative Party flagged these problems within 24 hours of the Prime Minister's announcement and called on the government to fix them. But the government did nothing. Instead, they watched as business after business that did not qualify for their poorly designed program struggled to survive, piled on debt by deferring month after month of rent payments or simply closed their doors for good.

The Canadian Chamber of Commerce recently said:

CECRA was problematic from the start, and a large number of small businesses have struggled without access to any rent support for months.

The Canadian Federation of Independent Business said that "the government's rent assistance program remains dramatically underutilized."

Their latest survey revealed that only 22% of businesses were able to use the program. The Canada Emergency Commercial Rent Assistance Program was supposed to provide \$3 billion of much-needed relief to small- and medium-sized businesses. But because the government refused to listen, it failed to get that money into the hands of those who needed it. At least a billion dollars was left sitting on the table while businesses went broke.

Today, 26 weeks after the Conservative Party pointed out the flaws in the program and called on the government to fix them, the government is now finally taking action and implementing the changes that we identified. That is six months of business owners spending sleepless nights wondering about their future, how they would pay their bills, feed their families and keep a roof over their heads; six months of this government refusing to acknowledge that the life raft they had tossed out, called CECRA, was much too small and didn't float very well; six months before they bothered to build a better one for business owners who were drowning in red ink while fighting to keep their heads above water.

• (1530)

Colleagues, the Conservative caucus supports the changes which are being introduced in legislation before us. In fact, we supported them 26 weeks ago when they would have helped many more business owners, but the government refused to listen.

This government's practice of trotting out programs which are not well thought out and then resisting constructive recommendations to improve them is becoming a clear pattern. We see this once again when this bill is before us today.

The Canadian Chamber of Commerce and the Canadian Federation of Independent Business have been pleading with the government to make the new Canada Emergency Rent Subsidy retroactive, but as usual the government has refused to listen. The CERS program will cover October's rent but will not cover the earlier months.

Yet, it was because of this government's refusal to fix the program sooner that many businesses were unable to access the program and pay their rent. Many businesses survived only by going deeper into debt and deferring their rent payments. This debt burden now hangs over their heads and threatens the viability of their businesses and the jobs of their employees.

Since the new Canada Emergency Rent Subsidy was created to fix the failure of the rent assistance program, why would the government not make it retroactive to cover what CECRA was supposed to cover in the first place? Why not allow those businesses, which qualified for assistance under CECRA, but could not access it because their landlords did not apply for it, access the money that CECRA left on the table?

Let me assure you, colleagues, there are no good answers to these questions. But if you would like to know how the Minister of Finance responded when she was first asked about it in the other place, I can tell you. She said, "We have to cast our eye to the future rather than look to the past."

Colleagues, what does that mean? "We have to cast our eyes to the future rather than look to the past."

Does the Liberal government's future not include the viability of businesses which have struggled through the pandemic because the rent subsidy was not available to them?

Does the future not include the jobs that are going to be lost when those businesses declare bankruptcy under the crushing debt load that the Finance Minister so flippantly dismisses?

Does the future not include the financial well-being of families who will struggle when they lose their jobs after the businesses close their doors?

If the Finance Minister wants to cast her eyes to the future, I suggest she start listening to what the country's largest business organizations have been telling her. This program needs to be retroactive in order to rescue those businesses who are struggling to survive because of the failures of the first program.

In a recent survey, the CFIB found that 15% of its members qualified for CECRA, but their landlords would not apply. Another 16% did not qualify because the required drop in revenue was too steep. In both cases, the tenants were left on their own, struggling to make their rent payments or take on more debt.

The CFIB has estimated that 160,000 businesses are in danger of permanently closing due to COVID-19, with the potential for that number to rise to 225,000. That, colleagues, is the equivalent of all the small- and medium-sized businesses put together in the Territories, Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Manitoba, Saskatchewan and almost half of those in Alberta.

Those are the number of businesses which are in danger of permanently closing due to this government's incompetence, because while 400,000 businesses should have qualified for CECRA, CMHC told the Senate Finance Committee that only 139,000 small businesses had received the aid.

The program was a flop. And now, when the government has a chance to fix that by making the new program retroactive, they refuse.

Imagine how these struggling business owners must have felt when they heard the Prime Minister stand up a week ago and say:

I'm imploring the premiers and our mayors to please do the right thing: Act now to protect public health. If you think something is missing in the support we're offering for your citizens, tell us. Whatever it takes, however long it takes.

He tells the premiers and the mayors that if they need to shut down their economy to protect public health, the federal government will be there to provide, "whatever it takes, however long it takes."

And yet, when he and his Finance Minister are told in no certain terms what is needed, they do nothing. With their fingers in their ears, they dig in their heels, bury their heads in the sand and refuse to listen. This is a persistent pattern with this government. We see it over and over and over.

This spring, the Conservatives told the government that the CECRA program would be better run by the Canada Revenue Agency than by the Canadian Mortgage and Housing Corporation. CMHC deals with residential mortgage insurance, not commercial rent, and was not well suited to deliver this program. The government refused to even consider it. They said it was impossible to have CRA deliver the subsidy.

But sure enough, CMHC ended up needing to subcontract the program out to a private company. Listen to this: It just happened to be a mortgage financing company whose vice-president just happened to be married to the Prime Minister's Chief of Staff. Does that sound like a WE program?

This time around, we see that the revamped CECRA program is now going to be delivered by none other than the Canada Revenue Agency. The government now admits that it is not only possible for CRA to deliver the program, it is preferable.

Colleagues, listening is not this government's strong point and neither is accountability.

Conservatives support this legislation, but we are deeply concerned about the Liberal government's dismissive attitude toward the need for transparency and accountability.

On October 14, the International Monetary Fund released its semiannual *Fiscal Monitor* report, and noted that Canada is currently running the largest deficit in the world at 19.9% GDP. Yet in spite of this, we haven't had an update on COVID spending since August 6, we haven't had a fiscal snapshot since July 18, and we haven't had a budget, colleagues, since March 19, 2019 — 20 months ago.

On October 20, Don Drummond with the C.D. Howe Institute wrote the following in a brief on fiscal and tax policy entitled *Canada's Foggy Economic and Fiscal Future*. He said:

Even before the pandemic, Canada was not well positioned for big increases in federal government spending. It is even more constrained now by the borrowing associated with pandemic-related revenue declines, and far more by pandemic-related spending. The September Speech from the Throne paid no heed to this reality. To make the country's fiscal choices clearer to Canadians, and perhaps to itself also, the government must provide more economic and fiscal information . . .

On November 4, it was the Parliamentary Budget Officer's turn to slam the government for not disclosing critical financial information. Writing about Supplementary Estimates (B), which outline an additional \$79.2 billion in government spending, he said the following:

While the sum of these measures is significant, the amount of information that is publicly available to track this spending is lacking, thus making it more challenging for parliamentarians to perform their critical role in overseeing Government spending and holding it to account.

As of the publication of this report, there is currently no public document published by the Government which provides a complete list of all measures announced to date,

or updated cost estimates. There is also no consistency to which organizations publicly report on the implementation of these measures. Some organizations have proactively published this data, while others have not.

This lack of data is not a result of it not being available. The Department of Finance had been providing bi-weekly updates to the Standing Committee on Finance (FINA), but stopped when Parliament was prorogued in August 2020. . . .

• (1540)

Colleagues, the contempt that this government displays toward Parliament by refusing to provide the information necessary for parliamentarians to do their work even extends to the floor of the House of Commons.

On November 5, MP Pierre Poilievre asked the Minister of Finance a very simple question: What would it cost Canadian taxpayers if the interest on the national debt increased by 1%?

It was a fair question, one that Canadians deserve an answer to. But the Finance Minister repeatedly refused to answer the question. Instead, she shot back:

Madam Chair, the question is, what is the Conservative Party's policy? Is it a policy of austerity, or is it a policy of supporting businesses?

Instead of answering the question, the Finance Minister dodged it and tried to equate accountability with austerity. This would be absurd at the best of times, but it is utterly ridiculous in the middle of a pandemic when government spending is at an all-time high.

Conservatives have worked hard to ensure that Canadians get the support they need during this time of crisis and get it quickly. But unlike the Liberals, we don't believe that requires suspending the need for transparency, accountability, timely reporting, budgets and financial updates. We believe the government can support Canadians through the pandemic and be accountable to Canadians at all times.

Contrast that with the Liberals, who claim they have no time to be producing regular financial reports on the state of the nation's finances and no time to be accountable at committee about their multiple scandals, yet they then refuse a simple request to have the Canada Revenue Agency hold off on auditing small- and medium-sized businesses until June 2021.

Remember, this is the same government that said it will do "whatever it takes, however long it takes." It is very difficult to determine if this government is sincere, insincere or just incompetent.

As you know, the Canadian Federation of Independent Business blew the alarm last week, noting that the CERS program has a fatal flaw: It requires businesses to pay their rent before they can apply for assistance under the CERS to pay the rent. In other words, if a business cannot pay its rent, then it will also be unable to apply for government assistance to pay the rent because without paying your rent, you don't qualify for the assistance to pay the rent.

Is this an oversight or, again, is this incompetence? Either way, the government scrambled to fix the error by creating an amendment. But after erring in the drafting of the bill, they also erred in the drafting of the amendment, so the Deputy Speaker of the House had to rule it out of order.

In her opening remarks to the Standing Senate Committee on National Finance last Thursday, Minister Freeland indicated that due to their failure to draft proper legislation and then their subsequent failure to draft a proper amendment, they are now going to “swiftly introduce legislation to formalize rent payable as an eligible expense.”

She went on to say:

Given that this is our clear and publicly stated intention, we are confident that the Canada Revenue Agency, CRA, will consider rent payable as an eligible expense from the moment the new rent program is launched. There will be no delay.

In other words, the Minister of Finance believes that as long as her government plans on introducing legislation, the CRA doesn't have to wait for Parliament to pass legislation. Then why are we here? She thinks that it is enough for CRA to know that this is the government's “clear and publicly stated intention.”

So not only is this government incompetent, but now they consider themselves to be a proxy for Parliament as a whole. They think they have the power to instruct the civil service to break the existing law because they are planning on changing the law, even though Parliament has neither considered nor consented to the legislation they plan on introducing.

This is not how democracies work. When the Minister of Finance was here in this chamber earlier this week, she was asked about this flagrant disregard for Parliament twice, first by Senator Carignan and then by Senator Batters. The minister simply shrugged it off, telling this chamber that the urgency of the situation required an urgent response. She said:

. . . if we proceed in that fashion, our businesses will have to wait even longer. . . .

. . . My objective is to get the support to Canadians as quickly as possible.

So Madam Minister, let me see if I have this straight. Six months ago, you were made aware that the changes were urgently needed to the rent program but you did nothing. Now, after refusing to act for 26 weeks, you suddenly have an emergency on your hands, with no choice but to pressure the CRA to operate outside of the legal parameters that have been approved by Parliament, and we are supposed to just nod and look the other way.

This is both unbelievable and frightening, colleagues. But it explains why this government waits until the eleventh hour to introduce legislation, refuses to accept any amendments and then rams it through with time allocation. Apparently, if something is wrong with their legislation, they are of the opinion that they can just unilaterally correct it by issuing a Liberal Party royal decree.

Colleagues, there is another way. It's called consultation and collegiality. We are, after all, in the middle of a national health emergency. Surely the government could set aside its petty partisan politics and work collaboratively with others in a time of national crisis.

Consider for a moment the pre-study report at the Standing Senate Committee on National Finance on Bill C-9. The Finance Committee sat for three meetings over two days for five and a half hours to hear from 18 witnesses representing 10 organizations. In that limited amount of time, colleagues, they were able to pinpoint no less than 12 problems with this legislation. For the record, let me list them for you.

Number 1: the legislation requires businesses to pay rent before receiving the subsidy, even though they may not have sufficient funds to pay the rent.

Number 2: the new subsidy should be retroactive to April 2020 because businesses were unable to access the previous program, CECRA.

Number 3: businesses that changed the terms of their lease, for example, by moving to a less expensive location, would be excluded from the subsidy.

Number 4: to be eligible, businesses need to have a track record of expenses in 2018 or 2019, or at least January and February 2020, which excludes new businesses.

Number 5: businesses that do not have a business number — for example, a music school that is exempt from GST or HST — would not be eligible.

Number 6: the maximum cap on the subsidy reduces the level of support for businesses with multiple locations, such as franchises, as well as businesses operating in the downtown core of cities where rent is much more expensive.

Number 7: the subsidy top-up is only available to businesses that must cease operations due to public health orders, even though other public health restrictions, such as ongoing capacity limits, may lead to a similar level of revenue decline.

• (1550)

Number 8: seasonal businesses may only have to pay fixed costs at certain times of the year.

Number 9: Indigenous businesses renting space in band-owned buildings on reserves are not eligible. Colleagues, this is a government that prides itself on helping the Indigenous community.

Number 10: businesses that rely on the Scientific Research and Experimental Development Tax Incentive Program may be at a disadvantage, as the wage and rent subsidies reduce eligible expenses for the credit.

Number 11: property owners' fixed costs are approximately 25% of normal revenue, but only 10% of the costs are eligible.

Number 12: property owners were not eligible under the previous rent program.

The Finance Committee identified 12 problems with the legislation in only five and a half hours. This begs a very simple question: why was it possible for the Senate Finance Committee to uncover all of these issues in such a limited amount of time while the government went through the entire process of envisioning, drafting and tabling legislation without realizing, acknowledging or addressing even one of them?

The answer is simple: the Finance Committee took the time to consult with those whom this program is supposed to help — something this government could have done, but obviously did not.

Colleagues, I'm beginning to have a real sense of déjà vu. Here we are once again being asked to pass another flawed bill that needs numerous amendments. However, because the government took six months to get around to it, it is now an emergency and there isn't time to get it right.

To make matters worse, we are being asked to approve significant financial measures without having updated financial information. Bear in mind that the legislation before us amends the Income Tax Act. This means that the spending it authorizes will not require further statutory approval. This spending will not appear in the estimates, the supplementary estimates or require an appropriation bill.

Furthermore, while most money approved in appropriation bills expires at the end of the fiscal year, the permission to spend in standing legislation does not expire; it is only constrained by the parameters within the enabling legislation itself. I would also note that significant expenditures under this legislation are going to be determined by regulation requiring no further consultation with Parliament. In other words, we do not know what this bill will cost Canadians.

Let that sink in for a moment, colleagues. We are being asked to approve a bill, and we do not know what this bill will cost each and every one of us and every Canadian.

I challenge you to find a single corporation in the country whose board of directors would approve billions of dollars in new spending without being provided with an up-to-date report on their financial position. You will not find one, yet here we are today doing exactly that.

Colleagues, when the Minister of Finance was here in this chamber on Tuesday, I asked her nine specific questions. Those were not abstract questions about possible future spending or projected program totals; they were questions about the current state of the nation's finances and how much was spent on the

programs. The minister did not answer one of those questions. Instead, she repeated the same estimates that had been previously released.

Here's what she said:

When it comes to money that the government has spent so far, I am very happy to give you our estimates of the costs of the programs that I'm asking you to review, and maybe I'll start there. I think that's very appropriate.

No, Madam Minister, that is not at all appropriate. The Senate is being asked to approve a program that will add billions of dollars to our national debt, yet you cannot even provide us with an up-to-date total of what has been spent so far or tell us what our national debt is. This, colleagues, is unacceptable.

We must remember that the person steering the ship of state through these stormy waters is none other than a prime minister who told Canadians, "We took on debt so Canadians wouldn't have to." Did he go to his bank account?

Senator Martin asked in this chamber the other week:

What does that even mean? Does the Prime Minister not understand that public debt must be repaid by public money, which comes from . . . taxes . . . ?

This man thinks the budget will balance itself. He thinks that he is giving us money. He thinks we are approving a bill where he will take money out of the Bank of Montreal and send it to us. He is spending our money, colleagues. Does he think the government debt will be magically repaid rather than being deducted off the paycheques of school teachers, labourers, farmers, truck drivers, store clerks and — yes — plumbers and every other taxpayer across the country? Is that why he won't give us the numbers?

Remember, colleagues, that according to the Parliamentary Budget Officer, the government has these numbers. It's not that they are unavailable; the government simply does not want to give them to us.

On Tuesday, I requested that if the Finance Minister could not provide us the answers during her testimony she provide them in writing before we were asked to vote on this legislation. Colleagues, we are minutes away from that. I have not received one answer, colleagues. Is that how our Parliament works? There has been radio silence. It's shameful, colleagues. This is unacceptable. It is nothing but arrogance and incompetence.

And because of this government's incompetence, we now find ourselves being asked to pass a badly flawed piece of legislation again today, because businesses have made it clear that they can wait no longer.

The Canadian Federation of Independent Business told the Finance Committee that only 66% of small businesses across the country are fully open, only 29% of small businesses are at normal levels of sales, 37% of small businesses are losing money every day they are open and 14% are considering shutting down permanently.

Restaurants Canada told the committee that the food service sector lost more jobs in the first six weeks of the pandemic than during the 2008-09 recession for the entire Canadian economy. Moreover, since the beginning of the pandemic, more than 10,000 restaurants have already been shut down.

The Hotel Association of Canada warned the committee that 60% of its members are concerned that they may not make it past Christmas without additional support.

On Monday I received a letter — as did Senator Gold — from Mayor John Tory. He said this:

I respectfully request that as of today, you amend your timetable in whatever manner is necessary to pass this Bill in the next 24 hours, understanding this is a business emergency, as well as a health emergency, and in view of the desperate plight of many of our small businesses.

Every hour counts and I believe the work you must do could be substantially compressed. We have seen legislation passed through the Senate in a day when circumstances required. This is one of those times.

Colleagues, in that letter you can hear the sound of desperation.

To be honest, I didn't appreciate receiving it from the mayor, because it is the Prime Minister he should be pressing, not senators. Be that as it may, I understand that his letter is an echo of the anxiety being faced by business owners across the country. Instead of taking timely action, this government sat on its hands for too long, and it has managed to wind the clock down until every hour counts.

The Prime Minister has fumbled this file badly, as he does most, but he has the gall, colleagues, to stand in front of the media on Tuesday morning and demand that the Senate pass the legislation when it had not even arrived in this chamber. He doesn't even want us to debate legislation. He wants us to pass it before it even gets here. This is how this government operates. It is shameful. Do not be fooled.

• (1600)

It is the government that is responsible for setting the legislative agenda. It is the government that prorogued Parliament in an attempt to cover up their WE Charity scandal, causing unnecessary delays. It is the government that introduced flawed legislation and then followed it up with a flawed amendment — nobody but the government. Then the Prime Minister thinks the solution to all the problems he has created is to publicly flog senators into passing his broken legislation without giving it proper scrutiny and review.

Honourable senators, clearly this is nothing more than the Prime Minister attempting to deflect attention from his own incompetence. Today, for the sake of Canadian businesses and Canadian families, we have little choice but to support this legislation. When this pandemic eventually draws to a close, as we know that it will, Canadians need to take a hard look at the damage and destruction that has been wreaked upon Canada's economy and realize that a very difficult situation has been made

much, much worse because of this government's gross incompetence and its contempt for Parliament. Thank you, honourable senators.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

[*Translation*]

BILL TO AMEND—FIRST REPORT OF NATIONAL FINANCE
COMMITTEE ON SUBJECT MATTER ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Mockler, seconded by the Honourable Senator Martin, for the adoption of the first report of the Standing Senate Committee on National Finance (*Subject matter of Bill C-9, An Act to amend the Income Tax Act (Canada Emergency Rent Subsidy and Canada Emergency Wage Subsidy)*), tabled in the Senate on November 17, 2020.

Hon. Percy Mockler: Thank you for your indulgence. Before I conclude my speech, I would be remiss if I did not ask Ms. Fortin, the clerk of the committee, to pass on my thanks to all the dedicated staff whose work enables senators to do their work as parliamentarians here in the Senate. We have witnessed your tireless dedication on weekdays and weekends alike. My sincere thanks for your work.

