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The Honourable GEORGE J. FUREY,
Speaker

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

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

THE SENATE

Thursday, December 9, 2021

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

Prayers.

[*Translation*]

SPEAKER'S STATEMENT

The Hon. the Speaker: Honourable senators, as you know, there were two candidates for the position of Speaker pro tempore. I wish to thank both the Honourable Senator Bovey and the Honourable Senator Ringuette for having put their names forward for consideration, giving the Senate two excellent choices.

The voting process established pursuant to order and announcement has now concluded, and the Clerk has compiled the results. I am therefore pleased to advise you that the Honourable Senator Ringuette will be Speaker pro tempore for the remainder of the session. Pursuant to the established process, the following motion is deemed moved, seconded and adopted: "That the Honourable Senator Ringuette be named Speaker pro tempore for the remainder of the session."

Colleagues, I know that, like me, you will wish to congratulate Senator Ringuette on her new responsibilities, and I know you will join me in thanking Senator Bovey for standing as a candidate.

Thank you, Senator Ringuette, for all your diligent work for the Senate, and my very heartfelt congratulations and best wishes.

[*English*]

SPEAKER PRO TEMPORE OF THE SENATE

EXPRESSIONS OF THANKS

Hon. Pierrette Ringuette: Honourable senators, if I may, just a few quick comments.

[*Translation*]

Honourable senators, I am honoured to have your support and trust, and I thank you for that. I, too, would like to thank Senator Bovey for putting her name forward for the position, and the Speaker and the Clerk for the democratic process that was chosen.

[*English*]

I want to also say that you can rest assured of my devotion to each and every one of you as we seek to provide sober second thought to the issues in front of us. Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear.

Hon. Patricia Bovey: Honourable senators, Mr. Speaker and dear colleague Senator Ringuette, I give you my greatest congratulations and look forward to doing all we can in the Senate to work with you on these responsibilities. It's a real honour to be with you in this chamber. Thank you, Your Honour, for the process.

Colleagues, thank you so much for the support that you've given the new process and to each of us who put our names forward.

Some Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

PARLIAMENT OF CANADA ACT

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, as some of you may know, the Speaker in the other place made a statement yesterday with respect to the admissibility of Bill S-2, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts.

As someone who enthusiastically supports Bill S-2, I was surprised and frankly very disappointed by the statement from the Speaker in the other place.

As we know, to ensure that senators pronounce themselves first on legislation affecting their own chamber, the government incorporated into Bill S-2, and its predecessor Bill S-4, a non-appropriation coming-into-force clause.

Senators, I would note that non-appropriation clauses are a common feature of the Senate's legislative practices. Over the years, multiple pieces of legislation originating in this place have adopted a similar architecture, allowing the Senate to initiate the policy while respecting the ultimate prerogatives of the Crown and the other place.

Both the Speaker of the Senate and the Speaker of the other place have ruled that bills containing a delayed coming-into-force clause are in order and do not require a Royal Recommendation. I also note that the Speaker in the other place did not make a similar statement with respect to Bill S-4 in the previous Parliament, even though the bill was identical.

Having said this, and in light of the statement by the Speaker in the other place, the government has proactively given notice of a government bill in the other place to amend the Parliament of Canada Act for introduction in the coming days. That bill will be accompanied by a Royal Recommendation as the case requires.

As such, the government has no intention of seeking to proceed with Bill S-2 and has reiterated the priority it attaches to these measures by acting quickly and introducing a bill in the other place.

As was stated today in the House by the Parliamentary Secretary to the Government House Leader, as Bill S-2 made clear in the coming-into-force clause, the government has always had the intention of introducing a bill in the other house with the accompanying Royal Recommendation to implement the changes to the Parliament of Canada Act with respect to the evolution in and of the Senate.

• (1410)

With a new bill introduced in the House, this secondary step in the process will no longer be necessary to bring into force the measures passed with the unanimous support of this chamber that would bring the Parliament of Canada Act in line with the current reality of the Senate.

Finally, I wish to convey to this chamber once again that the government considers the measures contemplated in Bill S-2 a high priority in this parliamentary session, and the government looks forward to working collaboratively with all parties to advance this important initiative. Thank you, honourable senators.

Some Hon. Senators: Hear, hear.

FOOD SECURITY

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I speak today from the traditional unceded territory of the Mississaugaas.

Tomorrow, December 10, is Human Rights Day, a time to commemorate the day the United Nations General Assembly adopted and proclaimed the Universal Declaration of Human Rights. It's a time to renew our commitment to the rights and dignity of all people.

I rise today to share a food sovereignty initiative in the Black community of Toronto, the Afri-Can FoodBasket. Established in 1995 for the purpose of reducing food insecurity in the Black community, the non-profit organization has supplied over 15,000 households with food during the pandemic alone.

Afri-Can FoodBasket donates approximately 450 boxes of food per week to people in Toronto. They have an online waitlist of over 6,000 applicants, including many people outside the Greater Toronto Area. This alone highlights the necessity of this organization.

A recent study conducted by PROOF and FoodShare found that Black communities are 3.5 times more likely to experience food insecurity compared to White Canadians, even after adjusting for factors like immigration status, education level and home ownership.

Black children were also 34% more likely to be food insecure compared to 10% of White children. This disparity has been linked to the increased likelihood of developing chronic diseases,

like diabetes, asthma and depression, and to poor educational and health outcomes, like learning challenges, low graduation rates and low self-esteem.

Understanding and addressing food insecurity in the Black community is about more than alleviating hunger. It is about combating systemic anti-Black racism and intergenerational poverty through a multi-faceted approach from all levels of government supported by the notion of food security as a basic human right.

Honourable senators, please join me in thanking all the staff, volunteers and partners of the Afri-Can FoodBasket for their dedication and commitment to food justice and food sovereignty, especially during the pandemic.

Asante. Thank you.

CANADIAN INNOVATION

Hon. Colin Deacon: Honourable senators, I rise to celebrate a new \$200-million all-Canadian tech fund launched by Waterloo's Communitech. Their Truth North Strategy is designed to accelerate the success of top-performing start-ups and scale-ups so that they "own the podium" and win globally.

Colleagues, Statistics Canada reported that over the past two decades, the productivity of digitally intensive industries grew four times faster than the rest of our economy. Digitization is accelerating. If we want to have the tax revenue needed to support our all-important social programs, we need to deliberately build a digital tax base.

We must deliberately create the conditions to ensure that the IP — or intellectual property — head offices, executives, investors and other crucial elements of our leading tech firms remain in Canada. Otherwise, we'll continue to buy innovative, Canadian-founded products and services from other countries. That's the burning platform.

The world is transforming around us. However, our federal government is not updating the legislation necessary for us to compete globally. We need to prioritize important regulatory changes, like open banking and open data, and update our procurement policies and our privacy and competition laws — Senator Wetston having already initiated an examination of the latter.

Canada is now home to the second largest innovation cluster in the world, and it's growing at four times the rate of any other cluster in the world. The Toronto-Waterloo Innovation Corridor is now home to 200,000 tech workers.

In the last decade, Canadian founders started global winners like Shopify, Lightspeed, Clio, D2L and Instacart. Together, the 10 biggest tech companies with Canadian founders have created \$367 billion in new value and tens of thousands of jobs, but too many head south. Why? Because we don't tend to invest in our tech companies or buy their products.

When a Canadian founder secures U.S. investment, too often it signals the beginning of that company's departure from Canada just as their growth is accelerating. Communitech is challenging us to dramatically increase access to Canadian-based investment, tech talent and procurement opportunities and to update our regulatory policies so made-in-Canada competition is encouraged.

Competition drives innovation in new entrants and incumbents. Innovation delivers more value at a lower cost, creating productivity growth to offset our weakening prosperity. That's why Senator Marty Deacon and I are focusing attention on Communitech's True North Strategy. Their CEO Chris Albinson launched this plan so Canada can secure the gold medal in innovation. It's the tech equivalent of Canada's hugely successful Own the Podium organization developed by the legendary Olympian Cathy Priestner Allinger, now on Communitech's team.

We have world-leading founders, colleagues; we just need to support them with talent, integrated domestic markets and growth capital.

Thank you.

Some Hon. Senators: Hear, hear.

PARKINSON'S DISEASE

Hon. Stephen Greene: Honourable senators, as you know, in this time slot, various senators have risen from time to time to inform you of their medical condition. That is my purpose here today.

There is no requirement that I do so, of course, but some things have changed for me since the last time we met in person in March 2020. Some of the changes in my condition are so obvious, I believe, questions would naturally form in your minds, which would lead some of you, I am sure, to take me aside in the gentle and concerned way that you have to ask me how I am.

In order to forestall that and to keep the guessing to a minimum, I've decided to tell all of you all at once; drum roll, please.

About two years ago, I was diagnosed with Parkinson's disease. As some of you will know, Parkinson's is a very personal disease in that it is unique to you. If you have it, no one else will have it in quite the way you do.

There is no cure. It is not hereditary or contagious. It may be linked to the environment, such as the use of asbestos or DDT. On its own, Parkinson's is not fatal, although it certainly is no fun as it screws up your mobility system and makes it difficult to diagnose worse things that you may or may not have. It is also progressive in that it gets worse over time, much like the Progressive Senate Group.

Symptoms of Parkinson's include balance issues, which alarms me when you consider that I've always striven to balance issues. If you are over the age of 60, the odds of you having Parkinson's in Canada are roughly one in 105. You're welcome. Other symptoms include a raspy or soft voice, which makes me sound

like Clint Eastwood sometimes. It can also lead to problems in swallowing, but as a refugee from the Conservative Caucus, one of many who decorate this chamber, I'm used to dealing with things that are hard to swallow.

I am being well treated by an outstanding neurologist. He reminds me that many of the symptoms of Parkinson's are similar to other diseases, which makes the diagnosis tricky. This gives me hope that I might not actually have it, although I probably do. If not, what? You can find more about Parkinson's if you visit the Michael J. Fox Foundation's website.

• (1420)

Finally, Parkinson's can also lead to incontinence. This is not the kind of verbal diarrhea that some senators, particularly in the Independent Senators Group, like to inflict on this house from time to time. I'm talking about the natural kind of incontinence. But I promise I will give my beloved seatmate plenty of warning. Thank you.

Hon. Senators: Hear, hear.

DEMOCRATIC EXPRESSION

Hon. Mary Coyle: Honourable senators, I rise today to speak to an important innovation in the evolution of modern democracy.

As you know, the word democracy comes from the Greek words *demos* meaning "people" and *kratos* meaning "rule." Democracy is a form of government in which the people have the authority to deliberate and decide legislation directly or to choose representatives to do that on their behalf. Our Canadian representative democracy is something we cherish.

On November 19, MP Ali Ehsassi and I invited our fellow parliamentarians to meet with 42 members — randomly selected Canadians from every province and territory — of the 2021 citizens' assembly who were working with the Department of Canadian Heritage on the effective regulation of social media. The assembly worked with the Canadian Commission on Democratic Expression, co-chaired by The Right Honourable Beverley McLachlin and Professor Taylor Owen under the direction of Canada's Public Policy Forum.

To date, we know of 40 citizens' assemblies and reference panels across Canada dealing with themes as diverse as noise management at Toronto's Pearson Airport, national pharmacare, public housing, land-use planning, income polarization, municipal amalgamation, electoral reform and mental health.

Increasingly popular internationally, citizens' assemblies have been used to seek citizen input on issues such as same-sex marriage, fixed-term parliaments, abortion, climate change and other critical issues by countries such as Belgium, the Netherlands, France, Spain, the U.K., Scotland, Ireland, Denmark, Australia and the U.S.

Former senator Grant Mitchell, with his experience of the deliberative democracy model used by the Ralph Klein government in Alberta in the mid-1990s, extolled its benefits in bringing people together and building consensus on difficult issues. In his speech on my 2020 Senate inquiry on pathways to net zero, he expressed his desire to see citizens' assemblies employed to address the climate impasse.

Citizens' assemblies and other deliberative democracy innovations disrupt the typical policy-making sequence by inserting a citizen deliberation step early on between problem identification and policy formulation.

Proponents of deliberative democracy models highlight their power to promote active citizenship; close the gap between elites and the general public; increase trust in government; create more responsive, better supported public policies; and buttress our existing democratic system against trends of populism, pessimism, apathy, cynicism and polarization.

Colleagues, as we senators look to improve our own house in order to better serve Canadians, I know we are also interested in improving the overall democratic system within which we operate.

Honourable senators, giving more Canadians a seat at the table through citizens' assemblies could be a very healthy thing for our democracy. *Wela'liiq*. Thank you.

REPUBLIC OF BARBADOS

Hon. Ratna Omidvar: Honourable senators, as we all slowly get ready for a break for the holidays, I want to bring a story of hope and optimism and some cheer — much in the tradition of Senator Manning.

For a true story of hope and optimism, I need look no further than the beautiful island of Barbados. A member of the Commonwealth since 1996, the people of Barbados became a republic on November 30 — just a few weeks ago. It was a peaceful transition, celebrated with much joy on the island and heralded as a deliberate move to leave the colonial past fully behind and look with confidence into the future.

What is also a really wonderful sign of hope is the two women who are leading the country. President Sandra Mason, who transitioned from Governor General to head of state and President, is an accomplished lawyer and diplomat. Prime Minister Mia Mottley is the head of the Barbados Labour Party and is the first woman to be elected to the role of PM in Barbados. She has been a relentless fighter on her mission to lead Barbados to become a republic.

Most recently, at COP26, PM Mottley made an impassioned, authentic and, from all observations, completely unscripted speech on the impending danger to island countries like the

Maldives, Antigua, Barbados, Fiji, Kenya, Mozambique and Samoa. She said to the world, "Try hard." She said again, "Try harder because our people . . . need our actions now."

What I find deeply hopeful is not just that this beautiful tiny island nation has taken its fate firmly into its own hands but that it is led by two strong women who are role models for women around the world, but especially for Black girls.

I hope you will join me in congratulating Barbados and wishing it all the best in its new personality as a republic.

Some Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

AUDIT AND OVERSIGHT

FIRST REPORT OF COMMITTEE ADOPTED

Hon. David M. Wells: Honourable senators, I have the honour to present, in both official languages, the first report (interim) of the Standing Committee on Audit and Oversight, which deals with the nomination of external members.

(For text of report, see today's Journals of the Senate, p. 146.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Wells: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be adopted now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. David M. Wells: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table, in both official languages, the second report of the Standing Committee on Audit and Oversight, which deals with the expenses incurred by the committee during the Second Session of the Forty-Third Parliament.

(For text of report, see today's Journals of the Senate, p. 138.)

[Translation]

ETHICS AND CONFLICT OF INTEREST FOR SENATORS

MOTION TO AFFECT COMMITTEE MEMBERSHIP ADOPTED

Hon. Yuen Pau Woo: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), the Honourable Senator Housakos and I move, seconded by the Honourable Senators Cordy and Tannas:

That, notwithstanding rules 12-3(2)(f) and 12-27(1) and subsections 35(2), (4), (5) and (8) of the *Ethics and Conflict of Interest Code for Senators*, the Honourable Senators Busson, Cotter, Harder, P.C., Patterson, Seidman and White be appointed to serve on the Standing Committee on Ethics and Conflict of Interest for Senators, until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate or the Senate otherwise replaces the membership of the committee;

That, notwithstanding rule 12-27(2) and subsection 35(2) of the *Ethics and Conflict of Interest Code for Senators*, the quorum of the committee be four members; and

That, notwithstanding rule 12-27(1), for the duration of the membership of the committee pursuant to this order, when a vacancy occurs in the membership of the committee, the replacement member be appointed by order of the Senate.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1430)

[English]

FEDERAL PUBLIC SERVICE JOBS

NOTICE OF INQUIRY

Hon. Percy E. Downe: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to:

- (a) The importance of the federal government as Canada's largest single employer, with over 230,000 civilian employees;

- (b) The fact that, although everyone understands that a significant portion of federal employees would be based in the nation's capital, in recent years a trend has developed whereby the distribution of jobs between Ottawa and the regions has become more and more disproportionate in favour of the National Capital Region; and
- (c) The role of the Senate in examining and discussing the opportunities for decentralizing federal government jobs and services, and urging the Government of Canada to restore the historical distribution of employment to one-third of jobs in the National Capital Region and two-thirds in the rest of the country, thereby contributing to the economic growth and stability of the regions of Canada.

[Translation]

QUESTION PERIOD

FINANCE

HOME OWNERSHIP

Hon. Leo Housakos (Acting Leader of the Opposition): Honourable senators, my question is for the Government Representative in the Senate, Senator Gold. The dream of home ownership is drifting further and further out of reach for our young people. A public poll released yesterday found that roughly half of young people in Montreal believe they will never be able to own a home.

The Canadian Real Estate Association reported that over the past year, home prices increased by 20% in the Montreal region and by 13% in Quebec City. Canada has one of the highest rates of housing sector inflation in the G7 and the lowest number of housing units per capita.

Senator Gold, why is there no plan to address this situation? Why doesn't the Trudeau government do some constructive thinking, for example, by taking stock of the government's real estate portfolio and how it is being used?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question. You raise an important issue that is front of mind: the housing situation for Canadians, especially young Canadians.

It is not true that the government is not doing anything about it. On the contrary, as it announced in the Speech from the Throne, the Government of Canada remains committed to making housing more affordable. That includes, among other things, the \$4-billion Housing Accelerator Fund, a commitment to work for the less fortunate and to put an end to this terrible problem in our country, a more flexible First-Time Home Buyer's Incentive, and a rent-to-own program that will help Canadians become homeowners.

[English]

CANADA'S INFLATION RATE

Hon. Leo Housakos (Acting Leader of the Opposition): My supplementary question is again for the government leader. Government leader, a study released this morning shows that Canadians will pay \$1,000 more for food next year. The cost of vegetables is expected to rise by 7% and dairy products by 8%. This is more money out of the pockets of Canadians already dealing with higher costs of housing and transportation. Canadians across this country are feeling the pinch, government leader. Meanwhile, with the agreement between the Government of Canada and the Bank of Canada on inflation targets set to expire at the end of this month, Bloomberg is reporting this morning — colleagues, listen to this — that the Trudeau government is thinking of changing the mandate to allow for a higher inflation target.

Senator Gold, if this report is actually accurate, do you really believe Canadians can afford to pay even more than they already pay for basic living needs? If you take the affordability crisis seriously, why won't your government commit to maintaining the reasonable 2% inflation target?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. Everyone who shops for themselves or for loved ones knows how increasingly expensive it is to nourish oneself and one's family. It is a problem that's affecting all Canadians. The government is seized with this, as are all governments and all sectors of society.

With regard to your question on inflation, again it's not my place nor this place to speculate on all the different causes of inflation and especially the rise in the cost of food. With regard to the Bank of Canada's target, the government will have more to say about the Bank of Canada's inflation control target within the coming weeks.

FOREIGN AFFAIRS

CANADA-CHINA RELATIONS

Hon. Michael L. MacDonald: Senator Gold, in an interview yesterday on CBC's "Power & Politics," the Minister of Foreign Affairs, Melanie Joly, stated:

The two Michaels are on bail right now, according to the criminal law in China. So we want to make sure we work that out with the Chinese government.

This is a very disturbing admission. It is unacceptable that a minister of the Crown in Canada, let alone the Minister of Foreign Affairs, would in any way legitimize the kidnapping, arbitrary detention, bogus criminal charges and sham court proceedings endured by both of these Canadians at the hands of the Chinese communist dictatorship. Senator Gold, why would Minister Joly say this? Is it that this minister truly does not understand the file or is this the position of the Government of Canada?

Hon. Marc Gold (Government Representative in the Senate): The position of the Government of Canada has been and continues to be that the detention of the two Michaels was illegal, arbitrary, contrary to international law and unjustified, and that remains the position of the Government of Canada.

Senator MacDonald: Again, you didn't answer the question. To accept the release of the two Michaels as being out on bail is to give validity to these illegal detentions of these two Canadians for over 1,000 days. That is something Canada shouldn't do and I'm sure it is something Canadians do not accept. To say they are out on bail implies that Canada somehow accepts these conditions that the two Michaels have to follow to maintain their release.

Senator Gold, why does the Government of Canada accept that the two Michaels are out on bail?

Senator Gold: I repeat, the position of the government is that their illegal detention was, indeed, illegal. The government joins with Canadians in celebrating their release.

[Translation]

HEALTH

TESTING FOR COVID-19

Hon. Julie Miville-Dechêne: I have a question for the Government Representative in the Senate, Senator Marc Gold. Since the discovery of the Omicron variant, the federal government has faced a barrage of criticism for denying entry to Canada to citizens of 10 African countries, even as the variant was spreading in Europe and the United States. In particular, I'm baffled that Canada is systematically refusing to accept tests from all of these African countries, including South Africa, whose large-scale testing expertise is equal or superior to our own.

Canada is the only G7 country to demand third-country testing. How does the government explain these decisions that seem to have no scientific basis and that look very much like an arbitrary and discriminatory policy?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for her question. We have to quickly adopt measures in response to the new Omicron variant to protect Canadians. I want to point out that late last week, the government granted a temporary exemption from testing to Lufthansa, enabling Canadians to return to the country. I have been assured that the government is following the latest Public Health Agency of Canada guidelines and that the government will adapt its measures as the situation evolves, and that includes its testing guidelines and requirements.

• (1440)

Senator Miville-Dechêne: I am surprised that you are talking about following international guidelines, considering the World Health Organization has criticized Canada for refusing to accept these tests.

It seems to me that if the government is rejecting tests from 10 countries, including South Africa, it must suspect that the tests are defective, falsified or easy to circumvent.

Can the government provide us with the data it used to come to that conclusion, since that could help us and other countries too?

Senator Gold: Thank you for the question, senator.

As the government learns more about this variant of concern, it will continue to work with the provinces and territories and its international partners to keep Canadians safe. The government is currently working closely with Canadian public health experts and global partners to monitor the Omicron variant around the world.

I will reach out to the government about the evidence and the decisions and get back to you as soon as possible.

[*English*]

PUBLIC SAFETY

EXPORT AND IMPORT OF CULTURAL PROPERTY

Hon. Patricia Bovey: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, international concerns regarding illegal trafficking of cultural property are serious and increasing with alarming pillaging and looting of antiquities in many war-torn parts of the world. Works of art are the third most trafficked commodity, at the fastest-growing rate, and they fund arms and drugs. Canada is seen as a soft touch and an easy pipeline for the movement of such illicit goods.