[*English*]

Honourable senators, our pre-study report of Bill C-9 is asking the government to be mindful as we have highlighted many areas where the Canadian government can strengthen support for Canada's beleaguered businesses. Honourable senators, please bear with me. No doubt our thorough and careful analysis can be best captured by quoting three members of the National Finance Committee. I could quote them all, but I'll just quote three.

[*Translation*]

Senator Forest, for example, was quoted in the National Finance Committee's recent press release entitled "Pandemic relief for businesses: Senate committee urges more equitable, accessible and predictable support." Senator Forest said the following:

It is important to me that businesses benefitting from these programs not be allowed to pass on dividends and bonuses to shareholders. Taxpayer dollars should not be used to enrich shareholders.

[*English*]

Honourable senators, as I was listening to the eloquent speech and comments made by Senator Klyne, I would like to quote him, again, from a press release titled *Pandemic relief for businesses*:

Senate committee urges more equitable, accessible and predictable support, where he says, related to the committee, that:

This study shows the value of Senate committee work. While we understand the need to act swiftly, it is crucial to take the time to listen to Canadians so that Parliament can provide the help they need.

And that includes Canadians from coast to coast to coast.

I would also like to highlight the comments of Senator Richards in our *Pandemic relief for businesses: Senate committee urges more equitable, accessible and predictable support* press release. He said:

Businesses need our help. By supporting them — and listening to them — we are helping more Canadians keep their livelihoods during this time of uncertainty and fear.

Honourable senators, I believe that Canada will be stronger when all its regions are strong and also engaged from coast to coast to coast. In Bill C-9, I want to recognize Senator Duncan, the sponsor of the bill, and also the critic of the bill, Senator Smith, who have worked diligently and efficiently with all stakeholders to help Canadians understand the impact of Bill C-9 on all Canadians.

[Translation]

Honourable senators, our committee members must always be conscious of the importance of the transparency, accountability, predictability and reliability of government programs.

[English]

Let us move now to continue to help Canadian businesses. Thank you.

Some Hon. Senators: Hear, hear!

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator Petitclerc:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Julie Payette, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Patricia Bovey: Honourable senators, we all aspire to build a stronger and more resilient Canada, and we all have ideas on how to get there. I am honoured to add my thoughts on how to create a better place for everyone and the challenges of doing so, especially during this pandemic.

[English]

In the Throne Speech, the Governor General spoke of the immense debt we owe to those who served and still serve on the front lines. We all agree. We are also in debt to artists as they have lifted our spirits, giving diversion to our fears and concerns. Through their creativity we have hope and can focus on the future. They have also depicted our history. From our history comes our strength, a path to a more just society, to one of reconciliation and to correcting past mistakes and omissions of inclusion in telling our history.

Over the pandemic months, I consistently reached out to artists, arts leaders and workers. I applaud their creativity, innovation and commitment. Arts leaders have steered a difficult course during the pandemic while their lives and programs, too, have been turned upside down.

• (1610)

Stable leadership is critical now, as seen in organizations in my province, like the Winnipeg Symphony Orchestra, the Manitoba Chamber Orchestra, the Manitoba Opera, the Royal Manitoba Theatre Centre, the Royal Winnipeg Ballet, Prairie Theatre Exchange, the Winnipeg Art Gallery, the Manitoba Museum and more.

I am proud of these arts professionals as they transitioned to successful digital programming and fundraising. They know their communities and organizations inside out.

In addition to creative digital outreach, they have been supportive and sensitive to their staff, artists and audiences' needs, steering their organizations with compassion, pragmatism and hope. I trust volunteer boards across Canada to support that essential need for stability and sensitivity. We must collectively stem as much talent bleed as possible. When the world opens up, Canada's creative foundations must be strong.

[Translation]

For us, this has been premised on a knowledge-based economy for several years now. I remember well all of the work we did in the 1980s to identify what was needed to unleash the full potential of our knowledge-based economy and what we, as institutional leaders, had to do to make us stronger. The Speech from the Throne highlighted how important the knowledge-based economy is.

Our society has posed questions about such topics as climate change, environmental protections, health care, persons with disabilities, the economy, equality, education and connectivity from coast to coast. The creative sector connects all of these elements, much like it does with our Canadian values. I thank the unofficial task force on COVID-19 and the arts, made up of senators from three groups in this place, for having spent several months studying the impact of COVID-19 on the arts and artists, as well as on artistic organizations and communities.

What specific challenges does the arts sector face in society as a whole, and how is it meeting these challenges? What does society need to do, and what does the government need to promote?

[English]

Let's start with climate change, which overshadows so many issues today, from the weather worldwide to our own Arctic, the changes in nature, housing, food, transportation and much more. Climate change, environmental issues and societal needs are inextricably linked, fully integrated and cannot be separated. I believe one reason that there is a lack of understanding of this crisis is because we have allowed ourselves to be siloed.

To that end, I think museums can and must assume a significant role in climate change with their own footprint and in enlightening audiences in reality, including science, human consequences and necessary viable shifts in human patterns. Museums have the knowledge, the collections and the public trust to be able to step outside traditional boxes and thus play an impactful key role, standing up for the greater principle for all.

To do that, museums and galleries must take more risk. The arts are good business stewards, always with an eye on the bottom line and audience numbers. Those critical goals have led to the increasing frequency of blockbuster exhibitions. While important, they, at times, have diverted attention from our history, place and art. The 2019 mandate letter tasked the Minister of Canadian Heritage to develop a museums policy for Canada. As necessary principles, guidelines and values are defined, I hope active consideration will be given to allowing boards and staff to take risks in exploring difficult and challenging subjects that will contribute to constructive long-term societal change and dialogue.

Immediate audience satisfaction should not be the only goal. Expanding awareness and educating us all must be primary. That is one of the four key mandates of any museum and gallery.

[Senator Bovey]

[Translation]

To make the link to Canada's key environmental targets, I was pleased that Bill C-55, which sought to increase the proportion of Canada's marine areas that are protected, was passed. I'm impressed by the Arctic exhibit at the Canadian Museum of Nature and also by how artists have been speaking out against environmental problems for decades. For example, we have Sarah Anne Johnson, with her work on tree planting in Manitoba, the artists who protested the first logging of old-growth forest in the Carmanah Valley in the 1980s, and even Emily Carr with her paintings in the late 1930s and early 1940s, including *Logged-over Hillside*. The objective of protecting one quarter of our territory and oceans over the next five years is critical. Museums must play a leading role in this regard and contribute to this initiative with their knowledge and their collections attesting to recent and age-old changes observed in nature.

Health is also inextricably tied to the arts. I have often spoken in this chamber of the positive effects of the arts on people's health and so I will not rhyme off the statistics again. However, I invite the arts and culture sector to continue to present works, given the number of illnesses and conditions afflicting Canadians and the current medical crisis.

[English]

The Governor General highlighted after-school programs, training and education. While new initiatives are needed in these pandemic times, many successful programs urgently require support to meet their growing demand, like Winnipeg's Art City, the inner-city after-school program attended by children of all diversities. Sistema programs are also making impressive gains in the confidence, health and well-being of children and families. Through music, Senator Woo's daughter Naomi Woo, leader of Sistema Winnipeg, is improving the lives of inner-city youth.

The mentorships, internships and work experience programs offered by universities, colleges and organizations, like Manitoba's MAWA, or Mentoring Artists for Women's Art, are paramount. So too are the Canadian Senior Artists' Resource Network's mentorships. During the past six years, CSARN has been meeting their goal of bridging "generational, cultural and geographical gaps through a virtual and in-person Mentoring Program . . ." Without any federal funding, they match senior, experienced artists and arts administrators with emerging talents. Their impact is palpable, yet they are unable to meet current needs. Now could well be the right time for the federal government to develop a pilot project on the effectiveness and benefits of paid mentorships.

With regard to reconciliation, I believe "reconciliations" are paramount too, by non-Indigenous and Indigenous Canadians, and I would like to thank CIBA for supporting a process of equitable representation and Senate installations of Indigenous art. This is one small but important step.

Reinvigorating tourism was also mentioned, and we would not have a strong tourism sector without Canada's arts, culture, museums, festivals and performing arts presented in myriad places. A healthy restart of our tourism industry depends on a healthy arts and culture sector. Remember, the arts account for more than 22% of Toronto's hotel rooms each year.

The government reported in 2016 that tourism represented 2% of our GDP, with 1 in 11 Canadian jobs — more than 1.7 million — depending on the tourist economy. Tourism is the number one employer of youth and an important employer of new Canadians. The amount raised from international tourism revenue was \$20 billion, and from domestic tourism, \$72 billion.

Tourism unquestionably builds people-to-people connections, supports cultural exchanges and helps Canadians and others globally understand each other.

I have concerns about CBC and digital presentations, which I will talk about another time. I'm going to cut to the chase with this one and say that internet platforms must be regulated since they are not currently considered broadcast media. Internet platforms should be part of the Status of the Artist legislation and required to pay artists. I am concerned by the number of artists who are making their own productions with their own equipment and putting them on non-paying platforms just to get their work out.

• (1620)

I was pleased with the announcement of the Canadian Independent Screen Fund for Black and people of colour creators to provide money for targeted investments, which should increase job opportunities and have a positive economic ripple among racialized communities.

Next year's Canadian Venice Biennale participant will be Vancouver Black artist Stan Douglas. And on December 10, our filmmaker Deepa Mehta will be premiering her stunning and moving film *Funny Boy*. Colleagues, our cultural diplomacy is and must continue to be alive. Its importance must be understood and supported, as per the Senate report of 2019, *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy*.

[Translation]

That said, where are we now? The government's pandemic response during the first wave was necessary and still is. However, I continue to worry about those left behind. Were arts organizations consulted to establish eligibility criteria for assistance in the second wave, as the Minister of Finance promised?

How will arts organizations survive if donations are less than projected for 2020 and if their audience is limited to 25% or 30% capacity after they re-open?

[English]

Those of us appointed to the chamber under the "new" system had an intense application process, addressing our career values and accomplishments in relationship to Senate and Canadian values. These collective values, honourable colleagues, are reflected in the issues we face during this pandemic.

I'm going to conclude with a short poem by artist Maxwell Bates, which he wrote in 1962:

I am an artist who, for forty years—Has stood at the lake edge—Throwing stones in the lake—Sometimes, very faintly—I hear a splash.

Colleagues, I hope we hear the multiple splashes of concern. If I have any overriding message at all as I reflect on the Throne Speech, it is to listen to the voices of artists who poignantly express who we are, what we must cherish and what we must address as a society. Thank you.

Some Hon. Senators: Hear, hear!

(On motion of Senator Gagné, debate adjourned.)

ADJOURNMENT

NOTICE OF MOTION WITHDRAWN

On Government Business, Motions, Order No. 16, by the Honourable Raymonde Gagné:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 24, 2020, at 2 p.m.

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 5-10(2), I ask that Government Notice of Motion No. 16 be withdrawn.

(Notice of motion withdrawn.)

[Translation]

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of earlier this day, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, November 30, 2020, at 6 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

**CRIMINAL CODE
IMMIGRATION AND REFUGEE PROTECTION ACT**

SECOND READING—DEBATE ADJOURNED

Hon. Salma Atallahjan moved second reading of Bill S-204, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs).

She said: Honourable senators, I rise today to speak to Bill S-204, which aims to create new offences with regard to organ harvesting and organ trafficking abroad. This bill has been introduced in the Canadian Parliament multiple times over the last decade. In fact, this is the third time that I am tabling this bill, which was almost passed in the last Parliament.

As much as I would like to pride myself for slowly and steadily making this bill a reality, I fear we are behind. While medical and technological advances in recent decades have improved our lives in ways previously unimaginable, they sadly have also created new means of exploiting the world's most vulnerable.

One of the most awful new forms of such exploitation is the use of social media to illegally harvest and traffic human organs. A journalist with *The Independent* U.K. reported being offered a kidney by a man from India within two days of joining an organ Facebook group. The international character of this problem, which often sees vulnerable people exploited to meet the demand for organ transplantation in places like Canada, requires us to take action.

Before the year 2000, trafficking in human organs was primarily limited to the Indian subcontinent and Southeast Asia, and the recipients of organs were typically from the Gulf states, Japan and other Asian countries, with the European Union and the United States issuing sporadic reports of patients travelling abroad to obtain organs, primarily kidneys.

However, since then, organ trafficking has spread throughout the globe, with organ recipients exploring opportunities for transplantation in Eastern European countries as well as Russia. Today, partly as a result of tougher law enforcement against trafficking in Eastern Europe, the Philippines and on the Indian subcontinent, trafficking in human organs is shifting to Latin America, North Africa and other regions where the economic crisis, along with social and political instability, create opportunities for traffickers.

As with most covert affairs that prey on the vulnerable, statistics represent only a fraction of the reality. However, the information that is available is enough to paint a horrifying picture. Trafficking in persons for the removal of their organs is prohibited by international law as part of a general prohibition on human trafficking, defined to include exploitation for the removal of organs. Together with drugs, humans, arms, diamonds, gold and oil, organs have become the subject of an illegal billion-dollar industry, estimated to generate profits between \$600 million to \$1.2 billion a year. To exploit the gap

between the supply and demand of organs even more, criminal organizations that traffic in human beings have expanded their practices to include organ trafficking.

Consequently, over 100 countries have passed legislation banning the trade of organs. Additionally, several countries with significant problems of organ trafficking have responded with legislation strengthening existing laws that ban organ trafficking and organ sales. Further, there are a number of governmental and professional bodies with initiatives to regulate domestic and international organ transplantation and tackle organ trafficking, including, for example, the Council of Europe Convention against Trafficking in Human Organs.

The crime of trafficking in human beings was first defined in the UN Palermo Protocol, adopted in 2000, which has become universally accepted as the international legal framework against human trafficking.

The Declaration of Istanbul in 2008, widely recognized as the most important guide for professional and governmental bodies in the field of organ transplantation, defines organ trafficking and further states that all commodification of organs is ethically wrong and must be criminalized.

Honourable senators, human organs have become a valuable and profitable black market commodity, involving transnational crime syndicates operating through vast international networks. Cases of organ trafficking continue to be reported from around the globe despite the fact that almost all countries in the world prohibit compensated organ donation, a practice widely viewed as targeting impoverished and otherwise vulnerable donors and as a violation of the principles of equity, justice and respect for human dignity.

According to the UN Office on Drugs and Crime, trafficking for the removal of organs was detected in at least 10 countries between 2012 and 2014, mainly in central and southeastern Europe, Eastern Europe, central Asia, North Africa and the Middle East. In terms of demand, the practice of travelling abroad to receive an organ transplant for consideration, almost exclusively monetary consideration, has been reported the most among nationals of the United Kingdom, Saudi Arabia, Taiwan, Australia, the United States and Canada, among others.

• (1630)

In 2012, the World Health Organization claimed an illegal organ was sold every hour. Overall, the number of illegal transplants worldwide is believed to be about 10,000 a year. This would mean that in the 10 years we have dedicated to putting an end to organ harvesting and trafficking, over 100,000 illegal transplants have occurred.

Sadly, my entire allotted speaking time could be spent recounting story after story of victim organ donors, such as the missing six-year-old boy who was found alone in a field crying, with both of his eyes removed, presumably for their corneas; the young girl who was kidnapped and taken to another country for the sole purpose of harvesting her organs; and a terrified group of women and men who were found locked inside an apartment, being held through deception and threats, waiting to be taken to a clinic to unwillingly have a kidney removed.

Vulnerable groups who find themselves desperate enough to sell a part of their own body are not in a position to negotiate. A Sudanese man working as an organ broker in Cairo describes the organ trade as a family business and an economic lifeline. He explained that the price of a kidney varies according to the seller's ability to negotiate, meaning that a seller unaware of the price of a kidney would receive a much lower sum. However, the broker said that, unlike many of his colleagues, he always paid the seller. When asked how many organ transactions the man would broker, he answered that he would deal with an average of 20 to 30 organ sellers each week.

This appalling number is largely due to the number of migrants in North Africa, which has become an important hub for organ harvesters. Smugglers are selling migrants unable to afford the fare to make the journey across the Mediterranean to organ harvesters. A former trafficker told investigators that people who couldn't pay were given to traffickers who would kill them to harvest their organs, and then sell them for \$15,000.

I am aware that fellow Canadians also live in desperation as the number of organ donors still does not match the number of Canadians requiring an organ. According to the Canadian Medical Association, over 4,500 Canadians remain on organ transplant wait lists, some of whom will die before receiving a transplant.

It is estimated that the current number of legal transplants performed covers only the needs of 15% of all patients on waiting lists worldwide. This shortage of available organs has prompted countries to develop procedures and systems to increase supply, mainly through the promotion of deceased donation programs. This alone, however, has not been enough to fill the gaps between the demand and supply of organs.

It is projected that the demand for organ transplants will increase 150% over the next two decades. For some, this is a logical explanation for the continued harvesting of organs worldwide, as there is an increasing demand for organs, but a lack of availability.

Sadly, an illegal transplant is not a lifeline for Canadians needing a vital organ. Instead, the recipient can often suffer from surgical complications, infections and poorer outcomes overall. These patients experience loss of the organ and death at higher rates than domestic organ transplant recipients. In spite of the growing body of information on the ramifications of transplant tourism, Canadians continue to travel abroad for commercial organ transplants. Doctors have reported that three to five people a year still arrive at St. Michael's Hospital, having obtained a kidney in countries such as China, Pakistan or India. St. Paul's Hospital in Vancouver reports also seeing three to five returning organ tourists a year.

A study on the clinical outcomes of patients treated at an Ontario transplant centre after receiving organs through commercial transactions abroad found that most of the patients needed follow-up care on an urgent basis, and some required lengthy hospital stays. This not only puts Canadian citizens at risk, but also contributes to burdening our already struggling health care system.

Although transplant tourism has slowed as a result of COVID-19 travel regulations and lockdowns, marginalized people are at twice as high a risk of being exploited in the shadows.

Indeed, there is an important connection between disease outbreaks and human trafficking, as outbreaks are associated with multiple risk factors, such as a breakdown of the rule of law, an increase in criminal activity, competition for resources and a disruption of family ties. For example, research shows that the Ebola outbreak in West Africa in 2014 left thousands of orphans at increased risk of exploitation.

History shows us that countries having recently experienced a disease outbreak are more likely to have trafficking outflows. As COVID-19 is an international pandemic, it can only be assumed that an increase in human and organ trafficking will also have global repercussions.

Medical anthropologists are still working to understand the reality of life for organ sellers, and some attention has recently been paid to the lived experiences of people who sold their bodily organs. As explained by a 25-year-old kidney seller from Bangladesh, while weeping uncontrollably, "We are living cadavers. By selling our kidneys, our bodies are lighter but our chests are heavier than ever."

Organ sellers do not escape poverty by selling their organs. Unsurprisingly, after selling their organs, individuals face deteriorating health and are subject to social isolation, marital conflict and public shame due to the high stigma placed on selling body parts. Sellers also face worsening economic conditions as their damaged bodies impede their ability to return to their physically demanding jobs. This leads many sellers falling back into debt again after selling their organs.

Organ tourism creates a context where everyone loses, except for the organ traffickers.

Honourable senators, it is our duty to make sure that our citizens' desperation does not grant them permission to export human suffering. Canadian legislation should not give human organ traffickers the upper hand.

In 2013, seven people in Kosovo, suspected of running an international organ trafficking ring taking kidneys from poor donors lured by financial promises, stood trial. At least 24 kidney transplants, involving 48 victim-donors and recipients, were carried out between 2008 and 2009.

After the trial, a Canadian prosecutor working for the European Union Rule of Law Mission in Kosovo said that the Canadian government must pass legislation barring Canadians from buying human organs in foreign countries.

A Canadian man who admitted to purchasing a black-market kidney, but never faced criminal charges, was among the more than 100 witnesses who testified at the trial. Most of the names of the victim-donors and recipients were traced through documents seized during a police raid into a medical facility in Kosovo in 2008.