A recent Mediterranean conference reported that the profit from destruction and illicit exploitation from cultural sites by transnational crime and terrorist groups and networks are estimated between US\$3.4 billion and US\$6.3 billion annually. There must be stronger international cooperation with UNESCO and high standards reinforcing bilateral and regional cooperation frameworks of law enforcement and investigation. My concern is the insufficient awareness of this problem and training for Canada's border officials. What is Canada doing to tighten and update our legal protections and regulations in meeting the new challenges between source, transit and destination countries?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. I have been advised that through the Cultural Property Export and Import Act, Canada has returned thousands of illegally imported objects to 14 countries around the world, including countries in the Middle East and Africa. These returns would not have been possible without the work of the Canada Border Services Agency, as well as experts in museums across Canada. This government is committed to continuing to work with partner states to prevent the damage, destruction and looting of cultural heritage, whether during armed conflict, occupation or terrorist activity.

Senator Bovey: BBC reported yesterday that U.S. billionaire Michael Steinhardt handed over \$70 million worth of looted and smuggled antiquities. He has now been banned from acquiring any more antiques but will not face criminal charges. Obviously, illicit thefts and the marketing of them continues. What is Canada doing both to increase the financial assistance to UNESCO, which is looking for help and backed by Canadian museologists, and working with UNESCO and the international sector?

Senator Gold: Thank you for the question, senator. Canada has a very long history of commitment to the protection of heritage at risk around the world. Indeed, we have been a party to UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property for over 40 years. I have been advised that in 2018, Canada contributed significant funds to UNESCO's Heritage Emergency Fund and remains committed to supporting international efforts to protect that heritage.

HEALTH

MEDICAL ASSISTANCE IN DYING

Hon. Pamela Wallin: Senator Gold, yesterday an all-party committee of the National Assembly of Quebec called on the province to allow advance requests for medical assistance in dying following the diagnosis of an incurable or incapacitating disease. Canadian law currently excludes people with degenerative diseases, such as Alzheimer's. The committee stated that capable people who will ultimately be incapacitated should be able to formulate an advance request for MAID as a result of the diagnosis. They added that the recommendations reflect an evolution in thinking and attitudes. To ensure the patient is acting in a free and informed manner, the committee recommends an advance request for MAID be completed and signed in front of a doctor, as well as countersigned by two witnesses or be made in a notarized form.

This is essentially what the Senate of Canada approved at the beginning of the year, but it was rejected by the government. Will the government please now reconsider?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, and for your ongoing advocacy on this important issue. Indeed, it was the view of the Senate that the time had arrived to provide for those provisions. Our view was not accepted in the other place. I certainly will communicate your views, comments and questions to the government and will report back if I receive an answer.

Senator Wallin: Senator Gold, the committee's recommendations have been called practical and dignifying, and to guide the advance requests they agreed to rely on the principle of self-determination of the person. They agreed it was up to the individual to determine, within his or her values and convictions, what constitutes a life of dignity. Since March, that committee held 75 hours of hearings, two consultation phases, 46 steering committee meetings, heard from 77 people and organizations, accepted 75 briefs and received 3,421 responses online — all done in nine months, completely virtually.

Can the Government Representative please ask the government of its intention to restart the joint parliamentary committee and secure a commitment to do that immediately upon the return of Parliament at the end of January or perhaps sooner?

Senator Gold: I will certainly make that request, Senator Wallin. I will take this opportunity to thank you for underlining the important work that is being done in Quebec, which in this particular instance is leading the way, in many respects, for other provinces in Canada.

CITIZENSHIP, IMMIGRATION AND REFUGEES

AFGHAN REFUGEES

Hon. Marilou McPhedran: Honourable senators, my question is to the Government Representative in the Senate, Senator Gold. I want to ask a follow-up question to the previous reference I made to young women athletes. October 15 was actually an excellent day for Canada. That was the day when we saw 200 girls from an Afghan school flown into Canada and resettled here in record time. Would that it be the standard we are seeing most of the time, but it is not.

My question is about whether the Government of Canada, and in particular Immigration, Refugees and Citizenship Canada and Minister Sean Fraser, could advise through a question from you whether they are conducting gender-based analysis on the evacuation and resettlement of Afghans coming to Canada. The anecdotal evidence would suggest that — even though we have a feminist foreign policy and we have the previous minister Marco Mendicino making a very strong set of statements promising that women at extreme risk would be in a priority area — our numbers relative to other countries are, in fact, low. If you would, seek clarification on this, please.

Hon. Marc Gold (Government Representative in the Senate): It would be my pleasure to do so.

[Translation]

JUSTICE

COST OF LEGAL PROCEEDINGS

Hon. Claude Carignan: Honourable senators, my question is for the Leader of the Government in the Senate.

This summer, Canadians learned that the Trudeau government had petitioned the courts to prevent the families of Kristen French and Leslie Mahaffy from accessing information from the Parole Board of Canada and the Correctional Service of Canada in preparation for the parole hearing of Paul Bernardo, the man who murdered those two young girls.

[Senator Wallin]

• (1450)

The government objected to the release of this information to the families on privacy grounds and won the case. The Trudeau government then shamefully demanded that the families pay the government's legal fees, which came to just over \$19,000. The judge reduced the amount to \$4,000.

How can the Trudeau government possibly justify foisting its legal fees on these families, who have already suffered so much from the loss of their child?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for his question.

I don't have any details about the case you just described or why that request was made. I will find out and come back with an answer as soon as possible.

Senator Carignan: If the court case is over, can you tell us whether the government actually collected the \$4,000 from those families? If it's not over, can you tell us whether the government is still trying to get the families to pay the \$4,000 in court fees, and why it is doing that?

Senator Gold: I will add those to my list of questions for the government. Thank you.

PUBLIC SAFETY

CANADA EMERGENCY RESPONSE BENEFIT

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

Senator Gold, an article in last Friday's edition of *La Presse* mentioned that a party was held in Montreal in 2020 with money fraudulently obtained through the Canada Emergency Response Benefit, the CERB. The police found almost \$100,000 in these criminals' pockets. Most of them had lengthy criminal records. Some of them even accessed the CERB while in jail. We believed that the Correctional Service of Canada intercepted all mail bearing the little red flag. It seems not. During the same period, your government was advised several times to establish mechanisms to prevent fraud, especially by inmates.

The police investigation also revealed that money illegally obtained from CERB was used to fraudulently purchase firearms. We know that firearms are a scourge in Montreal.

Can you tell the Senate how many criminal organizations used law-abiding citizens' money to finance gun, drug or human trafficking operations?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The problem you described is unacceptable. The Canadian government agrees that fraud and the illegal use of that money are unacceptable in our society. I'm sure everyone here and across Canada agrees as well.

I don't have the information you want about the number of cases and criminal gangs. I'll look into it and get back to you shortly.

Senator Boisvenu: The government's feelings about this are neither here nor there. It should have had a fraud prevention strategy.

Yesterday, three Conservative MPs, Mr. Paul-Hus, Ms. Dancho and Mrs. Kusie, asked Public Safety Canada and Employment and Social Development Canada to launch an investigation into this matter, specifically with respect to the Montreal region.

Since you don't know how many criminal gangs fraudulently used taxpayers' money, I'm sure you won't oppose this type of public investigation to shed light on the situation. Right?

Senator Gold: I trust the police and governmental authorities to conduct their own investigation. The Government of Canada is always willing to work in good faith with our provincial, territorial and municipal partners to better protect us from fraud.

[English]

IMMIGRATION, REFUGEES AND CITIZENSHIP

AFGHAN REFUGEES

Hon. Salma Atallahjan: Honourable senators, my question is for the government leader in the Senate. Yesterday, the Minister of Immigration, Sean Fraser, said it would take two years to bring Afghan refugees to Canada. I understand the challenges, Senator Gold, but given that the government knew the challenges it would face — if not years ago, at least months ago — does the government expect that some of these refugees who are on the run and hiding home to home, who are also facing a humanitarian crisis, will still be alive after two years?

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada obviously cares about and hopes for the security of all those who are in peril. In announcing that timeline within which we hope to bring those Afghan refugees to Canada, the minister was doing his best to be open and transparent with Canadians. You have made reference to, and understandably and properly so, the myriad challenges that this government and other governments are facing in this humanitarian effort. Canada will continue to do its very best to bring as many people as quickly as possible to safety.

Senator Atallahjan: Senator Gold, the government was being open and transparent, and that's why we called an election on the day Kabul fell.

What do I say to the young man who was already picked up by the Taliban, who jumped out of the car and ran to escape them, running through the markets, whose family is reaching out to me saying they don't know what to do. They are looking for him. What do I say to him?

Senator Gold: There are no words that can properly comfort a family in such distress, and it would be presumptuous for me to offer them. Canada is doing its very best, and I hope that the family and their son, to whom you refer, remain safe.

FOREIGN AFFAIRS

UKRAINE INTERNATIONAL AIRLINES FLIGHT PS752 TRAGEDY

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, tomorrow is Human Rights Day. My question relates specifically to Iran and the shooting down of Flight PS752, which killed 176 people, including 55 Canadians and 30 permanent residents of Canada. Almost two years have passed since this unimaginable tragedy took place, and the families of PS752 are still seeking justice and accountability on behalf of their loved one.

Since the crash, these families have been subjected to intimidation, harassment and abuse from Iranian authorities. The families know very little about the military trial of 10 unnamed individuals that recently began in Tehran. Iran has also refused to participate in negotiations on reparations.

Leader, a lawyer representing the families previously said your government was opaque and unhelpful with their civil case against the Iranian regime. What specific actions are you taking to assist these families now?

Hon. Marc Gold (Government Representative in the Senate): The government's first priority was and remains to do everything it can to assist victims' families. The actions of Iran and its lack of transparency have been condemned by this government and it continues to do so. It is committed to working closely with its allies and other grieving nations — Ukraine, Sweden, Afghanistan, the United Kingdom — in seeking justice for the victims.

Senator Martin: Leader, I previously raised the June 2018 motion that passed in the other place to immediately designate the Islamic Revolutionary Guard Corps as a listed terrorist entity under the Criminal Code of Canada. That, of course, did not happen, and it is clear by now that it will never happen under this current government. Leader, your government has resisted imposing Sergei Magnitsky Law against Iranian officials involved in the downing of PS752. Your government has also said it's considering taking Iran to the International Court of Justice, but to date nothing has been done on this front either. Leader, what is your government's current position on these two points: Magnitsky sanctions and the International Court of Justice?

Senator Gold: Thank you for the question. The government has used Magnitsky sanctions in the past. It takes very seriously its obligations to review the facts before it comes to that conclusion, and it will continue to do that in such cases.

• (1500)

With regard to the International Court of Justice, I do not know what the current thinking of the government is. I will make every effort to determine what it is and report back.

ENVIRONMENT AND CLIMATE CHANGE

CONFERENCE OF THE PARTIES

Hon. Leo Housakos (Acting Leader of the Opposition): Honourable senators, my question is for Senator Gold.

In your speech on your motion to continue hybrid sittings of the Senate, you spoke of the dangers associated with honourable senators catching one or two flights to get here and walking through the various crowded airports across the country, yet the Trudeau government thought nothing of flying 300 people to meet in person in Glasgow last month at COP26, including NGO representatives, bureaucrats, politicians, journalists and more.

Senator Gold, can you tell us how much taxpayers' money was spent by the government to enable all those people to participate in COP26? Specifically, can you table in this chamber who had their trips and other expenses paid by taxpayers so they could go? On behalf of your government participating in what ended up being a super-spreader event, according to many media reports, would you commit to tabling that information here in the Senate in an expeditious fashion?

Hon. Marc Gold (Government Representative in the Senate): Thank you for that series of questions. I will certainly make those inquiries and report back in due course.

With regard to your reference to my speech about hybrid sessions, I stand by what I said. We are summoned to serve in the Senate. We do not have a choice whether to go. Therefore, it is totally appropriate that we put into place measures so that those who are summoned to serve our country in this place can do so in a safe way. They have no choice but to serve, and we were happily able to accommodate the health needs of those who, for whatever reason, are unable to or feel it unsafe to travel as you described.

ORDERS OF THE DAY

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of December 8, 2021, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Monday, December 13, 2021, at 6 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

BILL TO CHANGE THE NAME OF THE ELECTORAL DISTRICT OF CHÂTEAUGUAY—LACOLLE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy, for the second reading of Bill S-207, An Act to change the name of the electoral district of Châteauguay—Lacolle.

Hon. Claude Carignan: Honourable senators, Bill S-207 has been discussed at length, and Senator Dalphond provided us with an excellent summary.

We understand the confusion created by this type of situation, when the territory of a riding doesn't correspond to its name. If we were to make an analogy with the people who live in Lacolle and say that the Quebec City riding covers part of the territory of Montreal, it would be immediately clear that this is nonsense. However, that is what the people in that area are experiencing.

Just as I did when I spoke on this bill in the last session of Parliament, I support Senator Dalphond's position on changing the name of the riding.

I urge you to vote in favour of Bill S-207 as soon as possible so as to correct an error that was made in the electoral district naming system.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Dalphond, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[English]

**DECLARATION ON THE ESSENTIAL ROLE OF ARTISTS
AND CREATIVE EXPRESSION IN CANADA BILL**

SECOND READING—DEBATE ADJOURNED

Hon. Patricia Bovey moved second reading of Bill S-208, An Act respecting the Declaration on the Essential Role of Artists and Creative Expression in Canada.

She said: Honourable senators, I speak from the unceded territory of the Algonquin and as a Manitoban from the territory for the as-yet-unfulfilled Treaty No. 1, the traditional lands of the Anishinaabe, Ojibwa, Cree, Oji-Cree, Dene, Dakota and the homeland of the Métis.

The root meaning of culture, as every farmer and chemist knows, is ‘preparation for growth’ – and in our communities we are ‘growing people.’

Those are the words of the esteemed Canadian playwright and former chair of the Canada Council for the Arts, Mavor Moore, in his introduction to *Creative Connections: Arts and Culture in British Columbia Communities*, the Union of British Columbia Municipalities handbook regarding civic policy development in the arts. The truth of his statement adds to the substance of John Ralston Saul’s comment that “culture is the motor of every successful society.”

This declaration respecting the essential role of artists and creative expression in Canada, which I am putting on the floor of the Senate today, gives action to those statements. Its preamble recognizes “the vitally important role played by artists and the arts in every dimension of Canadian society” and

... emphasizes the need to respect and promote the role of artists and the arts in order to ensure that all Canadians and residents of Canada have equal opportunity to access and enjoy the fruits of artistic expression.

Further, the preamble notes that:

... any measures to implement the Declaration in Canada must take into account the diversity of Indigenous peoples and, in particular, the diversity of the identities, cultures, languages, customs and practices of First Nations, the Inuit and the Métis and of their relationships to the land and their Indigenous knowledge, all of which find expression in rich artistic traditions.

During the past year, I have consulted with over 600 artists and arts workers, singly and in focus groups. Those consultations included people from every region of Canada and from multi-

creative disciplines, all ages and diversities. The responses and inputs were positively overwhelming and enriching. Discussions, in English and French, were stimulating and substantive, and participants’ suggestions unquestionably strengthened the document. Creative expression and creative processes are paramount to us as a nation, and in Canada we are truly blessed with the commitment and substance of artists and their work, the dedication of arts workers and engagement of audiences. I thank all who participated in my discussions for their candour, commitment and creative courage in these truly inspiring national conversations.

• (1510)

I also want to thank my colleagues in every group in this chamber for their support and interest in this initiative. Many of you gave me advice and names of those you felt I should contact. I did so, and I can only say that your input is very much appreciated and truly renders this declaration one with wide involvement. It is with great pleasure that I finally present it to you.

[Translation]

Art is a universal language, and the arts certainly are a lever for social and cultural change. They hold a mirror up to society and examine multiple problems. Arts and culture are at the heart of all communities and diversities, defining the spirit of place, our individual and societal humanity. They are transportative by nature and embody social inclusion, social cohesion as well as our roots and historical experiences.

[English]

One participant in these rich focus groups aptly said, “The power of the arts is increasingly being recognized as a non-negotiable fundamental principle as to who we are.”

Colleagues, the arts are holistic. I want everyone across this country to realize and respect the essential contribution of creative expression to every aspect of society.

Bill Ivey, former chair of the National Endowment for the Arts in the U.S., spoke of three categories of human behaviour, commenting that, “Expressive life is a category of human behaviour, along with work life and family life.” Further, national and international scientific, medical and social humanities research have all proven that “The Act of Participation in, and with, the creative spirit is essential for human and societal growth.”

It is, therefore, to both societal and individual ends that I present this Declaration Respecting the Essential Role of Artists and Creative Expression in Canada.

Why, you might ask? Why now? Who does it affect and what are its goals?

[*Translation*]

Each of the many focus groups unequivocally stated, with passion and realism, that the arts infuse our quality of life with meaning and direction. Quality of life was central to many of our recent discussions in the Senate on COVID-19 and medical assistance in dying.

[*English*]

A number of seminal milestones in Canada's arts development were referred to by participants as key base points. One of the most important, I think — can you believe it? — was the 1941 Kingston conference, the first-ever national meeting of artists and arts supporters. Travel funds, donated by the American Carnegie Corporation, enabled participants to come to Kingston by train from east and west. Many met each other for the first time.

Their conclusions led to the 1949 Massey Commission for the arts which, following extensive national consultations, reported in 1951. The commission's conclusion was the call to establish the Canada Council for the Arts — a recommendation made in 1951 and finally realized in 1957, only 10 years before Canada's centennial.

Those centennial celebrations themselves showcased the arts of all disciplines in ways not seen before. Boundaries of creative expression were challenged, stretched, and new experiments led to entirely new modes of expression. Coupled with new ease of travel and innovative technologies, the times were heady and exciting — many of us remember them — just as societal norms were changing in multiple dimensions.

The 1980s witnessed a number of arts task forces, including the comprehensive Applebaum-Hébert task force. Other federal commissions studied specific elements in the arts, their impacts and needs.

Most recently, both the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls articulated critical cultural steps. Without cultural understanding, reconciliation will be impossible.

I have spoken in this chamber before about the importance of the arts in realizing the recommendations and ultimate outcomes of both these commissions. I am pleased that, at least in a small way, the work of the Senate's Artwork and Heritage Advisory Working Group has implemented some steps toward "reconciliACTIONs," including the rehangings of the work in the Indigenous peoples room, improving regional representation of Indigenous work, and the installation in Committee Room B30 of the first Museums at the Senate — Inuit art from the Winnipeg Art Gallery and the Nunavut collection, representing communities across the Arctic. I can assure you that more will follow.

[*Translation*]

Canada must embrace change and societal realities. Many people of all backgrounds have expressed the very real need for society as a whole to accept and take action on decolonization issues, to ensure cultural democracy and to correct the narrative

[Senator Bovey]

of Canada's history to include Indigenous peoples, Black people and diverse historical perspectives. The term "excellence" in the arts must also be examined as a criterion for supporting artists. What does that word mean? Who defines it? I submit that the concept of excellence is not black and white, but varies by culture. Furthermore, the creative process is important, just like the product created, and it too must be recognized.

How then do we create an arts and culture "agency" in every Canadian region? It is essential to remember and express our past and present honestly. That is what artists do. They tell stories, through images, words, movements and music, stories of these lands that are thousands of years old and those of today. Without hearing, seeing, absorbing and respecting these stories, we cannot move forward the way we could and should. We must also take care not to create or perpetuate cultural creative ghettos.

[*English*]

Perceptions of the arts must move from being "frill" in contemporary life to that of "anchor." I hope this declaration will assist in balancing multi-needs and dimensions of society and will become the foundation for all arts and cultural policy frameworks, for the intellectual and economic rights of practising creative artists and arts workers, while simultaneously ensuring audiences' and practitioners' accessibility to creative spaces and places. My long qualitative and quantitative societal, anecdotal and empirical research categorically ascertains the core role arts and culture play in resolving and analyzing these societal concerns. Colleagues, the evidence speaks loudly.

For example, the arts anchor employment in Canada, being the country's third-largest employer. Pre-COVID, the arts contributed substantially to the national GDP — as I said the other day, as a result of COVID, not quite so much but significant nonetheless.

As clearly demonstrated this past year, the arts are a major contributor to the physical health, well-being and mental health of Canadians. They are an essential ingredient to learning, particularly for school-aged children and youth — music being a significant aid in learning math. The impact of the arts in crime prevention is also well known. The arts have proven to be a catalyst for rural revival and a voice for environmental threats. Indeed, the International Institute for Sustainable Development's northwestern Ontario Experimental Lakes Area — comprising 58 pristine lakes in Canada's boreal forest, set aside for a unique approach to scientific research — has aligned with the arts.

• (1520)

The institute provides artist residencies in all disciplines. I am told by them that the results are far beyond their original anticipation.

Furthermore, arts and heritage are at the heart of Canada's tourism industry. We must have healthy arts organizations to revive our tourism economy, and obviously, arts organizations cannot survive without artists and creators.

Honourable senators, I worry about the number of artists and arts workers who have left the field given the present crisis of COVID — 12%, according to the Hill Strategies Report of February 24. The inequity in employment and financial supports artists face are considerable. Living conditions and the post-pandemic economic and health security of creators and artists in all fields and dimensions of the creative gig economy must be addressed.

[Translation]

The realities facing Canada right now have created the perfect opportunity to make this declaration about the arts, artists and cultural engagement. We need to find ways to respect the important contributions made by the arts. Who didn't watch virtual events and concerts or take virtual tours of art galleries and museums when we were living in isolation, without performing arts?

Who isn't moved and touched by the creative gifts of artists when communities experience traumatic events? In troubled times, we turn to the arts and artists. Who among us was not preoccupied with quality of life issues as we studied and explored the issue of medical assistance in dying? We know that arts and culture have stimulating, comforting and beneficial effects on health.

[English]

Yet, the arts and artists still seem bound in silos, regarded as leisure-time activities and seen as a privilege rather than as essential for the growth of community, people and our nation. Unfortunately, the arts have been classified as part of the voluntary sector, likely because so much person power in the field is voluntary. This classification is not a proper reflection of the value of the sector. Why? Because this essential sector is led by the passion and insights of professional artists and arts workers who in turn engage volunteers, students and emerging professionals in their work and visions.

Throughout my career, I have worked closely with professional artists and arts workers of all diversities and at all stages of their careers. I thank them for their insights, truths, risks and unwavering questioning and experimentation. This declaration is about honouring and respecting Canada's creators and arts workers, who forge truly meaningful relationships throughout society. It aims to underline that comprehensive understanding of, and for, the creative process.