The court heard that the victim-donors were promised \$10,000 to \$12,000 in return for their kidneys, but many said they were never paid. "At least two were cheated out of the entire amount and went home with no money and only one kidney," the court heard.

It was reported that the kidney recipients, who were mostly wealthy patients from Canada, Israel, Poland, the U.S. and Germany, paid up to \$170,000 for the procedure, and the defendants are believed to have profited by \$1 million from the illegal transplants.

Unfortunately, honourable senators, there is a widespread view internationally that the trafficking of human organs is not a pressing concern for wealthier demand countries, including Canada. The responsibility of ending this practice should be placed on the victims of the crimes. Unless this issue is addressed by demand countries, the burden of combating these crimes will remain entirely on the countries from which victim-donors tend to originate, as well as on countries where illegal organ transplants are conducted, which in both cases, are typically less wealthy countries.

Honourable senators, Bill S-204 amends the Criminal Code to create new offences in relation to trafficking in human organs and tissue. It also amends the Immigration and Refugee Protection Act to provide that a permanent resident or foreign national is inadmissible to Canada if the Minister of Citizenship and Immigration is of the opinion that they have engaged in any activities relating to trafficking in human organs or tissue.

• (1640)

I would like to specify that my bill does not prevent Canadians from travelling abroad to receive an organ transplant through legitimate and legal means. However, it is imperative that the highest demand countries such as Canada participate in the detection, investigation and prosecution of those who illegally obtain organs.

Honourable senators, as many of you know, this bill was initially tabled in the Forty-second Parliament as Bill S-240. It was studied and debated both in the Senate and the other place where it passed with all-party support on April 30, 2018. Unfortunately, Bill S-240 did not come to a final vote in the Senate, and consequently died on the Order Paper.

Honourable senators, I ask that you support the timely passage of this important bill. As the prosecutor in the Kosovo case said, organ trafficking is the:

. . . exploitation of the poor . . . the vulnerable and the marginalized in our society.

The recipients are wealthy, influential citizens from foreign countries, largely Western countries . . .

They should be held criminally responsible. Trafficking in human organs is indeed a cruel harvest of the poor. Thank you.

(On motion of Senator Duncan, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Boehm, for the second reading of Bill S-207, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today in support of Senator Pate's very important bill, Bill S-207, An Act to amend the Criminal Code (independence of the judiciary). Specifically, this bill aims to remove all mandatory penalties in our country's legal system, and in so doing restore the role of sentencing discretion to judicial officers.

The imposition of mandatory minimums precludes considerations of aggravating and mitigating circumstances. In this way, mandatory minimums undermine the founding principles of sentencing outlined in section 7.18 of the Criminal Code:

The fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society. . . .

To quote Senator Pate:

Over fifty years of evidence, including findings of the Supreme Court of Canada, make it clear that mandatory minimum penalties do not deter crime. . . .

Further, she goes on to say:

Mandatory sentences fail to respond to the individual and community circumstances in which crime exists and create more harm.

Our country's 1997 self-defence review was a pivotal moment not just in Canada's legal history, but in illustrating our nation's steadfast commitment to true justice for all Canadians. In her ruling, Judge Lynn Ratushny implored the need for changes to police and prosecutorial practices, particularly in circumstances concerning charges of homicide and Criminal Code sentencing for second-degree murder. Ratushny's review was in response to the Supreme Court's 1990 *Lavallee* decision, which laid the foundation for the legal recognition of self-defence law in Canada. In her ruling, Judge Ratushny emphasized the importance of the facts of a case affecting a woman's sentence

rather than her conviction. Further, Judge Ratushny lamented the notion of ministers of the Crown interfering in any way with the decisions of judges and jurors. As she said:

. . . it is a basic principle that the courts, not the Crown, determine the guilt or innocence of the accused and set sentences.

Honourable senators, as you have all heard many times from Senator Pate's and Senator Simons's powerful speeches, self-defence review law is perhaps most applicable in case law involving considerations for and illustrating the importance of upholding judicial discretion. Hasty sentencing, which lacks critical and careful circumstantial consideration, profoundly impacts members of the Black community with whom the law far too often comes into conflict.

Across our provinces and territories, far too many women, men and children languish in jails and prison cells. The racial composition of those who occupy these cells paints the picture of the stark reality of racism in Canada. It is nothing short of shameful that still in 2020 racialized people — Indigenous and Black women, men and children — are grossly overrepresented in our legal and carceral systems.

As a member of the Parliamentary Black Caucus, I echo our call, last heard in June, which demanded that mandatory minimum penalties be eliminated. To highlight the words of my fellow member, New Democratic Party Member of Parliament Matthew Green:

The Black community has been on the receiving end of this injustice for generations. We want the ink to become dry on legislation that would provide real and meaningful steps toward dismantling anti-Black and anti-Indigenous racism in the justice system.

Honourable senators, even the current Minister of Justice and Attorney General of Canada, David Lametti, concedes the high volume of mandatory minimum penalties in the Criminal Code is something that has been identified by several experts and community members as a contributor to systemic discrimination in the justice system. Criminality is a reflection of social failure. If a person commits a crime, there is a strong possibility they were failed by social systems which we are falsely told to believe will ensure their safety and stability. In fact, in one of the sections of my booklet on systemic racism, *The Invisible Visible Minority*, recognizes the role of institutionalization and criminalization as being direct perpetrators of racial injustice.

Honourable senators, systemic racism is a cycle. One of the most common ways a racialized person can become inescapably trapped within its vicious clutches is when they first enter the legal and carceral systems. Mandatory minimums are a critical part of this. A person is charged, and maybe their charges are related to their mental health, maybe they are poor and their charges were related to survival or maybe they were anaesthetizing themselves to their reality and, solely because of circumstances and systemic bias, they end up being charged for doing so.

• (1650)

As our colleagues Senator Lankin and Senator Pate have amplified, most recent figures tell us that 44% of federally sentenced women are Indigenous, and more than half of the women who account for that entire population are racialized.

What is more, in the last 10 years, 45% of women who were given life sentences were Indigenous. Even more troubling is the fact that over 86% of women in federal prisons have histories of either physical or sexual abuse. To that I say shame; shame on our country's leaders for standing idly by while the most marginalized, victimized and traumatized members of our collective society are criminalized, institutionalized and systematically retraumatized.

Not only are carceral institutions incredibly traumatizing, toxic and punitive environments, they also impose a cruel state of social and familial isolation. Women in particular often describe the most tortuous part of their imprisonment as being forcibly separated from their children and loved ones. This directly impacts women and their children's well-being, and leads to what can become a permanent familial disconnection.

Honourable senators, I encourage you all to think just for a moment of a child being taken from their mother and how that experience would have a profound and lifelong impact on their psyches. Think of the separation of the child from their mother. What is more, as has been highlighted by our colleague Senator Pate, the Parliamentary Budget Officer has released estimates that record upward of \$8.3 million of savings if judicial officers were granted the leeway to determine lesser sentences on charges for murder.

Honourable senators, particularly during the financial crisis that continues to loom over us in the midst of a pandemic, which has no clear end in sight, these national savings cannot be overlooked, nor should their significance be underestimated.

Contrary to some perspectives, these ideas are not new or inherently radical. Indeed, in his assessment, the Parliamentary Budget Officer emphasized international examples of countries which already have similar laws, namely our allies in the Commonwealth.

Current reports suggest that a Canadian convicted of first-degree murder will spend an average time of 26.4 years in jail, as opposed to 11 years in New Zealand, 14.4 years in England, and 14.8 years in Australia.

I ask you all to imagine if, instead of imposing an arbitrary mandatory minimum sentence, a judge could carefully consider the fact that a woman would be leaving her 5-year-old child to be caught in the net of state intervention as a factor for a lesser or even suspended sentence.

Honourable senators, these are the incidences and questions which we have to think of when we consider whether to vote on this crucial bill. What country do we want to live in?

I, for one, am hopeful that we can demonstrate leadership in the promotion of legal sensibility, paired with reasonable compassion, for all Canadians.

To echo the words first spoken by Senator Forest-Niesing and reiterated by Senator Pate, this bill does not create discretion for judicial officers. On the contrary, it will permit them to more freely exercise one of their most significant responsibilities, which comes with the power bestowed upon them.

Under the staunch and unyielding leadership of our colleague Senator Pate, we have the opportunity, and indeed an obligation, to start to rectify the decades of wrongs imposed on the most vulnerable people in Canada, who simply need our support. Especially as all Canadians are continuing to face immense and compounding challenges from the pandemic, to which prisoners are directly exposed and immensely susceptible, we need to continue to fight against injustice and work toward a more truly inclusive and supportive society.

In all of our work, I encourage you to lead with empathy and understanding for others and, in particular, those who have to endure realities which do not mirror our own, and in which the vast majority of us have the immense pleasure of never having to imagine.

Honourable senators, I could continue to talk to you about the realities of women and young people languishing in prisons, of racialized people and Indigenous women and men languishing in prison, but you have heard what I have said and you have heard what Senator Pate has said and many of our other colleagues.

I ask that we send this bill as soon as we can to committee. I ask that when you vote for this bill, think of that young five-year-old, that little girl that has done nothing, that will be separated from her mother.

Honourable senators, that is our duty. I reach out to you and say let us send this bill now to committee. Thank you very much.

Some Hon. Senators: Hear, hear!

Hon. Pierrette Ringuette (The Hon. the Acting Speaker): Will the senator take a question?

Senator Jaffer: Yes, I will.

The Hon. the Acting Speaker: Before we do, Senator Jaffer, you must ask for an additional five minutes to answer questions.

Is five minutes granted? No. Sorry.

(On motion of Senator Duncan, debate adjourned.)

COMMISSIONER FOR CHILDREN AND YOUTH IN CANADA BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moodie, seconded by the Honourable Senator Mégie, for the second reading of Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

Hon. Stan Kutcher: Honourable senators, today I wish to speak to Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada. I thank our colleague Senator Moodie for bringing this important piece of legislation forward.

I am in support of a national commissioner, as it could be a positive step forward in improving the lives of young people in this country.

It is important that this office have a mandate that will allow it to effectively address the needs of all of Canada's young people, and that its work be informed and evaluated by robust data that is properly analyzed with minimal interpretation bias. Its work must be built on science, meaningful data and critical reasoning. Without that, the office may become a house built on sand. It may look good, but when the rains fall and the floods come and the winds beat against its walls, it will fall down.

• (1700)

There are two things that I would like us to consider as this bill moves forward: first, data, and second, mandate.

Let's begin with data. Canada has a long way to go until we have robust, valid and reliable national data that can be used to understand the complex components of health and well-being of all of our children and adolescents. For example, the Canadian Statistics Advisory Council report of October 2020 noted:

There is presently no standard or coordinated way to assess priority data requirements within the federal government. There needs to be a fundamental shift in how statistical data needs in Canada are assessed.

The office of commissioner for children and youth must be founded on and use best available, scientifically valid and meaningful data. The data needs to be nationally available, independently collected and analyzed on a regular basis. It must be able to tell us where and for whom the needs are greatest, and what has been achieved or not. It can then be used to guide policy and other interventions.

The office cannot rely on advocacy organizations to provide it with the data it will use for critical decision-making. This includes advocacy organizations both in and from outside Canada.

There is actually no use in collecting less than top-of-the-line data. Poor data is worse than no data at all.

Let me illustrate what I mean. I will focus on mental health data related to young people because this is an area that I have some knowledge of. Professor Scott Patten and I recently wrote a piece in *Policy Options* related to mental health data being collected in numerous surveys and polls in Canada during this pandemic. Overall, we found that this data is of poor quality, based on problematic study designs, uses inappropriate measures and demonstrates frequent bias in interpretation. This often results in sensationalized reporting in the media that distorts the realities of the existing situation. Sadly, this has even contributed to some of the psychological malaise and non-adherence to following public health guidelines that we are witnessing now.

Unfortunately, it has also taken away our attention from where the substantial needs are: young people who are the most in need, the most marginalized, those that are suffering the most. This is exactly the populations of young people that the office of the commissioner for children and youth must ensure it addresses.

This work requires robust and meaningful data. It is easy for enthusiasm for a cause to colour what “evidence” researchers gather and promote. We all know that it is quite possible to find so-called evidence to support what we want to believe to be true. Indeed, our brains are programmed to do so. The psychological mechanisms of brain shortcuts, confirmation bias and choice of focus based on social conformity are well known, and occur commonly in all forms of advocacy and debate. These are amplified when strong emotions are at play, and these psychological mechanisms — if we as policy-makers are not aware of them — may have a pernicious impact on our decision-making. A conscious effort to avoid these pitfalls is essential as this office is developed.

Honourable senators, that is part of what sober second thought is all about; using best-in-class data and trying to make sure we apply constructive and critical cognitive appraisal to the issues at hand.

Let me illustrate what I mean through a dive into some statistics that have recently been quoted in well-meaning advocacy for children. Don't worry, this will not be a boring recantation of a college statistics class, I hope.

The UNICEF *Worlds of Influence 2020* report is the source of this data. Although the report addresses many domains related to health and well-being, I will only focus on one, for illustrative purposes. I'm not extrapolating this analysis to all of the report and also have not relied on my own interpretations, but have enlisted the opinions of a number of Canadian experts: Doctors Patten (University of Calgary), Kurdyak (University of Toronto) and Black (University of British Columbia).

In the report there's a measure called “mental well-being,” and on that measure Canada ranks 31 out of 38 nations. Taken at face value this is a highly concerning exposition. A closer look reveals a different reality. That measure is a composite, made up of two components: self-perceived life satisfaction and suicide rates per 100,000 (between ages 15 and 19), averaged over a period of three years.

Self-perception is highly vulnerable to multiple factors that call into question its validity as being meaningful; for example, unrealistic expectations. There is an entire field in the study of psychology called relative deprivation theory which shows that if we have unrealistic expectations or have been made unfulfilled promises, we will experience a host of negative feelings — such as unhappiness, dissatisfaction, disgruntlement and so on — which could be tagged as low life satisfaction. This, however, would not be the same as an objective, meaningful measure of what we are experiencing.

Yet, Canada does not gather that measure. You may wonder: How can Canada be ranked and compared if we don't even use that measure; inadequate and potentially misleading as it is? The report noted that since one half of this composite measure was

not applicable, it would not apply it in the calculations, but nonetheless it would compare Canada to countries that were rated on both components of the metrics.

Honourable senators, this simply is not a valid way to measure anything. We can't accept the statistical sleight of hand as a basis to inform child and youth policy in Canada.

Let's take a closer look at the second part of this composite; suicide rates. Here we have another substantive problem. Suicide rates from any specific location may reflect social problems, rates of mental illness and substance abuse, access to or quality of mental health care or a host of other factors, but they are not a valid measure of mental health or mental well-being. And comparing suicide rates in Italy, France or any other country to Canada is comparing apples and oranges, because of so many different factors that influence suicide rates at play in different populations.

Unfortunately, unreliable use of suicide data can have negative and unintended consequences.

Let me demonstrate with some data from Statistics Canada. In 2015, the number of young people ages 15 to 19 that died by suicide across all of Canada was 203. In 2016, it was 185. In 2017, it was 223.

Clearly, if you choose 2015 as your base rate, or 2016 as the base rate for intervention, you get a very different outcome. If we had implemented an intervention in 2015, we could have wrongly concluded that the intervention had worked, because the 2016 number was lower. Or if we had implemented that intervention in 2016, we could have wrongly concluded that because the number in 2017 was much higher, the intervention had made things much worse. Neither would be true.

This data also hides the fact that youth suicide rates are not distributed equally or randomly across Canada. Rates are much higher in First Nations and Inuit populations. Rates in males are much higher than in females because males use more lethal means of taking their lives, such as guns. It also misses the subtle but real and gradually rising rates of self-harm and suicide in younger teenage girls over the last decade.

Looking only at the general numbers in a narrow age group, we miss the fact that we need to invest in developing and implementing effective suicide prevention programs in those areas where the need is greatest.

I raise these issues regarding robust, meaningful and independent data that is properly interpreted and effectively communicated to illustrate what is needed for the office of the commissioner for children and youth to improve outcomes. We need solid data on all aspects of health and well-being of young people.

• (1710)

I thank Dr. John LeBlanc from Dalhousie University, who has sketched out the criteria for such data. It must be transparent, pertinent, representative, periodically collected, of high quality and well translated for policy-makers and the public. Some of that type of data, such as the Early Developmental Instrument, is

already being collected by the Canadian Institute for Health Information, but it is not enough. This measurement is not collected everywhere in Canada, so it is difficult to use it to guide interventions and evaluate impact. There is much more to do, and it must be done.

Now I will briefly address terms of reference and mandate. The period from 2000 to 2011 saw the creation of over 25 child commissioner-type offices worldwide. It is now 2020 and Canada can learn from their experiences, from their mistakes, as well as from their successes. In most cases, these offices were designed in conformity with the Paris Principles of 1991, which noted that the key elements of the composition of a national institute are its independence and its pluralism.

As Canada moves ahead, it is essential that the office be truly independent, not only from all government entities but also from all other advocacy groups. And it must reflect the pluralistic reality of this country. It must be structured in such a way that ensures the diverse populations within Canada can effectively and appropriately participate in development, governance activities and evaluation.

There exists international criteria and certification standards that can be used to help guide the structure and mandate of such an office. For example, those set by the European Network of Ombudspersons for Children. Looking forward, perhaps the committee tasked with studying this bill could explore this in greater detail.

Furthermore, it is essential that this office be constructively, meaningfully and critically evaluated. Frankly, it's of little or no value to create an office of a commissioner for children and youth if it cannot be determined what impact this office has had on improving the lives of children in this country. It must be able to demonstrate that it is the lives of those who have traditionally been left behind, those young people who live in poverty, who experience racism, who are from First Nations, Inuit and Métis origin, who are refugees, and all those whose ability to share in the overall bounty of this land has been and continues to be limited by structural and other inequalities have been most improved.

We must also be able to determine if the return on investment is appropriate or not. In order to do so, this office must undergo rigorous, robust and independent evaluation. If that is not built in from its inception, it is not likely that it will be added later on.

Honourable senators, as I wrap up, I would like to reiterate my support for the establishment of an office of a commissioner for children and youth in Canada that is independent and pluralistic; an office that has a clear mandate to ensure that the health and well-being of all of Canada's children are improved; an office that uses best available, robust and meaningful data to determine need and impact; an office that is independently evaluated, not on its activity but on its outcomes; and an office that makes sure its primary focus is addressing the full range of requirements of young people who have the greatest need for life betterment. Thank you.

Some Hon. Senators: Hear, hear!

(On motion of Senator Duncan, debate adjourned.)

[*Translation*]

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator McPhedran, for the second reading of Bill S-213, An Act to amend the Department for Women and Gender Equality Act.

Hon. Marie-Françoise Mégie: Honourable senators, I rise today to speak in support of Bill S-213, sponsored by Senator McCallum. This bill amends the Department for Women and Gender Equality Act to require the minister to examine the potential effects of certain bills on women and to report to Parliament accordingly. The department used to be called Status of Women Canada.

In my opinion, gender-based analysis should be a requirement. GBA+ indicates the potential effects that a certain bill would have on women, particularly Indigenous women, but also on other segments of the population. Reiterating the primary objective, which is to promote equity among all Canadians in order to make our society truly equal, Bill S-213 will force us to reflect on the crucial role that Indigenous culture and gender play in policy development and implementation.

Women are more harshly affected than men by the adverse effects of policies and legislative measures. These days, the question on everyone's lips is this: Who will take care of the children at home if the schools are closed during the pandemic? If we go back a century, we see that the right to vote was given only to some women more than 100 years ago, but for some Indigenous women, that right only gradually solidified in the 1960s.

Gender bias has been around for a long time. I'm going to take you on a brief tour of the medical and scientific world to introduce you to some of them. Around the time Christopher Columbus landed on this side of the Atlantic, on the other side, Leonardo da Vinci drew the Vitruvian Man, an illustration of the mechanical vision of medicine, which then considered the body of the white man as the point of reference. This sex-based, measured and ethnocentric bias has been passed down from generation to generation and from one scientific field to another.