[Translation]

This declaration respects practising artists, people who work in the arts, and the public and helps them support themselves, whether they are Indigenous, non-Indigenous, immigrants or born in Canada, in every region of Canada. It honours the creation, presentation and distribution of their work and calls for the fair and equitable treatment of artists in their working and contractual relations, guaranteeing a basic standard of living, copyright protection, access, and freedom of expression and association.

[English]

This includes all practising artists of all diversities, throughout their careers, as well as the arts workers who present that creativity and engage audiences. In recent discussions, I was challenged by a university professor to select three artworks symbolic of my goals as a senator. It was tough. I did!

The first was Winnipeg artist, Don Proch's 2019 grain elevator sculpture *From Asessippi to Altona*. He links past traditions to new realities: the lush, rural prairie, new and old technologies and today's environmental threats from acid rain.

The second is Métis artist Val Vint's 2020 poignant public sculpture *Education is the New Bison*. Installed at the Forks in Winnipeg, this 12-foot bison is created from steel books by Canadian Indigenous authors.

The third is by B.C. Indigenous artist Arthur Vickers from Cowichan Bay — his 2011 *Intangible Heritage*. Made of clears, lacquers and gold powder, and sized and gilded with hand-layered gold leaf, it portrays his cultural and ancestral roots. With arms reaching to future generations, it looks forward. While his complex imagery is traditional, his technique and vision are truly innovative and groundbreaking.

Together, these three works reflect the key premises of this declaration for artists, arts organizations and audiences as they herald the past, present and future, tradition and innovation, respect and support, and honour and engagement.

Scholars define the four pillars of sustainable communities as social capital plus human capital plus natural capital plus cultural capital. Without that fourth pillar, society is an unbalanced, three-legged stool. Australia's Jon Hawkes, author of *The Fourth Pillar of Sustainability: Culture's Essential Role in Public Planning*, has said:

Creativity equals light from the dark.

Art equals fire from the light.

Culture equals warmth from the fire.

This declaration is the platform and vision for that creativity, light, art, fire, culture and warmth. It sets out guiding principles, vision and core values for artistic and creative expression and access, and those for policy and legislative development.

More than 10 years ago, long before I was a member of this chamber, I set out a case for a Canadian cultural bill of rights giving access to arts and culture to all, ensuring intellectual property and benefiting everyday life.

Honourable senators, I feel the Senate is the appropriate body to launch this initiative and make our country a better place for all. Basic human rights are enshrined in the 1948 United Nations Universal Declaration of Human Rights and the subsequent International Covenant on Civil and Political Rights, the

International Covenant on Economic, Social and Cultural Rights, the 1980 UNESCO Status of the Artist and the Universal Declaration on Cultural Diversity. Canada is a signatory.

However, we have not yet acted fully or sufficiently.

Focus-group participants in the past year deemed with me that intersecting our philosophy and affirmation of the arts with the relevant UNESCO declarations and documents is fundamental. They collectively and strongly underlined that Canada must clearly position the arts and culture at the centre of policy and delivery in, with and for the arts and wider society.

[Translation]

What's more, the declaration draws on other reports and objectives of the Senate. Paragraph 8 seeks to ensure that:

Canadian artists have the right to be represented to the rest of the world, and the public has the right to know about and explore art through the ages from all parts of the globe.

This is based on the 2019 Senate report entitled *Cultural Diplomacy at the Front Stage of Canada's Foreign Policy*. Canadian Heritage is developing strategies to implement the study, and Global Affairs Canada and the Canada Council for the Arts have adopted its objectives and principles.

• (1530)

Canada is made up of communities and cultures, of federal, provincial, municipal and First Nations governments. Each has its own mandate and frame of reference. There's often a lack of connection and understanding among them. I worry that this reality is only exacerbating siloing.

In times of prosperity, the arts benefit from a certain level of financial support. In times of want, they are often sidelined, their funding programs slashed without prior analysis or consideration for the negative impact on individuals' physical and mental health or society as a whole.

Cuts may balance a budget in the short term, but they can cost society as a whole dearly in the long term. We forget, at our peril, that it is wise to invest in the arts. Arts and culture pay us back in both tangible and intangible ways. For years, I have observed that the arts provide governments with tax revenue worth over three times what they receive in total arts funding from all three levels of government. That is in addition to the hope, vision and comfort the arts provide.

[Senator Bovey]

[English]

Therefore, the declaration states:

The essential role and contribution of the arts, culture and heritage to the health and the social and economic well-being of everyone in Canada, including all aspects of social justice and reconciliation, is hereby recognized and affirmed.

And:

Artists have the right to the intellectual property in and copyright for their work; to be free from cultural appropriation; to equity in employment and to economic security; and to be accorded recognition for the value of their work, which is integral to our nation's economic health.

On a practical level, Indigenous artists are losing significant income from the illegal international appropriation of their images and symbols and the unauthorized taking of crests and icons for the tourist trade. I hope this declaration will support the strengthening of copyright and tax provisions.

COVID has been devastating for practising artists, arts workers and arts organizations. The sector has been all but shut down for creators and audiences. As it restarts, the road is tough, as I hear daily.

Testimony at the October 30, 2020, Standing Committee on Canadian Heritage revealed that:

Real GDP in the arts, entertainment and recreation sub-sector stood at \$7.3 billion in July 2020 against \$15.6 billion in February 2020. This is a decrease of more than 50% in just four months.

Other studies have substantiated the crisis. For instance, the first finding of a poll released by Abacus Data on Feb 8, 2021, was that "85% of Canadians believe that the pandemic will have a negative impact on arts and culture." It has.

The February 24, 2021, Arts Research Monitor reported on two surveys: one with individual artists and the other on arts organizations. Both conveyed alarming news. One in four arts workers lost their jobs; and between 2019 and 2020 "there was a 37% decrease in hours worked in arts, entertainment, and recreation industries." The performing arts and heritage institutions subsectors registered a 35% decrease. In other words, the report cited, "these cultural workers lost more than one in every three hours worked" Of the 1,273 artists and arts workers who responded to the survey:

. . . 71% of respondents were working less in the arts and culture sector in November than before the COVID-19 pandemic, including 12% who are no longer working in the sector. . . . 68% of individuals reported a lower expected income than what they were originally projecting

We know in good times the largest percentage of people working and earning below the poverty line are artists. That number has now magnified manyfold. Therefore, respect must include the human rights of fair contracts, fair wages and fair benefits.

Knowing the data documenting the essential integration of the arts throughout society, we have the responsibility to connect the dots of access with and to creative expression in all fields. Paragraph 7 of the schedule notes:

Artists in all disciplines have the right to earn a prominent presence in public life through their art — including public art presentations — and to the incorporation of their voices and artistic visions in democratic debate.

It is also important, as the declaration states in paragraph 9 of the same schedule:

Artists, arts organizations and production companies in Canada have the right — and should have the arm's-length support and capacity — to take risks and invest in creative innovation while serving communities and the public interest.

And at paragraph 10:

Everyone in Canada, including artists, has the right to be free from discrimination, including racism, ageism and all stigmas, and artists, including those with disabilities or those who are deaf, have the right to barrier-free physical access to places and spaces to create, perform and present their work in both behind-the-scenes spaces and on stages and in galleries, museums, studios and practice spaces, and through online and digital opportunities.

My goal is that this declaration will be the foundation for ongoing policy development in multiple ministries, including the museum policy articulated in the former Heritage Minister's mandate letter; the Black cultural policy recently called for by the Parliamentary Black Caucus; the means to realize the goals of reconciliation with real reconciliATIONS; and the addressing of hallway medicine, mental health, global affairs and much more. In other words, to be the vision for improving society by ensuring the arts and creative expression are recognized and affirmed.

[Translation]

There are some big underlying questions that I have been ruminating on for decades now. To whom does culture belong? Who gets to determine one's future? Where does policy come from, from the top down or from the bottom up? What is the right balance between governments' philosophies and the needs of the public?

The questions involving the need for public participation and creative education for people of all ages are addressed in paragraphs 2 and 3 of the declaration, which appears in the schedule to Bill S-208. It states that:

Everyone in Canada, including artists, has the right to freedom of expression and association, especially on issues and at times of public debate.

Canadians and residents of Canada of all ages, cultural diversities and backgrounds have the right to know and participate in their artistic memory and collections and in their material and built heritage, which together define our histories and experiences and our individual and community traditions.

[English]

And that:

People in Canada of all cultural diversities and backgrounds have the right to take part in the arts through access to and attendance at artistic events, including music, literature, drama, visual arts, film, dance, theatre and all performing arts.

And also:

People in Canada of all ages, including children and youth, have the right to engage in artistic creativity and the expressive arts, including the right to learn and acquire the knowledge and the creative processes and skills needed to play a musical instrument, draw, dance, compose, write, design or otherwise live a life of creative innovation.

• (1540)

Honourable senators, valuing creative talent values all Canadians — their voices, well-being, sense of identity and sense of belonging — while simultaneously enriching our economy and enhancing our international profile and understanding. I had high school students to people in their nineties, and one young focus group participant opined that, "The role of the artist as the storyteller is key to humanity and society."

Youth participants, however, also talked about discouragement, stress and fear of the economic aspects in entering their art careers. I know they will change and improve the system, but they need help as they find new ways of creating and engaging. Those who may not be art stars, but who have much to say and contribute, need encouragement.

In closing, let me quote some recurring opinions that ran through our sessions. One participant said, "This is ambitious and historic. It will be a milestone." Another said that:

The multi-faceted nature of the arts and the many diversities and First Nations it reaches has its own tensions and complexities. It is important, and time, to address the breadth of issues it involves for artists, arts workers and audiences.

Finally, a third felt that, "It is a form of cultural democracy recognizing history, tradition, now and the future."

Honourable senators, artists are rightly regarded as thought leaders. They are visionary and honest in their work.

[*Translation*]

The arts have close ties to both the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

They were a major theme of our discussions. Participants said that the Declaration on the Essential Role of Artists and Creative Expression in Canada provides a basis for honouring the creative community, recognizing Indigenous languages as a key part of Indigenous culture, and promoting understanding of and protections against cultural appropriation.

[*English*]

It also touches on the rights of future generations. Richard Hunt, Kwakwaka'wakw artist, has said over many years, and again last month that:

When I make something, I am claiming rights to it for myself, and at the same time for our children and all Kwakwaka'wakw people. They are the ones who really own it.

In our sessions, musician and writer Tom Jackson articulated this so aptly:

Art is not power; it proclaims truth, history, memory and future vision simultaneously. It is a reality and at times a tension between what is and what should be.

He added, "Art saves lives." Such a powerful truth. He noted art embraces compassion, empathy and hope, and ". . . talks to us, moves us through its tools of change." Why? He said, "People must understand emotion — from the heart and not just dollars." I agree wholeheartedly.

The 10 short points in this declaration respecting the essential role of artists and creative expression in Canada provide the base for cultural recognition in Canada's social, developmental, innovation and international policies. Giving access to the past and present, it will contribute to a vibrant future, and be an important element in reconciliation, in addressing racism and many critical concerns through society. As I have written in other contexts, artists' voices raise critically important societal concerns. We must listen to those voices in all their creative media. They tell us so poignantly who we are, what we must cherish and what we must address as a society.

Honourable senators, you know I believe we are all better off when we are all better off. This declaration gives the opportunity to make many situations better and Canada's creators and communities better off. I ask for your support of this declaration respecting the essential role of artists and creative expression in Canada. Thank you.