Although the original intention of the architect of the Vitruvian Man was to imitate nature, for centuries the men of science have failed to incorporate the diversity of this nature into science. This belief persists in the main biases that can still be observed in medicine today.

In her 2020 book entitled *Sex Matters* and in a 2014 Ted Talk, Dr. Alyson McGregor indicated that 80% of drug recalls were related to side effects affecting women. It was found that women metabolize some drugs more slowly than men do. To give a more specific example, in 2013, the United States Food and Drug

Administration found that the recommended dose of Zolpidem, a sleep-inducing hypnotic, was two times too powerful for women, who make up 50% of the population. Clinical evidence showed a difference in the way this drug was metabolized by men compared to women. As a result, for nearly 20 years, the population was at risk because some women were unknowingly driving impaired, since they were taking a dose adjusted for men. In a rare move, the FDA recommended a different dosage according to whether the drug was taken by a woman or a man.

Another example relates to alcohol. The enzyme that metabolizes alcohol is less active in women than in men, so women do not metabolize alcohol as quickly as men do. The concept of consumption varies greatly depending on sex, ethnicity, age and health condition. For example, nearly 50% of people of Asian origin have a genetic variant of the enzyme that makes it impossible for them to metabolize alcohol. This genetic feature exposes them to serious health consequences.

• (1720)

Here is another example: heart attacks. The typical symptoms, common in men, are pain in the left shoulder and chest. In women, the symptoms tend to be stomach pain, nausea and vomiting, which sounds more like indigestion. As a result, cardiac disease tends to be under-reported and under-treated among women. According to the Heart and Stroke Foundation of Canada, women of Indigenous ancestry are more likely to have a stroke and two times more likely to die from it than non-Indigenous women. They are more likely to have high blood pressure and diabetes, which are two risk factors for stroke.

As you just heard me say, this kind of bias even exists in medicine, but we have these findings thanks to research. The more inclusive the research, the more medical science can continue to advance.

Today, the COVID-19 pandemic has also highlighted gender issues and their greater impact on Black and Indigenous women. I have been at the epicentre of COVID and seen this first-hand, working alongside health professional associations. It would be interesting to have the Senate special committee on COVID-19 examine the evidence in detail to better understand the multiple environmental, financial, health and other impacts on communities. Last Monday I participated in a medal presentation with the MP for Bourassa, in Montreal North. All of the winners were team leaders, women involved in the fight against COVID. It is no coincidence that the burden of the pandemic rests on the shoulders of women, especially women from diverse backgrounds.

Let's get back to the bill before us. I'd like to paint a picture of the evolution of gender-based analysis at the federal level. In 1995, the Beijing Declaration, with its 361 measures, including 40 or so that deal with gender-based analysis, was supposed to address the many inequities facing women by the year 2000. In response to this declaration, the Government of Canada developed the Federal Plan for Gender Equality. This plan was meant to implement GBA in all federal departments and agencies.

In April 2005, the House of Commons Standing Committee on the Status of Women tabled a report that pointed out a lack of consistency in the way departments applied GBA. In the spring of 2009, the report of the Auditor General of Canada included a chapter on GBA noting that its application varied considerably from one department to another. In 2015, six years later, the new report of the Auditor General reiterated that the departments were still not applying GBA+ properly.

Today, in 2020, Bill S-213 would respond, albeit partially, to the Auditor General's finding. Honourable senators, I invite you and your teams to watch the micro-learning videos on GBA+ that are available on the Status of Women Canada website.

Without giving you a whole lecture, the seven major steps proposed for putting GBA+ into practice are the following.

The first step is to identify the issue. We must begin by determining the context of the bill and the gender equality and diversity issues to be reviewed.

The second step is to challenge assumptions. We all have preconceived notions. We must always ask ourselves how they affect our decision making.

The third step is to gather the facts and conduct research and consultations. All of the data used should be disaggregated by sex and include other intersecting identity factors, such as ethnic origin, age and disabilities. We should use GBA+ when drafting legislation and conducting consultations. It is not enough to consult the public and then make generalizations. In committee, we need to get different points of view, from many perspectives, to do a deeper analysis. We cannot forget that accessibility challenges and socio-economic situations may prevent people from participating in the consultation process. Take, for example, having internet access, knowing how to use technological devices or even having these devices.

The fourth step is to develop options and make recommendations. We need to explain the measures we are proposing to improve the bills we are studying, much like you would find dosage information on a prescription. If we find that a bill could create barriers for one segment of the population, that means it requires amendments. Our words matter, and we must choose them carefully.

The fifth step is to monitor and assess. We must identify groups that the bill could benefit or harm if we want the analysis to properly reflect the inequalities.

The sixth step is good communication. We have to tailor the political message to the target audience by supporting diversity and using inclusive examples, languages and symbols. We mustn't perpetuate stereotypes in our messages.

The seventh step is documenting, because the data and analysis that guide our recommendations must be diverse and documented.

Honourable senators, I support Senator McCallum's Bill S-213 and want to see the committee study it as soon as possible. It's high time we examined the potential impact of bills on women. GBA+ should become a legal requirement to ensure that future

governments apply it whenever they draft, debate and pass legislation. That will make our laws more equitable and get us closer to fulfilling our international commitments.

Although gender-based analysis is not yet commonplace, honourable senators, you can ask the Library of Parliament to do GBA+ on any bill systematically. Our office requested it for Bill S-213. The analysis identified two important points. First, the fact that the bill stresses the analysis of potential impacts on women and Indigenous women means that it could inadvertently exclude the potential impacts on other groups of people, such as people who do not identify as women or who have other identity factors. Second, Bill S-213 does not seem to support an analytical method.

I hope this information will be useful to the committee during its study of Bill S-213. Thank you.

(On motion of Senator Pate, debate adjourned.)

[*English*]

JANE GOODALL BILL

BILL TO AMEND—SECOND READING—DEBATE

Hon. Murray Sinclair moved second reading of Bill S-218, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals).

He said: Honourable senators, I begin my comments with some trepidation, knowing that I stand before you and dinner. But my comments, I hope, will be able to be helpful to you in understanding what this bill is all about.

• (1730)

Dr. Jane Goodall's quest began as a child, with her father's gift of a stuffed animal to her on her first birthday. Friends cautioned her parents that Jubilee, the toy chimpanzee, would give their daughter nightmares. Instead, it gave her dreams.

In Dr. Goodall's own words:

As a small child in England, I had this dream of going to Africa. We didn't have any money and I was a girl, so everyone except my mother laughed at it. When I left school, there was no money for me to go to university, so I went to secretarial college and got a job.

Yet Dr. Goodall was determined. In 1957, in her early 20s, she got a job as a secretary to Louis Leakey, the noted anthropologist who had found evidence of human evolution in East Africa. He detected Dr. Goodall's enthusiasm and talent, hiring her in the hope that she would study chimpanzees, our closest living relative.

[Senator Mégie]

Three years later, Jane Goodall set off to Gombe National Park in Tanzania, with — you guessed it — her mother. In the decades to come, Dr. Goodall's discoveries upended the male-dominated scientific consensus of the era about animals and their supposed categorical differences from us. Colleagues at Cambridge chastised her for giving her subjects names rather than numbers, but there was no disputing her observations. Dr. Goodall revealed chimpanzees' human-like personalities, intellects and emotions and their relationships of family and friendship.

She became the first to observe wild chimps making and using tools, an ability thought to separate humans from animals. This prompted Dr. Leakey's famous telegram, "Now we must redefine tool, redefine man, or accept chimpanzees as humans."

Jane Goodall's research changed the world, using science to renew the ancient knowledge that we are not separate from animals but connected to them.

Before the pandemic, she travelled 300 days a year, working to save nature. Her message of hope includes education, community-based conservation and sustainable livelihoods, as well as protecting captive animals and banning elephant ivory.

Honourable senators, Jane Goodall is a hero who inspires us to do better by all creatures of creation with whom we share this earth. Today, animals face mass extinction and cruelty at human hands. We must respond with empathy and justice. We must change course, both for their sake and for our own well-being.

In many Indigenous cultures, we use the phrase, "all my relations" to express the interdependency and interconnectedness of all life forms and our relationship of mutual reliance and shared destiny. When we treat animals well, we act with both self-respect and mutual respect.

Today I ask this chamber to protect our animal relations with Bill S-218, named for my hero and yours, and a hero to your children and your grandchildren, as the "Jane Goodall Act."

Let me tell you a bit about what the act is about.

This legislation continues the Senate's work to protect animals. That work includes Senator Boyer's leadership to prevent animal abuse, Senator MacDonald's ban on shark fin imports and Senator Stewart Olsen's bill to end animal testing for cosmetics, which I hope becomes law this Parliament.

Specifically, this bill builds on laws established by former Senator Willie Moore on whale and dolphin captivity and by then Government Representative Senator Harder's amendments to fisheries Bill C-68. Those amendments achieved a vote for Senator Moore's bill. Thank you to Senator Harder and the government, particularly Minister Wilkinson, for their actions to do right by the whales.

Now with the Jane Goodall act, my aim is to protect Canada's captive great apes, elephants and certain other animals under our federal laws and to ban the import of elephant ivory and hunting trophies.

As with the whale bill, this legislation would prohibit new captivity, including breeding, of great apes and elephants under our animal cruelty and international trade laws. However, new captivity may occur if licensed for one of two purposes. First, permits could be granted for these animals' best interests, taking into account both individual welfare and species conservation. Second, permits could be granted for non-harmful scientific research.

These changes will promote the best interests of great apes and elephants under Canadian law, according to their biological and ecological characteristics and needs. This will be a major improvement.

Currently, these animals are legally treated as property, only protected from intentional cruelty or neglect. With this bill, the government will ask: What conditions are best for the animals? The answer may require improving facilities or practices for new captivity to occur or phasing out facilities, particularly for elephants.

In addition, this bill bans the use of great apes or elephants in performance or conveyance for entertainment, including elephant rides.

Significantly, the Jane Goodall act will authorize the federal cabinet to extend all these protections, by regulation, to additional species of captive, non-domesticated animals. In designating new animals, cabinet must consult experts with regard to a species' captivity, to live a good life in captivity. I will speak more later about this measure, which, for obvious reasons, I am calling the Noah clause. In this context, I will also discuss the captivity of big cats in relation to the documentary "Tiger King."

In addition, for currently captive whales, great apes, elephants and designated animals, the Jane Goodall act proposes limited legal standing. Under this framework, a court may make orders in the best interests of individual animals within sentencing for the captivity and performance offences, including orders for animals in the offender's possession from the same or closely related species. Such orders would be informed by an animal advocate, appointed by the Governor-in-Council, after consulting the relevant province.

Orders in best interests may include modification of physical or social conditions, relocation and orders for costs. For example, were a beluga whale at a marine park to be used illegally in a

performance for entertainment, that individual could be relocated by court order, along with other whales and dolphins, to the sanctuary currently planned at Port Hilford, Nova Scotia.

However, this legal standing is limited because the bill only protects the best interests of affected animals within criminal sentencing. For this reason, the bill's preamble recognizes provincial jurisdiction to enact legal standing in civil or regulatory contexts for currently captive whales, great apes and elephants. Such frameworks would enable orders in individuals' best interests by their own right.

• (1740)

Finally, to support elephant conservation, this bill bans the import of elephant ivory and hunting trophies, answering Dr. Goodall's call to action last year.

I am honoured to have Dr. Goodall's full support in advancing this bill. She has a message to share with senators:

This bill, being tabled by Senator Murray Sinclair seeks to address many of the issues that have been at the cornerstone of my advocacy, on behalf of animals. If passed, it will ensure that captive animals in Canada will live in acceptable conditions and will not be used for human entertainment purposes. Many species around the world are in danger of extinction, and this proposed bill calls for the prohibition of the trade in elephant ivory and hunting trophies in Canada — a move that thousands of Canadians support.

I am honoured to have the Act bear my name and I am ready and willing to support Senator Sinclair's efforts to see it passed including appearing at a Senate committee if invited to do so. I remain hopeful that Senators will move quickly to advance this important bill.

I am also pleased to indicate that Member of Parliament Nathaniel Erskine-Smith has agreed to sponsor this legislation in the House of Commons if it is passed by the Senate.

I want to thank the organizations who have played major roles in bringing us to today, including the Jane Goodall Institute, Humane Canada, Animal Justice, Zoocheck and the Ivory-Free Canada coalition, whose petition for the elephant ivory ban has over 600,000 signatures. Like the whale bill, Jane Goodall act belongs to all of its supporters, and I believe that grassroots passion and resolve will again prove unstoppable.

Colleagues, why do we need this bill? The short answer is that we owe it to the animals. First, the great apes. Chimpanzees are humanity's closest living relatives, sharing 98.6% of our DNA. They live in the forests and savannas of Central Africa. Cognitively, like all great apes, chimpanzees can recognize themselves as individuals in mirrors, demonstrating self-awareness. The few other creatures known to have this capacity include whales, elephants and us. Like all great apes, chimpanzees can learn and communicate in American Sign Language, even learning the skill from each other. They can add numbers, and they can vastly outperform humans in certain memory tests. Wild chimps use between 15 and 25 different tools per community. Some groups prepare five-piece tool kits in order to raid beehives. Other groups make spears to hunt small animals.

In West Africa, chimps have a culture — meaning habits learned from others — of using stone hammers and anvils to crack nuts. This behaviour is unheard of with East African chimps, and the skill requires years of practice. Emotionally and socially, chimpanzees share much in common with us. They feel happiness, sadness, fear, despair and grief. They form lifelong family bonds and friendships. They may greet each other by kissing, and young apes will laugh when tickled. Chimps invent and pick up new games and fashions, such as in Zambia, where one individual started a popular trend of wearing grass in her ear.

Chimpanzees live within complex societies, forming political alliances to achieve their goals — kind of like Parliament. Male chimps even fawn over infants when vying for power — kind of like parliamentarians. When disputes break out, diplomatic individuals will patch things up. Chimps, like humans, can be violent, but they also demonstrate cooperation and altruism, such as delivering food and water to elderly relatives. They have been seen saving others in danger and helping wounded birds. Chimpanzees grieve their dead.

These characteristics and related needs create a responsibility on our part to protect chimpanzees, particularly when in human custody. However, humans have treated our closest relatives atrociously.

Since 1900, humans have reduced chimpanzee numbers by between 70% and 80%. Today, between 172,000 and 300,000 individuals remain, under pressure from deforestation, the commercial bush meat trade, the illegal exotic pet trade and diseases like Ebola. Current trends indicate that the population will decline by 80% in the next 30 to 40 years, unless we change course. In captivity, chimpanzees have been exhibited at zoos and circuses, owned as pets, exploited in TV and films, sent to outer space, and used in military and biomedical research. Experiments on chimps have involved food deprivation, electric shock treatment and surgery, and exposure to radiation, chemical weapons and diseases.

Canada does not have a history of great ape experimentation. We have seen developments in other countries to protect chimps. The U.K. was the first to ban experiments in 1998. The next year, New Zealand created strong legal protections for great apes. In 2008, a Spanish parliamentary committee passed a resolution to recognize the rights of great apes to life and freedom. In 2010, the European Union banned experiments on great apes. In 2013, President Obama signed into law a bill funding the retirement of research chimps to sanctuaries.

Most exciting, in Argentina in 2016, a court recognized a chimpanzee named Cecilia as having the right to habeas corpus, essentially non-human personhood and a right against unlawful

detention. Cecilia was ordered to be moved from a zoo to a sanctuary as a result of those legal proceedings.

Progress through the common law has also been made in the United States, through the groundbreaking work of Steven Wise and the Nonhuman Rights Project. In Canada, there are nine captive chimps, all living at the Fauna sanctuary near Montreal. These individuals arrived there after traumatic lives in laboratories, zoos and entertainment. Their healing at Fauna is an inspiration, and a message to the world about their resilience. Under this bill, new individuals could join Fauna through licensed imports. However, if zoos or new sanctuaries wish to acquire chimps, that would require a licence with conditions to protect their well-being. I am pleased to indicate that the Jane Goodall act has the endorsement of Quebec's Fauna sanctuary.

I want to pivot now to gorillas, the largest primate, weighing up to 440 pounds. They are vegetarians, inhabiting the forests and swamps of Central Africa. Gorillas live in family groups, led by a silverback. They are highly intelligent. In the wild, gorillas disarm poachers' snares and use sticks to test the depth of water before crossing.

Honourable senators, you will have heard of a second trailblazing scientist who teamed up with Louis Leakey. In 1967, an occupational therapist from Kentucky travelled to the jungle slopes of Rwanda's Virunga range to study mountain gorillas. Dian Fossey revealed their gentle nature, but she found the gorillas under siege from poaching, with only 254 members of the subspecies left. Brave, and not one to back down, Dr. Fossey organized her trackers to defend the gorillas. She cut snares, took on ranchers over deforestation and went after corrupt officials involved in the illegal wildlife trade. For her heroism, Dr. Fossey was brutally murdered at her cabin in 1985. Her last journal entry may guide us. It says:

When you realize the value of all life, you dwell less on what is past and concentrate on the preservation of the future.

• (1750)

Dr. Fossey is currently buried at Karisoke Research Center next to her favourite gorilla, Digit, who was killed by poachers. Her grave marker reads, "No one loved gorillas more."

In her lifetime, Dian Fossey predicted that mountain gorillas would be extinct by the year 2000. Today, their numbers have tripled because of her legacy. Still, gorillas are critically endangered, facing the same threats as chimps. There are between 100,000 and 200,000 gorillas left in the wild. Three subspecies have lost between 70% and 80% of their population in the last 25 years.

In Canada, the Calgary Zoo houses six gorillas, including a silverback that arrived last year. The Toronto Zoo is home to eight gorillas, including a baby born in 2018. In Quebec, the Zoo de Granby is home to four gorillas. All three zoos are part of the western lowland Gorilla Species Survival Plan, aiming to establish genetically diverse captive populations as a fallback for conservation.

If the Jane Goodall Act becomes law, new captivity, including breeding, will remain possible at these institutions. However, this, again, would require a licence. In considering applications and conditions of licence, this bill would guide government to consider the gorillas' best interests, with the benefit of independent expert advice. For example, government could consider whether the gorillas have access to privacy and whether they have suitable conditions to lead a good life, including ample outdoor space and adequate quality of life during the winter. Government may also establish mechanisms to ensure that conservation efforts are contributing to the species' survival.

In making these proposals, let me be clear: This bill is not necessarily at odds with all zoos; rather, it is for animals. Credible zoos employ people who love animals and have dedicated their lives to their care, and who contribute to conservation and science. They have helped save species like the California condor and black-footed ferrets. Today, I look to credible zoos as potential partners as we establish legal protections for animals that more closely reflect our moral obligations.

Some animal-care professionals may find this legislation helpful in requiring management to improve conditions. The public may prefer to visit animals protected by this bill. Some zoos, particularly private zoos, may not be suitable homes for some species, or a sanctuary model may be preferable.

In thinking about captivity for display or entertainment, I would emphasize that we cannot put economic activity above our own humanity. We have a responsibility to other beings. Further, we have seen that change does not result in economic failure. For example, in 2011, the Toronto Zoo relocated all its elephants to the United States, and the Calgary Zoo did so in 2014. Both institutions still carry on with an increasing focus on conservation and science.

As another example, the claim that the whale bill would put Marineland or the Vancouver Aquarium out of business did not materialize. For example, last year, Marineland opened a \$6-million Polar Splash park, a water park attraction, and has recently installed a new ride.

Positive change can result in economic opportunity. As I mentioned, a whale sanctuary for belugas and orcas is now planned in Nova Scotia. Sanctuaries in general are a positive model, as is ecotourism.

This bill will not put zoos out of business, but I hope it will generate dialogue and innovation, with consensus on putting animals first.

Senators, before turning to elephants and the ivory ban, I want to talk to you about orangutans. Known locally as "the man of the forest" and covered in shaggy red fur, orangutans inhabit the

Asian islands of Borneo and Sumatra. Orangutans are relatively solitary. However, the relationship between a mother orangutan and her offspring is extremely close, a maternal bond thought to be the most intense of any in nature with the possible exception of humanity.

Orangutans are highly intelligent. In captivity, they are notorious escape artists. They will patiently dismantle their cages over days and weeks, while keeping dislodged screws and bolts out of sight.

Orangutans demonstrate altruism. This year, the world was captivated by footage of a wild orangutan reaching out to rescue a park ranger from waters infested by venomous snakes.

Senators, you may be familiar with the third scientist to team up with Louis Leakey, completing the legendary group of female scientists known as the Trimates. In 1971, Canadian graduate student Birutė Galdikas followed a river into the rainforests of Borneo. She carried with her two *National Geographic Magazines* about Jane Goodall and a book on Malaysian snakes. She later said:

There's something about orangutans that spoke to my soul and it still does.

My love for orangutans grew out of my curiosity an urge to understand where we came from, where we're going and how we fit into the universe.

Today, Dr. Galdikas studies orangutans and rehabilitates their orphaned youngsters at Camp Leakey in Indonesia, where she works to protect their habitat. This Canadian hero is also a professor at Simon Fraser University and is an Officer of the Order of Canada.

Orangutans are under assault. For decades, cartels have logged the rainforest, and the debris has sparked devastating wildfires. Orangutan habitat is being clear-cut and fragmented to make way for endless palm oil plantations for use in toiletries and snacks, and 80% of the forest has been destroyed or degraded. Orangutan numbers have fallen by over half in the last century. Today, they are critically endangered, with about 115,000 individuals left. The Sumatran population numbers less than 14% of mid-20th-century numbers.

In 2018, the world was heartbroken at footage of an orangutan trying to defend his home from loggers, approaching and grabbing onto a hydraulic excavator that was knocking down trees.

Yet there is good news. In 2014, an Argentinian judge recognized an orangutan named Sandra as a nonhuman person. Sandra had regularly tried to avoid the public, and her daughter

had been taken and sold to a zoo in China. Sandra now lives at a sanctuary in Florida. In commenting on her decision, Judge Elena Liberatori, who keeps a picture of Sandra in her office, said:

With that ruling I wanted to tell society something new, that animals are sentient beings and that the first right they have is our obligation to respect them.

In Canada, the Toronto Zoo has displayed Sumatran orangutans since 1974 and currently houses six individuals. This number includes one 53-year-old female named Puppe, who was born in the wild and has five children and four grandchildren. Of note, the Toronto Zoo is part of the Orangutan Species Survival Plan for Sumatran orangutans, and their group is genetically significant. The zoo has expressed openness to, in future, returning some animals to the wild.

I want to learn more about Canadian zoos' great ape conservation programs. I have been invited by the Toronto Zoo to visit their exhibit and see what their plans are. However, I do have a welfare concern about all orangutans, including those in Toronto. They currently do not enjoy adequate outdoor access. For years, Toronto Zoo has planned to renovate to include outdoor space, and the current information is that a new enclosure will be ready next year. I look forward to seeing other plans develop.

This improvement can't come soon enough, as in the case of Puppe. She has been inside for 47 years. Senators, the bottom line is that we need to get our friends, the orangutans, some fresh air and sunshine. This bill will help.

I turn now to Asian and African elephants, the largest land animals in existence. Elephants are intelligent and highly emotional, with excellent memories and a strong sense of empathy. They experience the world primarily through smell and hearing. Their sense of smell is five times more acute than a bloodhound's, yet their trunks are versatile enough to pluck a blade of grass, suck up eight litres of water or flip a hippo.

• (1800)

The Hon. the Speaker: My apologies, Senator Sinclair, I have to interrupt you.

Honourable senators, it is now six o'clock. Pursuant to rule 3-3(1) and the order adopted on October 27, I'm obliged to leave the chair until seven o'clock unless there's leave that the sitting continue.

This will be my third attempt, honourable senators, to avoid the triple negative. Please listen carefully. If you wish the sitting to be suspended, please say "suspend."

Some Hon. Senators: Suspend.

The Hon. the Speaker: I hear "suspend." The sitting will be suspended from 6 p.m. to 7 p.m.

When we return, Senator Sinclair, you will have the balance of your time.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

The Hon. the Speaker: Honourable senators, resuming debate on Bill S-218. Senator Sinclair, for the balance of your time.

JANE GOODALL BILL

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Sinclair, seconded by the Honourable Senator Pate, for the second reading of Bill S-218, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals).

Hon. Murray Sinclair: Thank you, Your Honour. I was talking when we had the break about the importance of protecting elephants. Let me tell you a little bit more.

Elephants use low-frequency sounds to communicate over several kilometres with pitches inaudible to humans. They can hear storms hundreds of kilometres away and change their routes days in advance in order to intercept rain. Socially, elephants are matriarchal, living in herds of adult females with adolescents and young. Older females keep the knowledge that allows the herd to survive, including memory of important relationships and the locations of water and seasonal foods. During drought, the herd will follow a matriarch for days to a drinking hole no one else knows about, trusting her.

Bull elephants have been viewed as loners. However, recent research indicates that male social relations are complicated, involving mentorship, friendship and semi-permanent clubs with rituals of cohesion and respect.

Elephants are also altruistic. They try to revive sick or dying individuals, including strangers, lifting them with their tusks to get them on their feet. Elephants mourn their dead, scattering family members' bones and standing vigil over dead matriarchs.

In Canada, there are 22 captive elephants. African Lion Safari, near Hamilton, holds 16 Asian elephants. Of these individuals, at least two were born in the wild. African Lion Safari's elephants were used in performance and to give people rides, resulting in an attack last year. The Edmonton Valley Zoo is home to a lone Asian elephant named Lucy, born in the wild. In Quebec, Parc Safari has two African elephants, both born in the wild. The Granby Zoo has three African elephants of which two were born

in the wild. African Lion Safari indicates that its activities have scientific and conservation value, and other zoos may also make this claim. In 2011, Toronto City Council voted 31 to 4 to send the Toronto Zoo's three remaining African elephants to a sanctuary in California. In 2014, three Asian elephants in Calgary were relocated to the United States.

Around the world, we have seen developments to limit elephant captivity. Last year, CITES, the international regulator of trade in wildlife, banned sending wild African elephants to zoos. This year, in Pakistan, Justice Athar Minallah issued a major decision, holding that animals have constitutional rights and protections under the Quran. He ordered a lone zoo elephant relocated to a sanctuary after being held in chains for 35 years.

Senators, at three of Canada's four facilities, elephants are living alone or in small groups. In addition, our climate is unsuitable for elephants. They must spend winters indoors despite being huge, far-ranging animals. Sanctuaries in warm climates are likely preferable for individual welfare. However, factors to weigh include the stress of transport, group cohesion and elephants' relationships with animal care professionals. Overall, though, it is time to phase out elephant captivity in Canada.

Let me talk to you for a bit about the ivory ban the legislation proposes. Beyond addressing individual welfare, this legislation addresses elephant conservation with a ban on the import of ivory and hunting trophies. Humans have devastated elephant populations for ivory. Elephant numbers are half what they were 40 years ago, and one twentieth what they were a century ago. In 2018, at least 63 African game rangers died defending the animals. Every year, at least 20,000 African elephants are killed for their tusks. If these were humans, we would have no difficulty classifying this as genocide.

In the wake of this slaughter, young male elephants are demonstrating unusual and disturbing behaviour, including fatal attacks on large numbers of rhinos and other elephants. In an article in the scientific journal *Nature*, they explore the possibility that the killing has produced a generation of elephants traumatized by violence and now disturbed psychologically and perhaps morally by the collapse of family structure. In South Africa, where older male elephants have been reintroduced, violent behaviour in young elephants has decreased dramatically.

Internationally, the ivory trade has been restricted by CITES since 1989, including reducing poaching. In the last decade, however, demand has resurged, particularly in China. The United States implemented a near-total ban in 2016 and the U.K., Singapore and Hong Kong followed. In 2017, China closed its domestic ivory market. Last year, Yahoo! Japan ended ivory sales, closing the largest online platform in the largest legal market for ivory.

In Canada, the government currently bans sales of ivory from elephants killed post-1990. However, ivory is extremely difficult to date. Illegally harvested supplies enter the Canadian market with little or no difficulty. Canada also permits the import of elephant hunting trophies. Between 2007 and 2016, Canada allowed the legal import of more than 400 elephant skulls and 260 elephant feet.

This legislation proposes adopting the 2018 U.K. model for the ban with narrow exceptions. This enhanced ban on elephant ivory is proposed in full respect of the Inuit trade in narwhal and walrus tusks. That trade accompanies a sustainable harvesting of healthy country foods by northern communities who have lived in balance with Arctic ecosystems since time immemorial, and to communicate and emphasize this respect, the bill contains a section 35 non-derogation clause.

Senators, I turn to the "Noah clause" for extending the bill's protections to additional captive, non-domesticated species through regulation. In designating new animals, the federal cabinet must consult experts in animal science, veterinary medicine or animal care with regard to a species' captivity to live a good life in captivity. New species must also be similar in relevant ways to either great apes, elephants or whales given the relative consensus around protecting these species.

How will this standard work? My aim is to grant government broad and flexible discretion to extend the bill's legal protections to additional captive, non-domesticated animals. Government can then exercise its authority with public accountability. For a valid designation, it would be enough for a species to share some similarities with either great apes, elephants or whales that are relevant to their welfare in captivity. Factors for a designation may, for example, include intelligence, emotions, social requirements, physical size, wide-ranging lifestyles, use in performances, ability to engage in natural behaviour in captivity, public safety risks and evidence of harms such as abnormal, repetitive behaviour, short lifespan and high infant mortality rates.

• (1910)

Take big cats as an example. The documentary *Tiger King* raised issues around big-cat captivity, along with many issues internal to the human species. *Tiger King* showed the exploitation of lions and tigers that can occur at private zoos, including breeding to produce a constant supply of cubs for profitable interaction with visitors. This series documented the use of animals to teach negative lessons about human dominance, the killing of healthy tigers for commercial reasons and the amassing of living creatures in the service of the ego.

Under the "Noah clause," big cats could become designated animals because they are wide-ranging, often exploited, unable to engage in natural behaviours in captivity, prone to abnormal behaviours in captivity like pacing, and pose a safety threat. Indeed, B.C. banned the private ownership of big cats in 2009 after a fatal attack.

According to *The Globe and Mail*, there are an estimated 1.5 million privately owned exotic animals in Canada, including nearly 4,000 big cats. With the “Noah clause,” big cats may be the first to board the legal ark, but I trust other species will follow. For example, this measure may interest those concerned for Smooshi and her kind.

In closing, honourable senators, I want to remind you that we are all connected — not just you and me, but all life forms of creation. This understanding imposes responsibilities. We are at a crucial time where the interrelated goals of Indigenous rights, environmental protection and animal welfare can help to combat cultural loss, climate change and mass extinction in Canada and beyond. An important alliance is building to achieve these related objectives based on mutual respect and shared determination.

In Indigenous cultures, animal uses exist but only in taking what communities need for their own well-being. Indigenous traditions teach respect, gratitude and stewardship. These values may guide us as we consider practices involving our animal relations. In thinking about this, I would quote a passage of the Truth and Reconciliation Commission’s report, which says:

Reconciliation between Aboriginal and non-Aboriginal Canadians, from an Aboriginal perspective, also requires reconciliation with the natural world. If human beings resolve problems between themselves but continue to destroy the natural world, then reconciliation remains incomplete. This is a perspective that we as Commissioners have repeatedly heard: that reconciliation will never occur unless we are also reconciled with the earth.

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

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

Senators, I invite you to join the debate and to support the Jane Goodall Act for study at committee, where we can hear from Dr. Goodall and other experts.

Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

[Senator Sinclair]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROSPECT OF ALLOWING HUAWEI TECHNOLOGIES CO., LTD. TO BE PART OF CANADA’S 5G NETWORK—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the prospect of allowing Huawei Technologies Co., Ltd. to be part of Canada’s 5G network, when and if the committee is formed; and

That the committee submit its final report no later than February 28, 2021.

Hon. Leo Housakos: Honourable senators, I’m speaking to a motion that I believe is critically important in relation to the challenges we are facing in our relationship with the People’s Republic of China. Senators may recall that I moved a similar motion in the last Parliament that sat languishing until it eventually died with prorogation. The situation has certainly become much more dire since then on many fronts, which is why I believe the passage of this motion is critical.

First, we need to accept and acknowledge that it is increasingly evident that the PRC and the Chinese Communist Party pose a threat to Canada’s national interests, its values and even to Canadians of Chinese origin within Canada.

I think senators are increasingly aware of the actions that China has taken which undermine global security. I need only refer to some of the recent military pressures initiated by the Chinese regime.

First, there are the sweeping territorial claims that China has made in the South China Sea, claims which ignore the ruling of the Hague tribunal in 2016 and which are accompanied by a campaign of island-building and corresponding militarization of those same islands.

Second, there is a simultaneous campaign of exerting continuous military pressure in the East China Sea to support sovereignty claims over Japanese-held islands in those waters.

This past summer, it was reported that the Chinese military incursions into the Senkaku Islands were occurring on a continuous basis. Japan, you will all recall, is a nation that has renounced war in its own constitution but is now being compelled to devote unprecedented attention to the modernization of its military capabilities.

Third, we have renewed Chinese military pressure against India, pressure which has led to direct clashes between Chinese and Indian troops along the two countries’ disputed border.

Most ominously, there is the unprecedented military pressure being directed against Taiwan. Just last month, Taiwan's defence minister reported that its air force had been forced to scramble its fighter jets 2,972 times against Chinese military incursions during 2020. The scope of that activity is, to say the least, alarming. So, too, are the recent statements by Chinese President Xi Jinping that the Chinese military must prepare itself for war.

These developments in and of themselves represent a significant threat to global stability and hence to Canadian interest in the Pacific. However, at the same time, we are confronted with the spectre of covert activities domestically. In 2019, the nonpartisan National Security and Intelligence Committee of Parliamentarians found:

The People's Republic of China utilizes its growing economic wealth to mobilize interference operations: "with deep coffers and the help of western enablers, the Chinese Communist Party uses money, rather than the Communist ideology, as a powerful source of influence, creating parasitic relationships of long-term dependence."

We have evidence of pressure being exercised against Canadians who are potentially vulnerable to tactics by the regime. Chinese-Canadian actress Anastasia Lin has talked about her experience related to the Chinese's use of influence networks abroad. I quote:

Beijing backs numerous front organizations and civil-society groups in Western societies, including Chinese student and professional associations. These groups act as extensions of the state and party apparatus. They are mobilized to influence the outcome of local elections and influence government policy in the West.

Madam Lin faced immediate personal consequences for her statements. Her mother informed her that Chinese national security agents had questioned the family business in China. I quote:

My mom told me that her colleague was visited by Chinese Secret police, and they asked about me, in recent years.

By now, senators are familiar with the human rights abuses being carried out by the Chinese state in Hong Kong against the minority Uighur population and against other dissenters. However, the extension of such activities to communities within our country should not and cannot be tolerated. We should have no doubt that these activities by the Chinese state are global in scope.

• (1920)

Earlier this year, I drew the attention of the Senate to a 2018 workshop that was hosted by CSIS and drew on the analysis of international experts on Chinese policy objectives and its strategic intentions.

An extensive report incorporated some of the following conclusions. The Chinese regime is driving a multidimensional strategy to lift China to global dominance. The strategy integrates diplomacy, asymmetrical economic agreements, technological innovation and escalating military expenditures. Trading partners are finding that China uses its commercial status and influence networks to advance regime goals. Whether a Chinese company is a state-owned enterprise or a private one, it will have increasingly explicit ties to the Chinese Communist Party. China will use its commercial position to gain access to businesses, technologies and infrastructure that can be exploited for intelligence objectives or to potentially compromise a partner's security. The use of increasingly aggressive diplomacy, and the development of influence networks, is being witnessed worldwide. Chinese diplomats have threatened retribution to chastise foreign governments that resist Chinese state objectives or initiatives.

In both Denmark and Germany, Chinese ambassadors have warned "consequences" should either country ban Huawei from their 5G network. Such statements are designed to deter democratic governments, and in some cases they do deter those governments. The argument could be made that ours is one of those governments, colleagues.

Last year, shortly after his arrival to Canada, China's ambassador threatened this very chamber because of our motion calling on the government to impose Magnitsky sanctions against Chinese officials. A few weeks ago, that same ambassador threatened the safety of 300,000 Canadians living in Hong Kong. Now in the last week, he has done it again, telling the media that Canadians have been disrespectful to China's Communist Party and should be careful when talking about the People's Republic. Is that any way for any ambassador to behave, colleagues? Why is he still here representing China in our country?

I can tell you that coercion has not worked in Australia. They didn't stand for it. Australia was the first country to ban Huawei from developing its 5G network. Australia has also been increasingly willing to tackle Chinese intelligence and political activities within its borders. Colleagues, I can tell you that Australia's trade exchange with China is far greater and they have far more at stake than we do, yet they've stood up for principle.

Predictably, China has retaliated. No doubt Australian journalists in China are facing expulsion and investigation. As Senator Frum who has worked as a journalist in China can tell you, that's the least a journalist can expect when they're reporting things the Chinese don't want to hear.

Earlier this month, seven different categories of Australian commodities were banned from China, similar to the tactics they used against Canada. "Quality issues" have suddenly been discovered by Chinese officials with Australian barley, beef, coal, cotton, lobster, timber and their wine. Australian wine is pretty good if you ask me. Australian products have been subjected to anti-subsidy and anti-dumping measures or deliveries have been delayed.

It is clear that the Chinese regime does not respond well to criticism when its activities are called out, and they certainly don't do business the way we do. However, we must not be

deterred by this tuggish behaviour. Instead, I believe we must emulate Australia and develop a firm and well-thought-out approach to respond to the challenges we face. We need to begin those efforts by taking a firm stand in relation to Chinese state involvement in Canada's 5G network, colleagues.

As I have noted before in this chamber, 5G is the next generation of mobile broadband. It will be integrated in every new and existing industry in our country. In light of CSIS's assessment of Chinese state objectives, it is vital that the government finally take a position on the integration of Huawei in our 5G network.

Australia took its decision on this matter more than two years ago. There's simply no justification for the government's continued dithering on this matter when so much is at stake. I believe it is also vital that the government table a robust plan, just as Australia has done, to combat China's growing foreign operations right here in Canada and its increasing intimidation of Canadians and Chinese Canadians living in our great country.

Other countries are taking the international and domestic activities of the Chinese state very seriously. They're taking it seriously because the implications are sweeping and far-reaching. The Australian Prime Minister, Scott Morrison, has argued that the period we are now in represents the most dangerous time since the 1930s.

What alarms me is that our own government has been incredibly unwilling to respond to the reality of what we are facing. They don't deny it, but they do nothing about it. Prior to the 2015 election, the Prime Minister referred to China as the country he admired most. He admired it, he said, because of its "basic dictatorship," that's a quote, and its resulting ability to "turn . . . on a dime."

The naïveté of those words, colleagues, is stunning. While in some of his more recent statements he has at least started to acknowledge that the Chinese state may not be what he thought it was. We are still confronted with ministers in his government, though, unwilling to respond forcefully to Chinese state provocation. Some ministers are actually even dependent on Chinese mortgages.

Most recently, our Minister of Foreign Affairs refused to use the word "genocide" in relation to what China is doing to its own Uighur population. Colleagues, it is abhorrent that we don't recognize it and call it what it is, despite the fact that the House of Commons Subcommittee on International Human Rights found that it's exactly what's taking place there: genocide. We can't keep burying our heads in the sand.

Some of the statements ministers have made in relation to the admission of political dissidents from Hong Kong are equally vague. Recently the Minister of Immigration refused to confirm whether Hong Kong citizens who may have been convicted of offences, such as unlawful assembly and freedom of speech, would be admitted to Canada.