Hon. René Cormier: Senator Bovey, thank you so much for your engagement in arts and culture and all the work that you are doing. I think this is a very interesting bill; it is very broad with a lot of objectives, and I appreciate that. I saw that the minister will

have to consult with a lot of different components, ministries and provinces, and I always get a little nervous when I see such a list when we see that one of the main problems in Canada in terms of cultural policy is the fact that we work in silos. Consultation is good, but it might not be enough. I wonder if you could reflect on what might be the mechanism that could be created so the minister would have a real tool to consult and work with partners.

Senator Bovey: That is a very true and good observation. Indeed, it's a challenge. Senator Cormier, I believe — and I think you and others do too — that there is not one sector of society that is not touched by artists and arts.

I developed an octopus a number of years ago with the eight tentacles representing the eight key issues that every level of government needs to resolve. They include crime prevention, economy, jobs, health, education, tourism, and on it went for eight of them. My research for over 20 years was looking at anecdotal and empirical data that fed into each of those. I believe that not one of those problems in society can be solved without the inclusion of the arts. The arts will resolve some of them and will provide questions for others. The challenge is to have us, as parliamentarians, work across sectors, across disciplines and across political lines — if we have political lines — and have those discussions about what it means. The list of ministries is really articulating where some of that help can come from.

I can assure you, of the more than 600 people I spoke to, many of them are working with this in those sectors and with their politicians at every level. Some of you will know that I have prattled on about this for a number of years, and I will keep doing so.

Senator Cormier: Senator Bovey, could you share with us your thoughts about the link between this declaration, which is a great idea, and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. I think you quoted that. How do you link both of those tools now?

Senator Bovey: That is another good question. Thank you. I happen to believe that artists or creators of whatever diversity work with essentially the same tools. Musicians work with instruments and music. Authors work with words, be it poetry or novels. Visual artists work with paint or drawings or whatever. Whether we are Indigenous or not Indigenous, whatever cultural diversity and whatever we have grown up with, the basic tools are essentially similar.

We have allowed them to be classified. I want to get rid of those classifications. That's why I'm questioning the sense of excellence in grant-giving for artists. Who defines excellence? What does it mean? I believe the word excellence in Indigenous visual art, music, drama, or whatever, may be quite different than for those of us from a Caucasian background. I think we need to start opening up, and artists are challenging me to do that.

These sessions were rich. They were fun. They were hard. But my staff and I were being challenged, and rightly so. This is the result of those challenges. It's possible if we open our minds. We have two ears and two eyes, right?

[Senator Bovey]

• (1550)

(On motion of Senator Martin, debate adjourned.)

PANDEMIC OBSERVANCE DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mégie, seconded by the Honourable Senator Loffreda, for the second reading of Bill S-209, An Act respecting Pandemic Observance Day.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

[*Translation*]

REFERRED TO COMMITTEE

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

(On motion of Senator Mégie, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

FIGHTING AGAINST FORCED LABOUR AND CHILD LABOUR IN SUPPLY CHAINS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Miville-Dechéne, seconded by the Honourable Senator Cormier, for the second reading of Bill S-211, An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act and to amend the Customs Tariff.

Hon. Julie Miville-Dechéne: I will wrap up quickly. I spoke about this bill yesterday, and I will remind you that it is called the Fighting Against Forced Labour and Child Labour in Supply Chains Act. Briefly, it would require major companies with headquarters located in Canada to report once a year on the risk that forced labour or child labour is used in their supply chain, in an attempt to ultimately reduce the risk, ensure greater transparency and give consumers more tools to make their decisions.

I was getting to the conclusion. In closing, I would say that Bill S-211 seeks to make a modest contribution to a much broader and longer-term objective, which is the alignment of our trade and economic activities with the imperatives of social and environmental sustainability.

Canada has made many commitments internationally, but we have yet to include them in our domestic legislation. I will repeat that we are lagging behind.

Canada is a rich, free and modern society that respects the protection of human rights in principle. If we can't act decisively to limit modern slavery practices in our supply chains, we run the risk of losing the moral authority that we cherish and being seen as hypocrites. That is not what I want.

That is not what some of our largest companies want either. One example would be Canadian Tire, a company that put robust systems in place to assess its foreign suppliers several years ago.

Other companies are setting an example, such as Canadian athletic wear company Lululemon, along with Adidas, Gap Inc. and others, according to a ranking by KnowTheChain.

Currently, responsible businesses like Canadian Tire and Lululemon are at a disadvantage compared with unscrupulous competitors who can sometimes pay less for products manufactured in inhumane conditions. Bill S-211 would help shed light on these practices and discourage them as much as possible, which would promote more honest competition that does not rely on slave labour. In doing so, we will stop punishing, through our own inaction, the many companies that want to do the right thing.

Canada would also catch up to its peers and would be in a position to act in accordance with its values.

Esteemed colleagues, I humbly suggest that Bill S-211 deserves to be studied in committee. I am obviously prepared to take questions, if you can remember the whole speech I gave 24 hours ago.

[*English*]

Hon. Ratna Omidvar: Thank you, Senator Miville-Dechéne. You have been an effective advocate in preventing child labour, and I appreciate the distinction you made in the bill between child labour and forced labour. They are both beasts, but they are beasts of a different kind. My question is about child labour.

When we squeeze the supply chain so that consumers make the call on buying ethical products, the downward impact is on the children in other countries that have no other means of survival outside of working in these factories. I know that when that means of employment is removed, they will turn to drugs. They will turn to crime. They will turn to prostitution. They may even turn to selling their organs on the free market. I know this: I have seen it.

When this bill goes to committee, can we consider complementing this measure with other measures that speak to development assistance, so that when children are no longer able to work they can be guaranteed education and health?

[Translation]

Senator Miville-Dechêne: That is an excellent question, Senator Omidvar. Of course, as I've said many times, this bill is only a first step. It is absolutely true that a child working in a factory or a manufacturing plant somewhere in developing countries can feed an entire family.

Secondly, there is something called "remediation measures," which could perhaps be discussed at committee and explored further. Under these measures, once the problem is discovered, once a child is found to be working for them, companies are required to do more than just send the child away and say they don't want them working there anymore. There are scholarship programs for such children so they can return to school full time, while earning a small income for the family to survive.

There are all sorts of remediation measures, and that's clearly the key. When we start doing these investigations, the idea is not to ban companies from our supply chain the minute a problem is found. The idea is to give them a chance to make things right. We know that banning a company or removing it from the supply chain can result in thousands of adults and children losing their jobs. Yes, companies have to do more. We also need to make sure there's a social safety net in place around these companies. Non-profits can help for sure, but the solution to forced labour and child labour is obviously for rich countries like Canada to provide more international aid. We need to focus on education because that is what can change lives in the medium term. This measure alone is sure to get that conversation started within companies. I don't claim to know how to solve the enormous problem of child labour. We're talking 150 million children who work and 73 million who work in dangerous and difficult conditions. Not all of these children are in forced labour situations like those who work in mines, but we are talking about a huge number of human beings.

[English]

Hon. Robert Black: Senator Miville-Dechêne, I'm thinking of many farm families across Canada who employ and engage young family members and others in farm operations doing things like picking rocks and sticks or being at the upper end of a bale elevator during peak heat in barns. These are activities that, in my youth, I sometimes considered cruel and inhumane punishment. Your bill speaks to minimum age requirements to work, so will it adversely impact farm families and farming operations here in Canada?

Senator Miville-Dechêne: Senator, I would definitely say no regarding the specific question you are asking.

When we talk about modern slavery and forced labour, the terms are not synonyms for hard work. You can have hard work, and it doesn't have to be modern slavery. In the definition of forced labour, you have the notion of constraints. It can be a debt bondage or a confiscation of your documents. Obviously, exploitation is part of it. It's a definition that's different from hard labour, which can happen in construction sites and in many places in Canada.

• (1600)

Honourable senators know that children working in Canada is a provincial jurisdiction and different provinces in Canada have different rules about it. In general, when a human being is not yet 18 years old, there are restrictions. They can work before the age of 18 on the condition that they go to school and work does not interfere with schooling. In Canada there are already laws that apply to children that will not be touched by this particular bill.

Now to the essence of your question, no, I don't think that family farms will be touched. If you go back to the bill, we're talking here about large enterprises. I will read the definition of what we're talking about so that you know we're not talking about your regular family farm.

The entity covered has at least \$20 million in assets or has generated at least \$40 million in revenue, and/or employs an average of at least 250 employees. This is not a family farm; however, it could be an agribusiness that, for example, imports tomatoes and transforms them. They would probably be touched if they are big, but not the family farm.

Senator Black: Thank you.

(On motion of Senator Ataullahjan, debate adjourned.)

CRIMINAL RECORDS ACT

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 Miville-Dechêne, for the second reading of Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I speak today from the traditional unceded territory of the Mississaugas. I stand in support of Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation. I thank Senator Pate for reintroducing this bill.

The current state of the criminal record expiry application process is prohibitive. For many prisoners who have completed their sentence, re-entering society is challenging enough as it is. Those who cannot participate in this process are consequently punished for the rest of their lives. The record expiry process is clearly not about justice. It is an outdated process that benefits no one. It is harmful to people attempting to get their life back together during a very challenging transition.

The process of requiring people to apply for a record expiry is unjust because it is inaccessible and unnecessary. Accessibility is about equity; it is about ensuring that people who face structural barriers such as racism, poverty and ableism are able to take part. Contrary to popular belief, many people leaving prison are vulnerable. This includes but is not limited to Black and Indigenous people, and people living with mental illnesses and addiction.

The first accessibility issue is the availability of resources needed to apply. People must invest time and resources into the application, including the daunting fee of \$657.77. The fee increased by \$481 in 2012, and according to the stats from 2017-18, 40% fewer people applied.

The decrease in applications shows that the fee presents a significant financial barrier, given that most former prisoners are not able to find meaningful employment with a criminal record.

Black people and women are two groups that experience more difficulty gaining employment with a criminal record. The combination of unemployment rates and such a high fee are unreasonable. Access to this process should not be a privilege reserved for the wealthy.

The second accessibility issue I identify is the ease of understanding the process. Many people are not aware of how to apply for record expiry. In addition to understanding the process, they need to be aware of how their criminal record, left as is, could impact their life long term.

Many people may not know the full impact of a lingering criminal record. For example, it can impact finding employment, securing housing and the ability to travel. It can influence child custody decisions and can impact accessing financial aid or credit.

The third accessibility issue is literacy. How many of us can relate to the struggle of filling out an application form full of legal terminology that we do not understand, only to become frustrated enough to give up? Many people do not have the literacy skills to be able to follow through with this process, or the confidence or ability to seek help with their application. The solution is simple. Criminal record expiry should be automatic with no fee.

Honourable senators, some time ago I was the victim of a crime and found myself at the police station to report it. The officer showed me a lineup of mug shots of men who matched the general description of the suspect we were looking for. As I looked through the mug shots, I recognized one of the young Black men in the lineup, not as the person I was supposed to be identifying but as the son of a close friend of mine. I knew his story. I remembered that when he was a young man, just barely

past the age of majority, he was charged as an adult for a crime he had committed. He served his time and had since moved on from that chapter in his life. He has since experienced success in post-secondary education and employment in his chosen field.