Even here, in this chamber, we have senators who have wanted to give China a pass, choosing instead to blame others and encouraging Canadians and our government to go along and get along. Senator Woo, for example, will be taking part in a

webinar coming up on Tuesday entitled "Towards a Rethinking of Canada-China Relations." On the surface, it seems like Senator Woo and I actually agree with each other insofar as there needs to be a rethink about our relationship with China, but I think we differ on what that rethink looks like. Take, for example, Senator Woo when he says:

In recent years, Canada-China relations have been unduly shaped by US-China strategic competition, resulting in Ottawa having conflicts with Beijing that have more to do with great power rivalry than with our national interest.

What exactly does that mean, colleagues? There's no evidence that the downturn in our relationship with China has been unduly shaped by U.S.-China strategic competition. That downturn has occurred because of the simple nature of Chinese policy, which is imperialistic, coercive and in conflict with our interest and our basic values.

I challenge any colleague to question the lack of alignment between our values as a democracy and that of the Chinese regime. I can tell you that I'm deeply disturbed by what appears to be Senator Woo's attempt to discount or downplay the actions of the Chinese regime, actions that include the arbitrary detention of two of our citizens for more than two years now and threatening the safety of others. And those citizens have still not gone before a court of law.

Furthermore, when it comes to what's in our national interest, I'm looking forward to hearing from Senator Woo and what he thinks, because he needs to be clear. When it comes to our national interest and the United States, 75% of our trade is with the United States of America — one of the great democracies, by the way, on this earth. Our security and defence are directly dependent on the United States. Our cultures, way of thinking and our values are similar. We are long-standing allies who share democratic values based on freedom and the rule of law. I can tell you, neither in the United States nor in Canada do we put journalists in jail because they don't agree with the government or because they criticize. Canadian and American societies are interconnected on nearly every level. In short, our two countries understand each other at a deep level. The idea that there is some option to balance between the United States and China is completely ludicrous.

I fear that what Senator Woo and, no doubt, others don't want to accept is that regardless of what happens in the Meng case, there is no going back to the way things were. We are just at the beginning of a turning point where the reckoning is going to come for totalitarian regimes like China.

The reality is the PRC policy is moving in a strongly imperialist and aggressive direction. The sooner we come to terms with that, the sooner we face the reality of what the Chinese regime is, the sooner we can get on with formulating a more realistic approach that defends our interests and those of our democratic allies.

• (1930)

History shows that a vacillating, wishy-washy approach will not deter totalitarianism. We've already tried the appeasement —

The Hon. the Speaker: I'm sorry for interrupting you, Senator Housakos, but your time has expired. Are you asking for five more minutes?

Senator Housakos: I would like to have five more minutes, but I see even in the Senate democracy had its limits.

The Hon. the Speaker: If any senator is opposed to leave, please say nay.

An Hon. Senator: Nay.

The Hon. the Speaker: I am sorry, senator.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

November 19, 2020

Mr. Speaker,

I have the honour to inform you that the Right Honourable Julie Payette, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 19th day of November, 2020, at 7:04 p.m.

Yours sincerely,

Assunta Di Lorenzo
Secretary to the Governor General and Herald Chancellor

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Thursday, November 19, 2020:

An Act to amend the Income Tax Act (Canada Emergency Rent Subsidy and Canada Emergency Wage Subsidy) (*Bill C-9, Chapter 13, 2020*)

[*English*]

NATIONAL SECURITY AND DEFENCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE PROSPECT OF ALLOWING HUAWEI TECHNOLOGIES CO., LTD. TO BE PART OF CANADA'S 5G NETWORK—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the prospect of allowing Huawei Technologies Co., Ltd. to be part of Canada's 5G network, when and if the committee is formed; and

That the committee submit its final report no later than February 28, 2021.

Hon. Percy E. Downe: Honourable senators, I'll be very brief. Notwithstanding the substance of Senator Housakos's and other orders to committees, it's been a long-time tradition — and I want to highlight this — that committees are masters of their own destiny. Notwithstanding an order that goes to committee, in the final analysis a committee can decide what they're going to do. They have lots of priorities — government business and other business — particularly during this time of a pandemic.

I wonder why people would want to be on committees if all we do is accept individual orders from the Senate and refer them off to committees.

I think, particularly for the newer senators, notwithstanding that the rules allow the reference — it's rule 12-9 (1) of the *Rules of the Senate* that provides the standing committees with authority to “inquire into and report on such matters as may be referred to them by the Senate.” However, my understanding is that a long-time tradition of the Senate is that the Senate Rules do not explicitly require that committees undertake or even complete such studies.

I want to highlight that for the committee members to set their agendas. There are very good orders of reference being referred here by various people; some of them may be accepted by the committees, and others may not be accepted.

The Hon. the Speaker: Senator Housakos, do you wish to ask a question?

Senator Downe, would you take a question?

Senator Downe: Yes.

Senator Housakos: Senator Downe, you have a long and successful experience here in the Senate, and I do acknowledge that the tradition in this chamber has been to give latitude to committees to be, as you state, masters of their own destiny. But

you will agree, I would think, that at the end of the day committees serve at the pleasure of this chamber. The superior authority of this institution is this chamber, and there have been many instances where special reports have been required. Issues and questions of reference have been sent to committees that don't necessarily initiate from members of the committee or the steering committee, but have been initiatives of this chamber.

That's why, as I know from the tradition of this place —

An Hon. Senator: Question.

Senator Housakos: I understand there is one speaker in this chamber.

The question I have is: Are we going to respect that tradition of the committees' understanding that the master of their destiny is this chamber, ultimately?

Senator Downe: That's exactly the point I was trying to make, and maybe I didn't make it clear enough. Let me be clearer. The reference to the committee is a reference. The committee decides whether they're going to do it or not. The Senate, when the committee reports back, may return it to the committee with further instructions, or not. But the committee members, particularly newer senators, should realize that they are on the committee. They can drive their agenda and determine what to do.

Notwithstanding the substance of many of these orders, which is very impressive, but at the final analysis it's up to the committee.

[*Translation*]

The Hon. the Speaker: Senator Forest, do you have a question for Senator Downe?

Hon. Éric Forest: No, Mr. Speaker. I had a question for Senator Housakos regarding his previous speech. Thank you.

[*English*]

Hon. Yuen Pau Woo: I want to clarify which item we're on. I thought that we had already finished with Senator Housakos's previous —

The Hon. the Speaker: Just for clarification, Senator Housakos finished his 15 minutes and wasn't given any further time, at which time Senator Downe stood to enter debate.

Senator Woo: In the meantime you went on to the announcement of Royal Assent. So I thought we had finished with the item already. Have we not?

The Hon. the Speaker: No. I interrupted the item to announce the Royal Assent, then went back to it because I had seen Senator Downe rise before I went to Royal Assent and said I would come back to him. I came back to him, he wished to enter the debate, which is his right, he stood to enter the debate, Senator Housakos asked him some questions, which is his right, and now we're moving on.

(On motion of Senator Dasko, debate adjourned.)

[Senator Housakos]

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO CONDEMN
PRESIDENT RECEP TAYYIP ERDOGAN'S UNILATERAL
ACTIONS RELATING TO THE STATUS OF THE HAGIA SOPHIA—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Martin:

That the Senate call upon the Government of Canada to condemn President Recep Tayyip Erdogan's unilateral actions relating to the status of the Hagia Sophia and to call on Turkey to adhere to its legal commitments and obligations in accordance with Hagia Sophia's inclusion on UNESCO's World Heritage List.

Hon. Leo Housakos: Honourable colleagues, I intend to be a little bit shorter on this issue.

The Hagia Sophia Cathedral has long been a symbol of religious and cultural tolerance. The site draws over three million visitors annually, proudly symbolizing solidarity among faiths and cultures.

However, the arbitrary transformation of Hagia Sophia into a mosque earlier this year sends an ominous signal to the rest of the world, not only because of the decision's impact on Christians in the region and beyond, but because of the honourable principles that this move clearly seeks to destroy.

Over the past few years there have been many reports about the rise of the Erdoğan administration in Turkey and his gradual, but definite, dismantling of the secular Turkish state.

Erdoğan's disdain for the West is abundantly clear, as is his regime's lack of respect for minorities and long-standing international agreements and laws.

We are seeing it right now in Turkey's increased aggression against Greece and incursion into their international waters. We are tragically seeing it right now with their involvement in the Azerbaijani attacks against the Armenian people of Artsakh. And we saw it with Erdoğan's blatant disregard for the World Heritage Convention that ensured that Hagia Sophia's status as a heritage site is protected and maintained.

• (1940)

The Hagia Sophia cathedral, built in 537 AD during the reign of Roman Emperor Justinian I, served as the Christian cathedral of Constantinople, the centre of Eastern Orthodox faith.

It was the largest space of its time and is widely considered to be the most important Byzantine structure ever built.

Indeed, the cathedral's design, particularly its dome, revolutionized architecture. Hagia Sophia, or better known as Holy Wisdom, served its intended purpose for nearly 1,000 years until it was converted to a mosque after war saw the fall of Constantinople in 1453.

Ultimately, the founder of the secular state of Turkey, Mustafa Kemal Atatürk, recognizing the cathedral's historical significance as a monument to the Christian faith, architectural achievement and artistic endeavour, transformed the site into a museum.

Declared a World Heritage Site in 1985 by UNESCO, the Hagia Sophia museum has served as a symbol for religious and cultural tolerance — until recently.

As Canadians, we are fortunate to live in a great democracy that welcomes different cultures and faiths, one that encourages free thought and respect for others.

The actions of the Erdoğan regime should be of grave concern to us as they not only defy its international obligations, but seem to be strategically designed to cause a clash of cultures. We are obligated to ask why.

His government's actions may be linked to its eroded credibility after a series of highly publicized scandals in 2013 that witnessed the arrest of several of his closest allies, accusations of cronyism and then a failed coup in 2016, after which Mr. Erdoğan launched a massive purge of Turkey's secularists in the military, judiciary and the media.

The Erdoğan government's decision to transform the Hagia Sophia is clearly not an aberration but part of a pattern that can only serve to heighten tensions among a wide range of groups in the region. Moreover, the callous disrespect directed toward a World Heritage Site may dangerously serve as an example to others.

The concern, and indeed outrage, should be universal. As Canadians, we believe that we can play a positive role on the world stage as a middle power and serve as a beacon for tolerance and respect. This belief is critical, but so is action to back it up.

The leadership of the Conservative Party of Canada quickly and clearly stated the actions of the Turkish government were wrong and that the Hagia Sophia museum should not have been converted, that it must remain a symbol of religious tolerance and human rights as designated by UNESCO.

Unfortunately, it's months later and still we have not heard a peep from our Prime Minister, Justin Trudeau, or, for that matter, from the leadership of other parties represented in our Parliament.

The time for pictures and visits to podiums has passed, and while the current COVID-19 crisis remains our priority, our government is obligated to continue its functions, including the practice of foreign policy and the protection of human rights, which we Canadians hold dear. At some point, principle must take precedence over photo ops.

The Canadian government needs to demonstrate true leadership and pronounce itself on this matter — not to defend one faith over another, but in support of the fundamental right to religious and cultural freedom, tolerance and respect.

Colleagues, tragically, in recent weeks, we have seen that religious freedom continues to be under attack. We have seen innocents massacred at their places of worship in France and in Vienna. It is not enough for parliamentarians and governments to speak out and tweet only at times of these horrific attacks, but we must do so before it gets to that point.

We have an opportunity here to speak out, to condemn Erdoğan's arbitrary breach of international law and his egregious attack on religious freedom and religious tolerance of all faiths represented by the Hagia Sophia.

Furthermore, these actions, perpetrated by the Erdoğan regime, serve as an affront to the founding principles of the Republic of Turkey. These principles were based upon Western values and were meant to bring the country into the international community of nations, allowing for dialogue and respect for basic human rights. Removing the symbolism of religious tolerance and peaceful coexistence from the Hagia Sophia is a cause for grave concern for everyone.

Internally, the decision has further exacerbated divisions between the Turkish/Islamist state and the secular groups within Turkey.

Erdoğan's aggressive approach has also fuelled tensions between the Muslim majority in Turkey and the country's minority groups.

Colleagues, we cannot turn a blind eye to actions like this. Each time we do, we cede our moral authority in dealing with human rights abusers and violators of religious freedom around the world.

If we do not condemn these actions, it only serves to embolden regimes like those of Mr. Erdoğan. Indeed, we see it in his increased aggression with Greece and Cyprus and, sadly, in Turkey's direct involvement in Nagorno-Karabakh.

Turkey's actions are not becoming of a NATO ally, and Canada should be reminding President Erdoğan of his obligations under international law. And that's why I hope you will support this motion, colleagues. I hope, colleagues, that we start to recognize that democracy is a frail element and that we should not take it for granted. Democracy and freedom are the most essential ingredients of this society we have built.

The Erdoğan administration is not representative of the Turkish people. We have many Canadians of Turkish descent. Many are my friends and business partners. They are not proud of a regime of this nature. And don't mistake, by any means, their silence here in this country as being complacent or compliant with what the regime is doing over there. Tyranny is a difficult thing. Like many Canadians of Chinese descent, when they speak out against the brutal administration in China, their friends and family get visits, as, for example, in the case of Ms. Lin, a Canadian of Chinese origin, whose family experienced that.

People of Turkish-Canadian background in this country are not in this country because they believe in totalitarianism. They don't believe as their government does that they should be supporting the Muslim Brotherhood. They believe in religious freedom and in co-existing with neighbours, friends and fellow Canadians. I believe most are peace-loving people who want to embrace our freedom, democracy and privileges.

But I believe an institution like ours must not bury its head in the sand when we see regimes like that of Mr. Erdoğan doing the egregious things they did in Syria, the unacceptable things they did in Nagorno-Karabakh and things they do in their own country. China, Turkey and Iran are in a competition of who can put more people in jail without due process. These are countries that are in competition in jailing journalists who try to shed light on some of the impropriety taking place.

We don't believe in that. We believe in the ability to stand up here and criticize our government. We think that's our inherent right and our obligation in a democracy. Governments only survive if they can sustain the criticism — the criticism of the media and the criticism of institutions like the Senate and the House of Commons, for that matter.

So I think it's incumbent on us, colleagues, not to give in to pressure. Understand that if egregious behaviour like this by tyrants around the world is not called out by countries like Canada and countries like us in the Western world, one day we are going to wake up and will be seeing it face to face in our own backyards. Thank you, colleagues.

[Translation]

The Hon. the Acting Speaker: Senator Housakos, would you take a question?

Senator Housakos: Absolutely.

Hon. Pierre J. Dalfond: Senator Housakos, wasn't the portrait you painted of Turkey lacking in nuance?

The Armenian politician Markar Esayan died recently. He was a member of the Turkish Parliament. President Erdoğan attended his funeral and met with the head of the Armenian Patriarchate in Turkey. Following the meeting, the patriarch said it was a historic moment and a recognition of the Orthodox religion in Turkey.

Wouldn't you agree that Turkey is making efforts to recognize other religious communities within its country?

Senator Housakos: There was no nuance missing from my portrait of Turkey. If you don't believe the facts I presented, I invite you to contact Amnesty International or other non-partisan organizations that defend human rights day after day. Then you will understand how bad the Erdoğan government's conduct is, not just towards Syria, but also towards Nagorno-Karabakh.

Senator, you need only read the long list of journalists who are currently incarcerated in Turkey and do not have the right to appear before a court, to plead their case before an honest judge, like you used to be.

That is the current situation in Turkey, and we must accept the reality depicted by the facts. I am not the one saying so. This comes from organizations like Amnesty International.

• (1950)

Senator Dalfond: Senator Housakos, isn't it true that the Hagia Sophia was a Muslim mosque for 500 years and that they now hold Muslim religious services there at certain times and then use it as a museum for the remainder of the day? Those who defend religions might like to know that I once went to St. Petersburg in the Soviet Union. At that time, the cathedral had been converted to a mining museum. Once the Soviet Union fell, cathedrals, monasteries and other churches were restored as places of worship. Do you think that it's a bad thing for certain countries to turn their buildings back into the places of worship they were before?

[English]

Senator Housakos: Honourable colleagues, Hagia Sophia was the home of Christianity for over a thousand years. Now, if a bunch of invaders go into an Indigenous people and conquer them and tear down that monument, and turn that monument into their own, that by no means is something that we who believe in human rights and democracy believe that treating anybody in that way is right.

Furthermore, the Ottoman Empire, all their contribution to Hagia Sophia was tearing down all the Christian symbols of that church and transforming it. You're right; for about 400 years — 1453 until about 1900.

At the end of the day, senator, it's an UNESCO site accepted by Turkey in 1985. It was open as a museum to all faiths. So why did Mr. Erdoğan go against the UNESCO agreement? Why did he decide to turn it into a mosque, knowing full well he will fan the flames of religious conflict, both in his country and around the world? Why did he need to do that and not respect the UNESCO agreement? Why did he not allow Hagia Sophia to be the open museum, a place of worship for all citizens? It was one of the most visited tourist sites in Turkey for many, many decades. So why did he take that decision other than to trample upon basic religious freedoms, but more importantly, to fan the flames of religious conflict?

The Hon. the Acting Speaker: There are only 40 seconds remaining so no more questions.

(On motion of Senator Dasko, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Deacon (*Ontario*), for the Honourable Senator Lankin, P.C., seconded by the Honourable Senator Pate:

That the Standing Senate Committee on Social Affairs, Science and Technology, when and if it is formed, be authorized to examine and report on the future of workers in order to evaluate:

- (a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;
- (b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;
- (c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and
- (d) the accessibility of retraining and skills development programs for workers;

That, in conducting this evaluation, the committee pay particular attention to the negative effects of precarious employment being disproportionately felt by workers of colour, new immigrant and Indigenous workers; and

That the committee submit its final report on this study to the Senate no later than September 30, 2022.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today in support of Motion 27, and I would like to thank Senator Lankin for bringing it forward. I would add that such an initiative has the support of the government and the minister. Such a study could go a long way in informing government thinking from a medium- to long-term perspective.

I agree with Senator Lankin that a Senate committee study is needed to determine what is required to address the issues faced by so many workers attempting to earn a stable living in today's gig economy.

The COVID-19 global pandemic has upended the personal and financial lives of millions. It has also put a spotlight on those whose means of survival are considered the most precarious — the part-time, temporary, contract and temporary foreign workers — who most often struggle from paycheque to paycheque. Yet, at the outset of this pandemic, these same workers were designated essential by various levels of government when the shutdown of all non-essential businesses became necessary.

It's the classification of workers that determines the level, if any, of worker protections, benefits or rates of pay. A gig worker is currently categorized as a person who contracts him or herself out for a specific job for a limited or long-term, temporary period of time. Electricians or plumbers on construction sites; IT specialists setting up new systems; Uber Eats or Lyft drivers; part-time personal care workers; those in the entertainment business, from technical to acting positions — these are all labelled “workers in the gig economy.”

[*Translation*]

In law, there is one major distinction between an employee and an independent contractor. An employee must abide by the employer's terms and in exchange is financially compensated. The employer sets the work hours, determines how vacation days and sick days are allocated, decides where the work is to be done and provides benefits. Independent contractors, or gig workers, have more freedom. They set their own work hours and complete their work in accordance with the contractual obligations until their contract ends. For many people who work in the gig economy, this agreement benefits both parties. However, workers too often get left out. These are the workers who most need a paycheque and who are in the most precarious jobs. They do not have sickness benefits and do not have predictable work hours. Furthermore, they are often forced to take on other jobs and juggle several contracts.

Companies are increasingly hiring contract or temporary workers because it reduces their obligations and costs and they do not have to provide these workers with any protections or benefits. For many individuals working in the gig economy, the situation is not advantageous, and the number of workers affected by precarious work is going up. Companies can impose specific working hours, performance standards, quality of work standards and schedules on contract workers that do not always comply with labour standards and are not equivalent to the rates of pay of permanent employees. These anomalies are being challenged in courts across Canada, the United States and some European countries. This problem is not going away any time soon as we get deeper into the 21st century. That is why these topics deserve to be studied in a Senate committee. Canada would benefit from such a study, which would take into account responses obtained from other countries that are experiencing the same gaps.

[*English*]

Labour law in Canada simply has not caught up with the responsibilities or situations of workers in the gig economy, in relation to their associations with companies or employers to which they are contracted. As Senator Lankin pointed out, other countries are further down the road toward the classification of gig workers and benefits or protections to which they are entitled. A Senate study will be able to take an in-depth look into why and how these countries moved ahead, and if Canada can take advantage of their lessons learned.

Today, the legal questions surrounding gig workers are even more pressing. The pandemic has shone a spotlight on the very people who are in financial straits and who must continue to work in precarious, yet officially designated essential positions. They are the part-time, temporary, contract or temporary foreign workers that went unnoticed and were taken for granted prior to the pandemic.

One sector of gig worker received much coverage these past months. They are those who put their own health and lives on the line in order to care for our most vulnerable. These personal care workers are precisely those represented in large part by women, immigrants, Indigenous people and people of colour. These are also the same people who need to take positions in two or more facilities in order to make ends meet because no one facility offered adequate hours. A Senate committee would be in a perfect position to take a good, hard look at this sector of the gig economy.

[Translation]

It could look at other issues, such as the number of businesses using contract employees. Is this arrangement beneficial to both parties, or is it simply a way for companies to reduce costs and shirk their responsibilities regarding working conditions, wage guarantees and benefits? Is the number of gig workers in Canada overestimated as a result of misclassification?

It should be noted that the essential workers who have kept our store shelves well stocked, delivered groceries to our doors or cared for our elderly parents are the very ones who earn lower wages, have no benefits, and cannot take sick leave. Were their value and the importance to the stability of the economy recognized when the country had to shut down all non-essential operations?

As Senator Lankin pointed out, court challenges and rulings on the classification of gig workers in several countries have formed a legislative basis for changes to labour laws. A Senate committee could examine the need for Canada to take a closer look at federal labour laws and standards and determine whether the ever-growing gig economy is meeting the needs of everyone involved. If not, what could be done in Canada to level the playing field? All of these questions are relevant and we need to listen to all parties.

• (2000)

It is indeed a good idea for the Senate to do this study. Between all our members, we have the knowledge and experience needed to ask the right questions and get the necessary information. Such a study, accompanied by findings and recommendations, would be an important tool that would help the government identify gaps, become familiar with the current data and make comparisons with other countries.

[English]

This chamber has done in-depth and significant studies on many subjects over the years. These studies have informed and directed the government in their legislative pursuit and have shone a light on some of the most difficult subjects Canada has faced. Canada's economy and the well-being of Canadian

workers falls into this category of import, not only for the individuals affected but for the country's economic well-being as a whole. This disparity may have been highlighted because of a global pandemic, but it will be with us well into the future. A report from a Senate committee will provide thoughtful, accurate and balanced information and data, and it will be a useful and trustworthy tool for the government.

Colleagues, it isn't hyperbole to stress the need for an all-hands-on-deck approach to Canada's economy going forward. Every country has experienced economic struggles these past months, but at the heart of every economy are individuals. A Senate study focusing on the millions of residents — the majority of them women, Indigenous people, immigrants and people of colour — and the precariousness of their employment situation will be informative and could provide direction for the country's path forward.

We owe so many of these people a great debt of gratitude for their commitment and service during the early months of the pandemic. A thorough and enlightening study relating specifically to workers in the ever-expanding gig sector will go a long way in mapping out a path forward for the Canadian economy and the individuals who support it. A Senate committee has the power to question parties on all sides, request all available data, reach conclusions and provide recommendations. Senators have the professional and life experience needed to wade through testimony and material. For these reasons, I support Senator Lankin's motion; I urge colleagues to do the same. Thank you.

Some Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION PERTAINING TO MI'KMAW FISHERS AND COMMUNITIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Francis, seconded by the Honourable Senator Pate:

That the Senate affirm and honour the 1999 Supreme Court of Canada *Marshall* decision, and call upon the Government of Canada to do likewise, upholding Mi'kmaw treaty rights to a moderate livelihood fishery, as established by Peace and Friendship Treaties signed in 1760 and 1761, and as enshrined in section 35 of the *Constitution Act, 1982*; and

That the Senate condemn the violent and criminal acts interfering with the exercise of these treaty rights and requests immediate respect for and enforcement of the criminal laws of Canada, including protection for Mi'kmaw fishers and communities.

[Senator Gold]

Hon. Peter M. Boehm: Honourable senators, I rise this evening in support of the motion moved by Senator Francis on behalf of himself and Senator Christmas. I thank our colleagues for bringing this important matter to the Senate floor.

I do not wish to repeat all the important points made in the eloquent speeches by our colleagues, but I do want to put my strong support on the record. I believe this issue and how it has escalated goes much deeper than a regional fisheries dispute.

As a senator from Ontario, which notably does not have much of a lobster fishery, I cannot speak to the personal feelings and historical tensions between Indigenous and non-Indigenous commercial fishers. What I can do, though, is speak as a Canadian, one who believes strongly that what impacts one group impacts all of us, directly or not. One did not need to be a Franco-Ontarian or even a francophone to support language rights in Ontario when the province's government wanted to cut French-language services in 2018. One did not need to be a person of colour to speak against racism and discrimination in Canada during the emergency debate here in June, nor is it required to support the current inquiry on racism and discrimination in Canadian institutions.

And so, one does not need to be an Indigenous fisher or Indigenous at all or even from Nova Scotia to care about this dispute, to support the legal rights of Indigenous fishers and to condemn the unjustified violence and aggression that has exacerbated the problem. Beyond being a regional fisheries dispute or even a legal matter, I believe this goes to the heart of a much bigger issue, that of reconciliation, which should matter to all Canadians.

[*Translation*]

That is how I felt two years ago when I spoke in support of then Bill C-262 on the United Nations Declaration on the Rights of Indigenous Peoples, and that is how I feel now.

Apart from the Senate, my strong belief in the importance of reconciliation, which is necessary to Canada reaching its full potential, has existed since long before I became a senator.

In 1998, when I was Canada's Ambassador and Permanent Representative to the Organization of American States, I pushed for then National Chief of the Assembly of First Nations Phil Fontaine to address the OAS Permanent Council in Washington.

An Indigenous leader had never addressed this body before. It was as important as it was historic, particularly given the history of the western hemisphere.

When I was Canada's Ambassador to Germany, I was often asked about Canada's difficult history and relationship with Indigenous peoples and about reconciliation.

I tried to dispel many myths and romantic notions. These conversations are difficult enough to have in Canada but to try to explain it all to people on the outside looking in was, and is, a challenge.

More recently, in 2018, immediately before I was called to the Senate, I was deputy minister and helped organize the G7 Summit. I appeared on a Huron-Wendat radio show in Quebec City and we provided some summit-related work opportunities to Indigenous youth.

I also made it a point to sit down with Indigenous leaders in the Charlevoix region of Quebec, where that year's summit was held, to speak with them about their hopes and dreams for their people and their concerns for the future.

[*English*]

At the end of the day, colleagues, what these leaders want is what we all want: to be able to provide for our families in peace. That is all the Indigenous fishers in Nova Scotia want too. It is not only their desire but their right to provide for themselves and their families. That is not up for debate, colleagues.

We can talk about what moderate livelihood means and the role of the RCMP and the Department of Fisheries and Oceans, but the fact is that the Mi'kmaq and Maliseet First Nations in Nova Scotia, New Brunswick, Prince Edward Island and the Gaspé region of Quebec have all been guaranteed the right to not only fish but also to hunt and gather since the Peace and Friendship Treaties of 1760 and 1761. That's 260 years. To put that into perspective, these Indigenous communities have had the constitutionally protect right to fish, hunt and gather for 107 years longer than Canada has even been a country. I think that's significant, to put it mildly.

It was under the umbrella of these centuries-old treaties that Donald Marshall Jr., a Mi'kmaq man from Membertou, Nova Scotia — the same community in Cape Breton that Senator Christmas calls home — went eel fishing in August 1993.

In June 1996, Mr. Marshall was convicted in a ruling based on a very narrow interpretation of the treaties of 1760 and 1761 by the provincial court of Nova Scotia on all three charges for which he was arrested under two federal acts, the Fisheries Act and the Maritime Provinces Fishery Regulations. Specifically, he was arrested for:

. . . the selling of eels without a licence, fishing without a licence and fishing during the close season with illegal nets.

Mr. Marshall sold the 463 pounds of eels he caught.

In March 1997, Mr. Marshall's convictions were upheld by the Nova Scotia Court of Appeal. This brings us to November 1998, when Mr. Marshall took his case to the Supreme Court of Canada. While neither of the lower courts in Nova Scotia recognized Mr. Marshall's rights, which he knew he had under the Peace and Friendship Treaties, the Supreme Court did and reversed his convictions in September 1999.

Of particular importance, the Supreme Court ruled that Mr. Marshall was simply fishing enough to provide “necessaries” — in the language of the treaties, now known as a moderate livelihood — for himself and his spouse, which fell within his treaty rights.

• (2010)

In a nod to reconciliation and the importance of the nation-to-nation relationship, the Supreme Court said that:

This appeal should be allowed because nothing less would uphold the honour and integrity of the Crown in its dealings with the Mi’kmaq people to secure their peace and friendship, as best the content of those treaty promises can now be ascertained. . . .

Not only were Mr. Marshall’s rights to fish in pursuit of a moderate livelihood guaranteed by the Peace and Friendship Treaties but they, and all treaty rights enjoyed by Indigenous Peoples in Canada, are protected by section 35 of the Constitution Act, 1982.

This brings us to the situation on the ground in Nova Scotia, colleagues. Part of what makes the violence that erupted in Nova Scotia earlier this fall so difficult to comprehend is that while “moderate livelihood” has never been legally defined, Indigenous fishers have been targeted for exercising their long-held, constitutionally enshrined treaty rights.

Indigenous fishers are not pursuing, as the Supreme Court put it, the “open-ended accumulation of wealth,” nor are they allowed to do so. What they are doing, as they have done for centuries, is providing for their families, as we all do.

The *Marshall* decision was a watershed moment in the context of Indigenous treaty rights. It allows Indigenous fishers to pursue a “moderate livelihood,” which, if they were permitted to fully implement such fisheries, would further provide First Nations communities, many of which are impoverished, the means to develop economically and socio-economically, which would, in turn, lead to increased self-sufficiency.

Instead of these points being seen as the positives they are, some non-Indigenous commercial fishers have taken the legal exercise of treaty rights — which, again, allows for the pursuit of a moderate livelihood — as a threat to their bottom line.

[*Translation*]

Since September of this year, when the Sipekne’katik First Nation in Nova Scotia launched its own moderate livelihood lobster fishery in St. Marys Bay, it has been subjected to violence and intimidation by non-Indigenous commercial fishers.

Mi’kmaq-owned boats have been burnt and traps have been stolen and damaged.

One particularly egregious, though not isolated, example of this aggression, and the historical tension and deeply entrenched racism and discrimination underscoring it, occurred in mid-October.

A mob of hundreds of commercial fishers descended on a storage facility, freshly filled with lobster, started throwing rocks at a band member’s van, which they then torched, and then destroyed the lobster itself.

We all saw the pictures and video, colleagues. One week later, the storage facility was also destroyed. The RCMP deemed it a “suspicious act.”

The violence and intimidation escalated so much that, on October 30, the Sipekne’katik First Nation announced that it would not fish in Lobster Fishing Area 34 during the season which just started, despite having the right, and licences, to do so.

The fishers feared so much for their lives, and rightly so, that they didn’t want to risk their safety to exercise their constitutionally guaranteed rights.

These events are happening here in Canada, honourable colleagues, not in another country.

[*English*]

The anger of non-Indigenous fishers over the ruling boiled over soon after the ruling when Mi’kmaq fishers from the Burnt Church First Nation in New Brunswick began setting lobster traps out of season. This began an alarming three-year conflict known as the Burnt Church crisis, which bears a number of similarities to the situation in Nova Scotia, including the actions and inaction of the RCMP and officers from the Department of Fisheries and Oceans. I will not recount the painful details as I have no doubt they’re vividly remembered, particularly by our colleagues from the Maritimes, but especially New Brunswick.

In response to the escalating conflict in Burnt Church, later in 1999, the Supreme Court sought to clarify its first ruling by saying that the treaty rights of Indigenous fishers are not infinite and can be limited on conservation grounds. Just as non-Indigenous fishers were angered by the first *Marshall* ruling, Indigenous fishers were angered by the second because they saw it as an effort to appease non-Indigenous commercial fishers.

In other words, colleagues, what has happened in Nova Scotia these past couple months is not new. It is simply the latest flashpoint in an ongoing conflict that hurts all Canadians because it makes the strength of our nation-to-nation relationship that much more tenuous and thus the path to reconciliation that much rockier. Whatever part of the country you call home, colleagues, or whatever background from which you come — coastal or landlocked, Indigenous or non-Indigenous, fisher or not — we need to see this as a Canadian issue. How we interact with one another in one small part of the country makes a difference to how we all live with one another across this vast land.

In a year like this one, I think we can all agree that more listening, patience and understanding are needed.

Reconciliation is not a final destination; it is an ever-evolving journey. And, of course, there will be bumps along the way, but what has happened in Nova Scotia is no mere bump. The violence and aggression being employed against Indigenous

fishers who are exercising treaty rights they have held for 260 years — rights affirmed by our Constitution and by our Supreme Court — is unacceptable and must be called out.

It is one thing to be frustrated by laws that one group feels disadvantaged by, but it is quite another to resort to mob violence. That is never justified in a country like Canada. The Senate, as has been said and demonstrated many times, exists to protect and defend the rights of minorities. It is that duty which we are now being called upon to fulfill.

I want to thank Senator Christmas and Senator Francis for their leadership, and I fully support their motion in its entirety. I urge all honourable senators to do the same.

Thank you, colleagues. *Wela'liog*.

(On motion of Senator Griffin, for Senator Richards, debate adjourned.)

LONG-TERM CARE SYSTEM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Seidman, calling the attention of the Senate to weaknesses within Canada's long-term care system, which have been exposed by the COVID-19 pandemic.

Hon. Kim Pate: Honourable senators, to be clear, mom was in one of the most positively rated care homes in this region. Like too many institutions, however, profit motives and margins too often give rise to yawning chasms between policy and practice.

I'm certain that the managers who assured us during mom's intake and subsequent case management meetings sincerely believed that the long and detailed description they requested from us would guide her care. One thing on that list was mom's love of bubble baths. How many of those who assured us that these could be happily accommodated actually knew the nature of their twice weekly bathing routine? We did not, until one visit when I was asked to assist by a kind and caring personal support worker. I'm still often undone when I think of the worker in her rubber boots and abattoir-style raincoat and gloves, trying to comfort mom after another staff member had stripped her and prepared to essentially hose her down for her shower. Words cannot describe the look of terror on my mom's face as she sat crying and trying to twist away while clinging to a safety rail. The images and sounds still haunt me.

For all but the most wealthy, privatized care homes are failing many we hold most dear. Everyone in each care home, whether they are working or housed there, deserves dignity and humane treatment. We must take care seriously, invest in it adequately and create vital national standards and oversight to ensure that people have access to good health and good lives and do not disappear into institutions that rob them of their agency, their identities and their lives.

This, honourable colleagues, is the task as I see it in front of us. *Meegwetch*. Thank you.

• (2020)

Hon. Patricia Bovey: Honourable senators, what worrying and horrific situations are happening across this country. Today I add my thoughts to those of senators who have spoken to Senator Seidman's apt and timely inquiry.

Words fail as we digest the dire events in our care homes, with the numbers of COVID deaths and illnesses spiking, care lacking, our seniors isolated within and loved ones barred from visiting. Those not suffering COVID are also isolated. The isolation has bred despair, people have given up, and died. The courage and self-sacrifice of front-line workers are tremendous. Again, I thank them.

Last week we commemorated Remembrance Day, reflecting and thanking those who served in both world wars, the Korean War, Afghanistan and other global conflicts. Their bravery gave us our freedom — the lives we have been privileged to live.

My father served in World War II. My mother did not see him for over three years. My brother was three and a half before he and dad met. My family was like so many, including some of yours. But my father was spared a care home, dying in his own bed.

My mother suffered dementia for more than 15 years and spent her last few years in an excellent home in Victoria. How glad I am those were different times. We could visit daily, my girls would drop in with friends, she came for dinner at least weekly and we took her on drives. She shared graduations, birthdays and many special events, some providing touchstones for past memories, others being only momentary diversions. I cherish them all.

The pain now is unimaginable. Many in care cannot comprehend the circumstances. Families are filled with anguish, fear and unable to share their love with elderly family members.

Words starting with "H" are essential in facing this crisis: heroes, honouring, honesty, help, harmony, health and hope. History is another. History teaches, through events long past and those recent. This is not society's first pandemic. In 1918 the Spanish flu witnessed similar reactions over wearing masks, washing hands and limiting contacts. The polio epidemic was another.

In recent months the alarming situations in Ontario and Quebec overwhelmed us all. Military intervention was requested, urgently needed and given, with military medics joining front-line care workers to fight the virus war. The cost was \$53 million. A continuum of care would have cost so much less in dollars, deaths and mental health. The Ontario and Quebec reports were blood-curdling.

I cannot understand why their recommendations have not been heeded in my province. The lack of staff, lack of PPE, lack of consistent standards and lack of full honesty regarding the realities are repeating those Central Canada faced. Surely at the end of 2020, these could have been addressed. Surely we know the fix for at least some of these problems. Our front-line workers have been giving and giving. One Winnipeg nurse herself went out to buy wipes, masks and even socks for patients. Our systems are broken.

I quote Senator Seidman:

. . . it is evident that Canada is not short of sound evidence on how to achieve lasting change within the long-term care sector . . .

. . . Yet, despite this, tragic events continue to happen, deep-rooted issues remain unchanged and concern for the well-being and safety of our frail elderly deepens, even now, with each passing week.

The situation is deepening in Manitoba, becoming darker every day. We are failing to provide for our seniors in long-term care homes and they are dying because of it. Numbers are increasing exponentially. On November 17 there were 269 new cases province-wide, yesterday 400, today 475. Deaths climb, now to 198, and the infection rate today was 14%. I think 1.5% is what's considered the safe level.

By November 17, 36 care homes in Manitoba had experienced outbreaks — 692 cases with 85 deaths. This past Saturday, in Opaskwayak Cree Nation's Rod McGillvary Memorial Care Home, all 28 residents and 13 staff members tested positive. In that wider community, 124 cases have been reported in total, including those in that care home. Steinbach is another concerning centre.

[Translation]

Honourable colleagues, two long-term care homes in Winnipeg have been absolutely overwhelmed by the virus. The Maples and Parkview Place homes have experienced some of the deadliest outbreaks in Manitoba. What happened in these two homes is a bloodbath, perhaps one of the saddest chapters of the pandemic in my province.

As of November 17, Parkview Place had registered 158 cases, including 117 residents and 41 staff members infected with the virus, and 25 deaths. These numbers are certainly sobering, but what happened at the Maples home is even worse and represents a real tragedy for Winnipeg. The Maples home reported 207 cases of COVID-19. No fewer than 40 residents lost their lives. These numbers are increasing daily.

[Senator Bovey]

[English]

The media has reported heartbreaking stories regarding Maples Long Term Care Home. Over the weekend of November 7, paramedics responded to 18 calls and encountered a scene reminiscent of what occurred in Ontario and Quebec earlier in the pandemic. Paramedics administered IVs and oxygen, and helped feed patients. Eight residents died over that 48-hour period.

Winnipeg's fire paramedics chief said if all these patients had been transferred to hospitals at the same time the system would have been overwhelmed. Winnipeg Mayor Brian Bowman described the events of that weekend as "sickening."