Despite having moved on from that time in his life, a photo of his face was still actively being shown in a lineup, meaning he could be brought in at any point in time as a suspect for a future crime.

You can imagine my dismay when I saw his face when asked to identify someone related to a crime that he clearly was not connected to. Why should his face appear as an option for a future crime, despite the fact that after some time has passed a formerly convicted person is no more likely to commit a crime than someone without a former conviction?

I decided to let his mother know what I had seen so she could inform him. He was able to apply to have his record cleared, which would also remove his image from lineups in the future.

I think about this man and what would have happened if he had not applied to have his record expunged. What would have happened if someone else had looked at that same photo lineup for a future crime and mistakenly chosen his face, despite his innocence? What if someone who viewed that lineup was his employer, a colleague or a client? How would that impact his career and reputation? What about the next time he gets pulled over for a traffic check? As a Black man, he is already at risk of racial profiling.

According to the Halifax Wortley report on street checks, Black men in Halifax are 9.2 times more likely to be stopped in a street check than the rest of the population.

What if the police officer recognizes him as one of the men in the lineup and has his mind made up that he must be up to no good? These scenarios may seem hypothetical but are unfortunately all too familiar for Black men.

• (1610)

The fact that he could continue to be punished for the rest of his life is unjust. Situations like these that discriminate against former prisoners are avoidable altogether by making record expiry for certain charges automatic.

Honourable senators, the criminal records expiry process serves no purpose other than to keep punishing vulnerable people for a crime they already atoned for. Amending the Criminal Records Act would be the bare minimum to ensure equitable treatment of vulnerable Indigenous, Black and racialized Canadians who are being unjustly held back by the current state of the record expiry process.

I will be supporting this bill. I encourage my colleagues to understand how beneficial this change could be to so many individuals working hard to get their lives back on track.

Asante. Thank you.

Some Hon. Senators: Hear, hear.

[Translation]

Hon. Pierre-Hugues Boisvenu: Would the senator take a question?

[English]

Senator Bernard: Yes, certainly.

[Translation]

Senator Boisvenu: I find it questionable that you are focusing on the exceptions, making general statements and applying them to every criminal. Take, for example, an individual who leaves prison after being convicted of selling drugs to children — and we know the consequences — and who asks the state to expunge his criminal record. Who is responsible for paying for that expungement? An honest citizen or the criminal himself?

[English]

Senator Bernard: Senator, thank you for the question. The reality is that there are certainly some charges for which an automatic record suspension would not be considered the best course of action. We're arguing in this bill for creating conditions for those for whom it is the best course of action.

There are many vulnerable people who end up on the wrong side of the law. They do their time and have every right to be able to get their lives back on track and to return to society without barriers. It is our responsibility, I do believe, to remove barriers so that people have an opportunity for rehabilitation and reintegration into society.

[Translation]

Senator Boisvenu: Would the senator take another question?

[English]

The Hon. the Speaker pro tempore: You have four and a half minutes remaining in your time. Would you take another question from Senator Boisvenu?

Senator Bernard: Yes.

[Translation]

Senator Boisvenu: In our society, the principle of rehabilitation depends on accountability. If the government pays for all citizens' expenses, we are making citizens unaccountable. If an individual commits a traffic violation, such as impaired driving causing bodily harm, the justice system will order an electronic starter device to be installed in their car at a cost of roughly \$800. The system ensures that it is the individual who committed the offence who pays for the ignition interlock device. When a criminal record is expunged, why make society pay fees that should be charged to the criminal?

[English]

Senator Bernard: When an individual has committed an offence, has been found guilty of that offence and has been punished for that offence, they have indeed been punished and

have atoned for that offence. Why should the punishment continue through a lack of access to opportunities to rebuild one's life and lack of opportunity for reintegration in society?

For some people, it may not be reintegration. It may be integration into a society which already had them on the margins in some way.

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

INTERNATIONAL MOTHER LANGUAGE DAY BILL

SECOND READING

Hon. Mobina S. B. Jaffer moved second reading of Bill S-214, An Act to establish International Mother Language Day.

She said: Honourable senators, I rise today to speak to Bill S-214, An Act to establish International Mother Language Day. International mother language day is not a legal holiday, nor a non-judicial day.

[Translation]

Honourable senators, let me begin by saying that this bill is important, and not just for people who speak several languages.

[English]

It is one important way we can strengthen Canada's core values of inclusion, openness, equity and respect for all people and their identities. I strongly believe in these values. That is why I'm so incredibly passionate about the mother language bill which will legislatively enshrine February 21 as international mother language day across all of Canada's provinces and territories, as have the UN and many other countries around the world.

[Translation]

I am passionate about celebrating one's mother language. For my entire life, languages have been central to my own identity and my family's collective identity in Canada.

[English]

As a girl, I was raised to be proud of Kutchi. It was my identity and I spoke Kutchi.

Now, as a practising Ismaili woman of African and South Asian descent, who was born in Uganda, studied in England as well as Canada, and now calls Vancouver home, speaking Kutchi remains part of my Canadian reality and identity. As a mother and grandmother, I carry forth the fight for recognition of all mother languages.

[*Translation*]

I fight more specifically for all of the young people who are passionate and proud about their mother tongue.

[*English*]

I fight to ensure that all young people, including my own grandchildren and great-grandchildren to come, know that their mother tongue is what identifies who they are. My own son learned our mother tongue and had several job applications because he spoke Kutchi.

When I speak to young Canadians, I feel empowered to continue my fight for the recognition, appreciation and celebration of all mother languages spoken across Canada.

Every day, my grandson Ayaan inspires and reminds me to keep up this fight. I would like to share with you what he submitted to the Standing Senate Committee on Social Affairs, Science and Technology about why the former bill, and now this bill as well, are so important to him:

My name is Ayaan Jeraj and I am a 9th Grade student at the Prince of Wales school in Vancouver, BC.

This Bill is very important to me as both my sister and I are encouraged by our parents and grandparents to speak our mother tongue.

I feel the strength of my connection to my family, my friends and my country when I can speak in Kutchi. This Bill will ensure all people, of all ages in Canada will be able to speak their mother language.

Both my sister and I speak English and French, and just as much we want to make sure we can also speak Kutchi.

• (1620)

Senators, by officially recognizing this day on February 21, we are expanding awareness of one another and the way Canada and all the people in our country think. And that is our identity.

I was moved to hear another young person's story, Anushua Nag. Many of you will know her as a staff member with Senator Dalphond. When she heard about this bill, she reached out to me and told me why it meant so much to her to speak her mother tongue and how important this bill was to her.

I am a child of immigrants from Bangladesh, and a Bangladeshi immigrant myself, but my mother language is not Bengali. The first language I learned to speak was Sylheti.

It did not take long before I lost the ability to properly communicate in Bengali, but Sylheti I retain as the principal means of communication with, and connection to, my parents, whom I cherish dearly.

It is difficult for me to limit my identity to only one language, even when I am asked on a form to confirm my "preferred" language. With my partner at home, I speak

English. With my brother, I speak French. Most dearly, with my parents, I speak Sylheti. I identify with all three of these languages and each for very different reasons.

Anushua's words should remind us that mother languages are part of our identity.

[*Translation*]

Sadly, we continue to see people in Canada and around the world suffering from the effects of the COVID-19 pandemic. In spite of our differences, I think it is essential that we continue to love and understand one another.

[*English*]

As a woman who fled my home to come to Canada, every day I wake up proud to be part of this great country. However, I know this gratitude cannot overshadow my awareness of the issues which racialized — and particularly Indigenous peoples — face on a daily basis.

Throughout the pandemic, we have seen the centring of Indigenous voices, ideas and perspectives in our collective Canadian society. Recent nationwide protests and marches for justice stand to remind us exactly why it is so important that all Indigenous peoples feel accepted when they speak in their mother tongues to their friends, extended families, communities and, most of all, when they are speaking truth to power.

For good reason, many of our traditional celebrations in Canada will never be the same. We are reckoning with our past, so as to pave the way for a brighter present and better future.

A huge part of this journey is about taking steps that embody truth and reconciliation. I believe this bill is a small but important step on this journey.

Currently, there is no legislation that explicitly protects or promotes any native languages apart from our official ones, English and French. Without a bill to explicitly recognize and celebrate the mother languages of all cultures and heritage, there is no real protection for any traditional language.

As I speak, more than 60, and as many as 70, unique Indigenous languages are spoken across Canada. Tragically, many Indigenous languages have disappeared. Every time a language disappears, a part of our Canadian identity disappears with it. Despite the laudable efforts of the government with Bill C-91, An Act respecting Indigenous languages, of all the registered Indigenous languages only four are considered safe from extinction.

My province of British Columbia is home to more than half of all Indigenous languages. Sadly, only 1 in 20 Indigenous people in my province are fluent in their language, and almost all of them are elders. Many of these languages date back thousands of years, but today we Canadians have allowed them to teeter on the verge of extinction.

As we all continue to work toward reconciliation in Canada, a mother language bill is a real way for the federal government to honour and uphold its long-standing commitment to building a strong nation-to-nation relationship with Indigenous — namely First Nations, Inuit, Métis and non-status — peoples.

A mother language bill ensures Canada openly acknowledges the contributions of all Indigenous languages spoken across the country and traditional territories and the role each one plays in allowing Indigenous peoples to freely speak in the language they were gifted at birth.

[Translation]

Honourable senators, over the past year and a half, I have really felt the strength of my bond with my family, friends and country when I have spoken to them in my mother tongue.

[English]

To me, that is why international mother language day is more than a bill. It is a day to celebrate the freedom to communicate in the language of your mother. It is your identity. Languages allow us to build new and unique relationships and promote the sharing of untold stories, tales of spirituality, compassion and humanity.

Particularly, as we begin to see the light at the end of the tunnel of pain caused by the pandemic, it is really uplifting to be able to speak in my mother tongue on Zoom every Saturday morning to my extended family around the world. Those conversations mean the world to me, and I wish nothing more than for every single person in Canada to feel free to not just speak but be proud of their mother tongue.

[Translation]

That is why I am raising the issue again today. I want each of you to know that I will persevere until this bill is passed.

[English]

Honourable senators, I had a very long speech that I have been making for five years. This time, as you can see, my speech is much shorter. But I would be remiss if I didn't acknowledge my friend Senator Salma Ataullahjan. For the fifth time, Senator Ataullahjan, we will both be making the same speech.

I hope that this time, senators, you will support us on this bill. Thank you very much, senators.

Some Hon. Senators: Hear, hear.

Hon. Salma Ataullahjan: Honourable senators, following Senator Mobina Jaffer's example, I think I have a two-and-a-half-minute speech.

Honourable senators, I rise today to speak to Bill S-214, An Act to establish International Mother Language Day. Bill S-214 is a legislative proposal to designate February 21 as international mother language day. I would like to thank Senator Jaffer for reintroducing this and giving me the opportunity to speak again on the importance of proliferating mother languages.

[Senator Jaffer]

As a country with multilingualism at its core, we need to recognize and understand the importance of preserving all mother languages. Professor Wade Davis put it more eloquently than I could when he said in the *Canadian Geographic*:

A language, of course, is not just a set of grammatical rules or a vocabulary; it's a flash of the human spirit, the vehicle by which the soul of a particular culture comes into the material world. Every language is an old-growth forest of the mind, a watershed of thought, an ecosystem of social, spiritual and psychological possibilities. Each is a window into a universe, a monument to the specific culture that gave it birth and whose spirit it expresses.