The province will investigate the events at Maples, but the Winnipeg Regional Health Authority already stated that it has discovered the company that owns the for-profit home, Revera, was not accurate in stating the home was fully staffed. Indeed, only 7 of 19 health care aides were present for that Friday evening shift.

I am repulsed by the atrocious conditions and negligence in some of Manitoba's homes. How did our care homes descend into this crisis, this crevasse, abyss? Why do we allow our elders to die of malnutrition and dehydration? We don't let any other sectors of our society die that way.

Why are staff shortages still rampant? Where is the support for our brave front-line workers? Why are individuals, not care homes, forced to call paramedics to intervene at care homes? Did Manitoba have no option but to follow the sad steps of negligence seen in the homes in Ontario and Quebec? I say no.

We must develop proper standards of care, staffing, pay and job safety. Is protecting Canadians not both a federal and provincial responsibility?

The poignancy of Manitoba's situation over Remembrance Day is visceral for me. At the Ottawa cenotaph on November 11, Major-General Chapdelaine quoted our Queen: "Hope may be found in the care we give to the vulnerable in a time of need."

Are we giving the care to the vulnerable in this time of need that truly gives hope? I believe we are not. Canada unfortunately leads the OECD countries with the highest rate of deaths of COVID in long-term care. We should not only thank our elders and pay tribute to their sacrifices for our freedoms, but we have a responsibility to ensure they have the best of care, both physical and mental. We must do more. There are actions we can take that are in the federal domain.

First, we must develop national standards, as Senator Pate has said, for long-term care, as raised in the Throne Speech. All government levels must work together in developing these and not block each other in dealing with this crisis. I am encouraged to learn that NGOs agree. Standards must include proper and enough PPE, and the training to use PPE properly. And had we allowed one person per family with, and trained in, PPE use to visit their elderly family members, I believe we would not have seen the deaths we have seen from isolation.

[*Translation*]

Second, bricks and mortar are important. Having individual rooms with individual bathrooms is essential to providing quality care. I am proud that my province imposed tighter restrictions for newly constructed care homes, but older buildings have unfortunately been grandfathered in, which means that they can have up to four people per room. Talk about a perfect recipe for spreading the virus. I believe that the federal infrastructure program could and should fix this problem, providing for smaller buildings in which the rooms have just one bed.

Third, in order to address the staffing shortage, I urge the federal government to bring in more nurses and support workers through immigration so that they can work in our long-term care homes. We know that the immigrants who work in the medical field and in personal care are essential to Canada, and I think that is even more true today.

• (2030)

[*English*]

Fourth, we must address the increasing incidents of elder abuse during this pandemic — physical abuse, emotional abuse, neglect, abandonment and financial abuse. I am told by professionals that since the outbreak of COVID, people manning elder abuse lines have experienced a dramatic increase in calls. We have all witnessed increases in scam emails and calls in the past months, many targeted to seniors, especially those showing incidents of dementia.

I spoke recently with Margaret Gillis, President of the International Longevity Centre Canada. They partner with the University of Ottawa's LIFE Research Institute, do impressive work and are actively engaged with the United Nations. With increasing loneliness, the need for intergenerational and innovative approaches to connecting with the marginalized is real. We must see and act.

Canada should support the UN's work for an international convention on the rights of elder persons now. That UN convention for older people would confront ageism, assist in policy-making and accountability, and educate and empower the rights-holders. Canada supported the UN Secretary-General's paper this May calling for such a convention. Until then, it seems, the developed world was blocking that step, which had been strongly supported by developing countries. I am pleased we've changed our tune, and I gather that some European countries are now coming onside.

Colleagues, we must support this initiative and protect human rights based on compassion and empathy. I love the line "Human rights do not have a best-before date."

In addition to what I said for our governments, we all individually have a responsibility as told to us every day by health officials. We must wear masks, wash our hands, limit contacts and avoid large crowds.

Senators, a 2006 report on Manitoba long-term-care homes, prepared by the Manitoba Nurses Union, observed:

Personal care homes are just that — peoples' homes. Many residents will spend years in these facilities and the standards maintained will profoundly impact their quality of life. . . . Since virtually all of our families have been touched by the long-term care system, as citizens and taxpayers we expect our family members to be treated with dignity and be provided the best care possible.

Colleagues, we can and must do better. Necessary deaths and losses, as I know, are hard enough; avoidable, unnecessary ones are unconscionable. Our vision for hope must be achievable. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Yonah Martin (Deputy Leader of the Opposition): May I ask a question to Senator Bovey?

The Hon. the Acting Speaker: Senator Bovey, would you take a question?

Senator Bovey: Yes.

Senator Martin: Thank you for your speech, senator. I know this is a topic and an inquiry that's important to all of us in the chamber.

I was listening, and there are certain things I wish to refute and/or add some other examples just to balance what we have been talking about in this chamber on this topic.

Just as you were speaking, I had a message from the care home, which is actually managed by Revera in B.C. It's where my mom is a resident. The care has been really amazing, as I have talked about; it's not perfect, but everyone is doing their best under the circumstances.

Senator, do you think that it is important for us to ensure that this debate on this inquiry really balances the information and that we not — I'm not saying you exaggerated what you were saying but that the alarm that you are raising is something that we have to be very mindful of, because there are those of us who have family in care, and there are care homes that are doing such good work across this country.

I'm just mindful of some of what I'm hearing, which I'm reacting to personally.

Would you mind responding? I know your answer will be very — you are very honest in what you're saying. But I was just reacting to some of the very extreme examples. Would you respond to that, please?

The Hon. the Acting Speaker: Senator Bovey, if you want to answer the question, you have to ask for five additional minutes. Are you asking for five additional minutes?

Senator Bovey: Yes, please.

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

Hon. Donald Neil Plett (Leader of the Opposition): No.

The Hon. the Acting Speaker: I'm sorry, Senator Bovey, but leave is not granted.

Senator Plett: Honourable senators, I will not take very much time, and then I will adjourn it for the balance of my time.

Senator Bovey, I am really afraid to go back to Manitoba tomorrow, because what I heard here today is just not the way I saw Manitoba when I left. I need to put at least a few thoughts on the record since we aren't going to be here for a week, and then I do want to enter the debate on this.

Colleagues, my mother lives in a personal care home in Steinbach. You referred to Steinbach, and then you just said, "Steinbach's terrible," and left it at that. You maybe didn't use that word, but you referred to Steinbach and you did not explain yourself.

My mother lives in a personal care home in Steinbach. It has 43 beds. There are 21 or 22 on the first floor, and the balance are on the second floor. My mother is on the second floor.

Out of the 21 or 22 residents there, 11 got diagnosed as positive. My mother was one of them. My mother is 92 years old. Yesterday, I got an email that she is now green; she is out of it. She has gotten absolutely Cadillac care.

Just down the hall from my mother is a 97-year-old who was diagnosed as positive. She is now green; she is out of it. She is 97 years old. This kills every old person, we hear.

My mother is doing fine. So far, from what I have heard, one person died out of the 11 that were diagnosed positive between the ages of about 85 and 97. That person would have died if he would have gotten the flu, I was told by the manager.

They all have their own bathroom. They all get absolutely excellent care. Down the road is Bethesda Place, and it is exactly the same thing. And we heard last weekend that there was a rally in Steinbach, and the premier went on the air saying a third of a mile away people are dying, and a quarter of a mile away the hospital is overflowing.

I had somebody — not on my behalf — send me pictures of the waiting room in the Bethesda Regional Health Centre. Not a person in the waiting room. Not a person in the emergency room. Not a car in the parking lot, yet they were triaging people in this parking lot.

[Senator Martin]

Senator Bovey, I just want to reiterate what Senator Martin said. When we talk about this, colleagues, let's also talk about the great people we have working in our country. We have wonderful people taking care of the elderly, the people at the Rest Haven Nursing Home are second to none. It is not necessary that our seniors die in nursing homes and in long-term-care facilities, because a lot of them don't, and they are more than the Maples in Winnipeg; there are more long-term-care facilities than just the Maples.

But what we do, colleagues, is we pick the very worst, we talk about the cases. We don't talk about the deaths, we don't talk about the recoveries; we talk only about the cases. Let's talk about it all.

When I'm a little settled down, I will get my thoughts together, and when we come back, I do want to continue. I will take the adjournment for the balance of my time.

(On motion of Senator Plett, debate adjourned.)

• (2040)

[Translation]

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE NEED TO REVIEW THE BANK OF CANADA ACT—DEBATE ADJOURNED

Hon. Diane Bellemare, pursuant to notice of September 30, 2020, moved:

That the Standing Senate Committee on Banking, Trade and Commerce, when and if it is formed, be authorized to examine and report on the need to review the *Bank of Canada Act* in order to:

- (a) specify that the Bank of Canada's mandate covers not only price stability, but also the pursuit of maximum employment or full and productive employment, as is the case in the United States, Australia and, recently, New Zealand;
- (b) provide for transparency measures regarding the procedure and choice of indicators for the setting of the key policy interest rate, as well as analyses of how the conduct of monetary policy affects the inflation rate, employment and income distribution, and report to Parliament; and
- (c) propose to the Minister of Finance items to be included in the five-year agreement between the Bank of Canada and the Government that is to be signed in 2021; and

That the committee submit its final report to the Senate no later than March 31, 2021.

She said: Honourable senators, I will try to be brief. I have no intention this evening of repeating everything I said in March about this motion that proposes, notwithstanding the

comments made earlier by Senator Downe, that the Standing Senate Committee on Banking, Trade and Commerce be authorized to study the need to review the Bank of Canada Act, review the Bank of Canada's mandate, propose items to be included in the five-year agreement between the Bank of Canada and the government, and add provisions on transparency regarding the way the Bank of Canada sets the interest rate. That is the motion in short.

In some previous speeches I explained why it is important for the Standing Senate Committee on Banking, Trade and Commerce to study this issue. As you know, the five-year agreement that has been signed since 1991, is set to expire and has to be renewed in 2021.

This five-year agreement has practically not changed since it was initially signed in 1991. The letter has changed, but the essence of the agreement provides that Canada's monetary policy target an inflation rate of 2% on average, or the median between 1% and 3%. The agreement specifically mentions that the Bank of Canada's mandate is to control inflation.

As you know, I would like us to study the issue of reviewing and broadening the mandate of the Bank of Canada. Three new events have taken place since last March and I would like to draw your attention to them this evening. These events add credence to the need for this study to be conducted by the Standing Senate Committee on Banking, Trade and Commerce.

The first event concerns a study carried out by the Bank of Canada that led to a virtual conference of experts on August 26, entitled "Towards the 2021 Renewal of the Bank of Canada's Monetary Policy Framework."

I attended this conference, which was very interesting, and the research results are very clear. There was a simulation comparing different monetary policy framework scenarios. For example, there was a comparison of the current dual mandate scenario and the scenario targeting nominal GDP. The bank calls this simulation a "horse race," with each scenario representing a horse. The Bank of Canada concluded that the dual mandate scenario gave very good results.

I will quote in part the conclusion of the Bank of Canada officials.

[*English*]

Among the full set of frameworks, IT, AIT and the unemployment-inflation dual mandate stand out as the most robust of the frameworks in the horse race.

[*Translation*]

In other words, the bank was saying that, if we had a monetary policy framework with a dual mandate, we would have obtained excellent results. A number of experts spoke at that conference, including economist Pierre Fortin, who gave a presentation in which he said that, if the unemployment rate is generally lower in the United States than in Canada, it is because the United States has had a dual mandate since 1976.

That is the first event that I wanted to point out and that we must take into consideration in this study on the Bank of Canada.

The second event, which took place from September 22 to 25, 2020, is the conference entitled Choosing the Right Target: Real Options for the Bank of Canada's Mandate Renewal, which was hosted by McGill University's Max Bell School of Public Policy.

I was invited to be part of the last panel along with the former governor of the Bank of Canada and economist, David Dodge, and other economists from universities, the Bank of Canada and other American regional central banks in order to share my views on the presentations I had heard.

The conference participants were invited to argue for alternative frameworks. Some argued that we should perhaps raise inflation targets, while others said that we should reduce them or that we should target nominal GDP or asset price stability. Obviously, others supported maintaining the status quo or adopting the dual mandate.

What came out of this conference, and which I found very interesting, was the principle of credibility, which was identified as a fundamental factor in the selection of a monetary policy framework. The principle of credibility is based on expectations surrounding targets for results. Participants explained that the results or the success of the old framework, the current framework we have been using since 1991, can be explained by the fact that it allowed the anchoring of Canadians' rational expectations around an inflation target of 2%. In other words, over the past 30 years, the credibility of the current mandate has resulted in Canadians factoring into their ongoing behaviour and intertemporal contracts the idea that inflation will remain around 2%, which is a good thing. This means that it would not be a good thing to change the target because the 2% rate of inflation is well anchored in expectations.

However, a problem of credibility now emerges. When we examine the situation in light of the Bank of Canada's current mandate, we see that the current economic context in Canada is very different from the economic context that gave rise to the current framework back in 1991.

In the early 1990s, inflation was still a threat, so it was important to convince Canadians that the Bank of Canada had things under control, that it was aiming for a specific target, and that it was going to tweak the key interest rate to achieve that target.

The context is different now. On the one hand, inflation is no longer a threat. On the other hand, we can have very low unemployment rates without driving inflationary pressure. Even though the situation is different now with COVID, things will stay the same after COVID-19. There will be a slow recovery, with a labour market that will need incentives. That is why the concept of a dual mandate that would add another factor, the objective of maximum employment, to the inflation target, is much more credible than the bank's current mandate.

• (2050)

As you know, for several years now the Bank of Canada has had no choice but to try to stimulate the economy, and it is very difficult for the bank to justify this stimulative monetary policy under the current inflation-targeting mandate. In order to justify its monetary policy, the Bank of Canada has to say that inflation is not rising enough and that the economy needs to be stimulated.

As I'm sure you can imagine, when people do their grocery shopping and see the ever-increasing cost of food, this way of formulating monetary policy does not seem very credible. The dual mandate is therefore a much more credible mandate, because it adds another target to the current one, and it makes it easier for the Bank of Canada to justify its monetary policy.

The third and final event I wanted to mention that has happened since March is the publication of research conducted by some researchers at the Bank of Canada. This research evaluates monetary policy frameworks and evaluation processes in several countries, comparing Canada to the United States, Sweden, New Zealand and England. This is fascinating because according to this research, the various processes show that there might be reasons to suspect the existence of a democratic deficit surrounding the renewal and revision of monetary policy in Canada.

That is the subject that I would like the Standing Senate Committee on Banking, Trade and Commerce to study because, elsewhere in the world, the assessment of the monetary policy isn't necessarily carried out by the central bank itself. Often it is done by independent parties.

What's more, the monetary policy targets are often defined by the government in partnership with the central bank, but not by the bank alone. In Canada, the bank chooses the targets that it would like the government to adopt.

In this context of a possible democratic deficit, there is also the fact that Canada is almost the only country that does not have a monetary policy committee. New Zealand recently amended its legislation to create a monetary policy committee made up of the governor of the bank and others so that it can explain and choose the policy rates that will be targeted by the central bank.

My speech may have been a bit technical, but I presented some ideas that will provide grist for the mill for those who are interested in the subject. I hope that we can quickly get to work on this at the Standing Senate Committee on Banking, Trade and Commerce.

I therefore took this opportunity to move my motion today. Thank you.

[Senator Bellemare]

Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

[*English*]

The Hon. the Speaker: Senator Boyer, before you begin, I must caution you that I will have to interrupt you at nine o'clock.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY FORCED AND COERCED STERILIZATION OF PERSONS—DEBATE

Hon. Yvonne Boyer, pursuant to notice of October 1, 2020, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report on the forced and coerced sterilization of persons in Canada, particularly related to Indigenous women, when and if the committee is formed; and

That the committee submit its final report on this study to the Senate no later than December 30, 2021.

She said: Honourable senators, I join you today to speak to my motion that would authorize the Standing Senate Committee on Human Rights to conduct a study on the forced and coerced sterilization of persons in Canada.

This study would invite key witnesses and experts to speak about the practice of coercing or forcing a person into an unwanted sterilization. It would also allow for women who have lived this experience to tell us what has happened to them. The aim of this study would be to create a report that would include recommendations and concrete actions to stop this heinous practice.

Some of you may recall that my first speech in the Senate addressed this issue. I spoke about my Aunt Lucy and the trauma she experienced in a tuberculosis sanatorium in Saskatchewan. Although my aunt's records were destroyed, I suspect she was sterilized when she was a teenager in the institution where she lived for 10 years of her life. She was never able to bear children. She was bedridden and in a body cast for five of those years. So you see, this issue hits close to home for me.

I have spoken to Indigenous mothers who have been forcibly sterilized after giving birth to a baby girl, and that baby girl growing up and also being forcibly sterilized. It's an inter-generational horror and it continues to this day. The last case of forced sterilization that I know of is as recent as December 2018.

It has been reported in B.C., Alberta, Saskatchewan, Ontario, Nova Scotia, the territories and in Nunavut. We must study this issue and ask experts how we can put safeguards in place to make sure that future generations do not experience this devastating event. I believe this study will be a concrete step toward eradicating it.

The Government of Canada has repeatedly said that it is committed to reconciliation and yet the forced and coerced sterilization of Indigenous women continues to happen. This practice is the legacy of racist and paternalistic attitudes brought on by dehumanizing colonial doctrines.

During the first half of the 20th century, sterilization procedures in Canada were based on eugenics, a pseudoscience geared toward stopping the reproduction of those considered unfit by the state.

This deeply racist and discriminatory theory claimed that any perceived poverty, illness or social problem was caused by a person's biological traits and that people with disabilities, people of colour, immigrants and Indigenous people fell into a category of people who should be sterilized.

In the 1920s and 1930s, British Columbia and Alberta enacted sexual sterilization legislation that attempted to limit the reproduction of unfit persons and increasingly targeted Indigenous women. However, the practice of sterilizing Indigenous women without their consent was not limited to these two provinces. It's a national problem that crosses provincial and territorial boundaries.

Evidence indicates that eugenically minded doctors in Ontario and Northern Canada saw Indigenous women as prime targets for sterilization procedures. We also know of instances of unwanted hysterectomies and forced sterilization of African-Canadian women in Nova Scotia.

In other provinces, there was a tendency to sterilize marginalized persons even in the absence of formal legislation. Despite acknowledgements from the government, Indigenous women continue to be coerced or forced to undergo tubal ligation surgery.

In the Forty-second Parliament, the Standing Senate Committee on Human Rights conducted a short study and found that forced sterilization in Canada continues. Although the committee's report was never tabled or made public, one of its recommendations was that the committee continues to study.

The House of Commons Standing Committee on Health also studied forced and coerced sterilization and urged the federal government to support more research and data collection to understand the full scope.

Both these studies found that the extent and frequency remain unknown, and that more research and solutions must be explored. It's extremely important for the government to do this as forced sterilization continues to be a violation of a person's fundamental reproductive rights.

Canada is also failing to uphold its international duties and commitments. The right to give birth is protected under multiple international human rights frameworks including the United Nations Universal Declaration of Human Rights, which Canada signed in 1948. Canada has also been a contributing member to numerous international summits and conventions recognizing reproductive rights as fundamental human rights.

The Liberal government made a campaign promise to implement UNDRIP, the United Nations Declaration on the Rights of Indigenous Peoples by the end of 2020. This means that Canada would have an international obligation to ensure that Indigenous women receive health care without discrimination or violence and effectively stopping these sterilizations.

In December 2018, the United Nations Committee Against Torture reviewed the situation in Canada and issued its observations to the government.

The Hon. the Speaker: Senator Boyer, I apologize for interrupting you, but when this item is called again you will be given the balance of your time. My apologies.

(At 9 p.m., pursuant to the order adopted by the Senate on October 27, 2020, the Senate adjourned until Monday, November 30, 2020, at 6 p.m.)

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