• (1630)

I know first-hand the correlation between my mother tongue and my identity. Speaking Pukhto, or Pashto, is more than a means to communicate; it connects me to my ancestors; it allows me to understand the literature, art and poetry of my homeland.

It was for those reasons that I made it a priority to teach my mother language to my two daughters, Anushka and Shaanzeh. By doing so, I was able to share a part of my identity, history and culture with them. My daughters' lives and my life have been positively impacted in numerous ways because of our ability to communicate in our mother tongue. That is worth celebrating every year on February 21.

Of course, we cannot speak about the importance of preserving mother languages in Canada without considering our Indigenous population, many of whom were forcibly stripped of their mother tongues. Honourable senators, the importance of mother tongues cannot be undervalued because we know that once a language dies, the knowledge and heritage it contains dies with it, forever diminishing our society as a whole.

As parliamentarians, we must encourage Canadians to celebrate and preserve our linguistic diversity. Bill S-214 fulfills these aspirations by raising awareness and promoting education of mother languages.

In closing, I would ask, honourable senators, that we consider the questions posed by Professor Wade Davis:

... But what of the poetry, songs and knowledge encoded in the other voices, those cultures that are the guardians and custodians of 98.8 per cent of the world's linguistic diversity? Is the wisdom of an elder any less important simply because he or she communicates to an audience of one? ...

Senator Jaffer, thank you for your tireless work on this bill or, as we say in my mother tongue, *manana*. Thank you, honourable senators.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

THIRD READING

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

Hon. Mobina S. B. Jaffer: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

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

INCOME TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Duncan, for the second reading of Bill S-216, An Act to amend the Income Tax Act (use of resources of a registered charity).

Hon. Terry M. Mercer: Honourable senators, I would like to begin by acknowledging that I am joining you from the ancestral and unceded territory of the Mi'kmaq people.

I rise today to speak briefly to Bill S-216. I feel a bit of déjà vu right now, as we have seen this exact bill before. I am pleased that Senator Omidvar has reintroduced it in the Senate. It is a very important tool that charities will be able to use to fulfill their goals of better communities and indeed a better world.

Colleagues, as I said the last time we saw this bill, the very fact we even need it is one proof of the outdated, complex and expensive rules and regulations charities face. As has been stated, the report from the Special Senate Committee on the Charitable Sector pointed out this problem and many more. Why we continue to force charities to operate under outdated rules remains a mystery to me.

This bill will provide a significant step forward in helping the charitable sector chart a new course in the delivery of its services.

Bill S-216 amends the Income Tax Act to:

. . . permit charities to provide their resources to a person who is not a qualified donee, provided that they take reasonable steps to ensure those resources are used exclusively for a charitable purpose.

I believe that this bill not only clarifies the rules around the use of resources, but also protects accountability and will surely enhance our trust in how charities will be able to operate under the changes proposed.

All of this being said, I believe you will find that this bill has our support and that we are now ready for the question.

Thank you, honourable senators.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak briefly as critic for Bill S-216, formerly Bill S-222, An Act to amend the Income Tax Act (use of resources), also known as the Effective and Accountable Charities Act.

Our leader, Senator Don Plett, was the critic of this bill in the last Parliament and commended Senator Omidvar for doing her work on this issue and for bringing this bill forward. In this new parliamentary session, Senator Omidvar reintroduced her Senate public bill and has already spoken very clearly to the importance of this bill; thus, I will keep my remarks brief like Senator Mercer, who was the chair of the Special Senate Committee on the Charitable Sector, a committee on which, along with Senator Omidvar, I had a chance to serve as well.

We heard first-hand from witnesses and organizations about the issues affecting charities across Canada. Our study brought to light many of the challenges faced by the charitable sector and highlighted key changes that need to be made.

Bill S-216 will do exactly that. It will amend the Income Tax Act to permit charities to provide their resources to a person who is not a qualified donee provided that they take reasonable steps to ensure that those resources are used exclusively for a charitable purpose.

I will quote from some very credible witnesses who were heard at the Standing Senate Committee on National Finance in the last Parliament. They said it best, as did Senators Omidvar and Mercer.

Terrance S. Carter, Managing Partner of Carters Professional Corporation, said:

. . . the amendments proposed in Bill S-222 would, one, lift an unnecessary burden from Canadian charities that have been hampered far too long by antiquated income tax provisions that are out of touch with reality and international standards; and two, would replace it with a regime of resource accountability that would allow charities to work with non-qualified donees, both internationally and domestically, in order to more effectively achieve their charitable purposes.

Bruce MacDonald, President and Chief Executive Officer of Imagine Canada, said:

This bill is another example of the need to evolve the regulatory and legislative framework in which social good takes place. . . . This is a common sense approach to improving the ability of charities to work in meaningful partnership with non-charities in a manner that ensures both accountability and transparency. . . .

In short, I strongly support Senator Omidvar's bill and ask all honourable colleagues to approve speedy passage of this bill in our chamber so that a message can be sent to the House of Commons to bring us one step closer to bringing Canadian law governing the charitable sector into the 21st century.

Finally, in Senator Plett's own words: This bill is long overdue. Thank you.

• (1640)

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

BILL TO AMEND—THIRD READING

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

Hon. Ratna Omidvar: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

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

Senator Patterson: Bravo.

Some Hon. Senators: Hear, hear.

[Senator Martin]

NATIONAL RIBBON SKIRT DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Miville-Dechéne, for the second reading of Bill S-219, An Act respecting a National Ribbon Skirt Day.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator McCallum, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

[*Translation*]

LANGUAGE SKILLS ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Claude Carignan moved second reading of Bill S-220, An Act to amend the Languages Skills Act (Governor General).

He said: Honourable senators, I rise today to talk about Bill S-220, An Act to amend the Languages Skills Act (Governor General), whose sole purpose is to add the office of Governor General to the list of offices subject to the Language Skills Act. This bill would add the office of Governor General of Canada to the list of the 10 officers of Parliament who must be bilingual at the time of their appointment.

These officers of Parliament occupy very high-level positions. They are at the top of our administrative institutions. They are appointed by the House of Commons, or by the House and the Senate, as the case may be. They include the Auditor General of Canada, the Chief Electoral Officer, the Privacy Commissioner, the Commissioner of Official Languages, the Information Commissioner, the Senate Ethics Officer, the Conflict of Interest and Ethics Commissioner, the Commissioner of Lobbying, the Parliamentary Budget Officer, the President of the Public Service Commission and the Public Sector Integrity Commissioner.

[English]

On July 6, 2021, the Prime Minister of Canada announced the appointment of Mary Simon to the position of Governor General of Canada. The new Governor General speaks English and Inuktitut but does not speak French, one of Canada's two official languages. Following this appointment, the Commissioner of Official Languages received over 1,300 complaints on the inability of the Governor General to communicate in French.

[Translation]

The Official Languages Act requires federal institutions to take concrete and intentional positive measures to ensure English and French bilingualism in Canada. In addition, the Prime Minister, who is not a federal institution subject to the act, has the prerogative of appointing the Governor General and is not bound by the recommendations made by the Privy Council Office, unless that power is enshrined in a law, such as the Language Skills Act or the Official Languages Act.

Like the many Canadians who complained to the Commissioner of Official Languages, I was exceedingly surprised and disappointed to learn that a person who can't speak both official languages was being appointed to the position of Governor General of Canada.

The new Governor General's linguistic shortcomings do not diminish the prestige of her other professional skills or her remarkable career.

I absolutely agree that Mary Simon is a very fine person, and I am not calling that into question with this legislation.

However, honourable senators, for someone in the position of Governor General, a lack of proficiency in one of the two official languages is a serious problem. We're not talking about a trivial or secondary position. We are talking about the head of state who represents our country and serves as commander-in-chief of our military. The Governor General performs these duties not only in Canada but also abroad. In this capacity, the Governor General performs several functions.

The Governor General's official website sets out her responsibilities as follows.

[English]

The Governor General exercises the powers and responsibilities of the head of state, Her Majesty The Queen. As such, the Governor General is non-partisan and apolitical. As the Queen's representative in Canada, the Governor General has a number of responsibilities, one of the most important being to ensure that Canada always has in place a Prime Minister and a government that have the confidence of the Parliament. The Governor General's other constitutional duties include swearing into office the Prime Minister, cabinet ministers and the Chief Justice of Canada.

[Translation]

She also summons, prorogues and dissolves Parliament, delivers the Speech from the Throne and gives Royal Assent to acts of Parliament.

[English]

Her responsibilities also include appointing members of the Privy Council, lieutenant-governors and certain judges on the advice of the Prime Minister and signing into effect official documents such as orders-in-council.

[Translation]

You will agree, colleagues, that these are responsibilities of the highest order. In fact, the Governor General is at the top of our constitutional hierarchy.

As part of her duties, the current Governor General recently participated in the following events. On December 2, she presented letters of credence to diplomats. On November 23, as we all witnessed, she delivered the Speech from the Throne and also held a meeting with the President of the Republic of Kosovo. On November 18, she participated in the unveiling of a commemorative stamp. On November 11, she participated in the National Remembrance Day Ceremony. On November 8, she honoured members of the Canadian Armed Forces. On November 6, she attended the 2021 Sobey Art Award ceremony. On November 1, she invested 97 members of the Canadian Armed Forces into the Order of Military Merit. On October 8, she visited the Ottawa Mission.

• (1650)

As part of her duties, the Governor General is routinely called on to interact with Canadians who speak both of Canada's official languages. Furthermore, as we have seen, she also represents Canada abroad.

The Governor General's official website also states the following:

The governor general also plays an important role in international relations by travelling abroad on State and official visits. During State visits, the governor general is often accompanied by a delegation of prominent Canadians representing various areas of expertise. The goal in conducting international visits is to promote Canada, deepen people-to-people ties and strengthen Canada's relationships with international partners.

What message does a unilingual anglophone Governor General send to other countries? The answer is obvious: Canada is a unilingual anglophone country.

Yet the richness of our country stems from the vitality of its two official languages, French and English, the languages of its founding peoples. We also have the benefit of cultural and linguistic diversity, which includes Indigenous languages and makes Canada unique in the world. Nevertheless, when a country's head of state speaks only one of the country's official languages, it creates a sort of anachronism or incongruity.

I will quote another passage from the official website:

As Commander-in-Chief of Canada, the governor general plays a major role in recognizing the importance of Canada's military at home and abroad. The commander-in-chief offers support and encouragement to members of the Canadian Armed Forces and their families and loved ones, while helping Canadians recognize the military's past and present contributions to our country.

How can the Governor General recognize the important role of francophone soldiers and offer support and encouragement to their families and loved ones if she cannot communicate with them in their language?

Our country was built on linguistic duality, and with Confederation, that linguistic duality was codified, including in the founding text of our country, the Constitution of Canada. Section 133, which is entitled "Use of English and French Languages," states:

Either the English or the French Language may be used by any Person in the Debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those Languages.

Several decades later, in 1969, the Official Languages Act was voted on and passed on the recommendation of the Royal Commission on Bilingualism and Biculturalism, established by Prime Minister Lester B. Pearson. It came into force on September 7, 1969, and established English and French as the official languages of Canada.

The act created the Office of the Commissioner of Official Languages to oversee its implementation. Under the act, all federal institutions must provide services in English or French, based on demand.

Then, in 1982, we amended the Canadian Constitution by adopting the Canadian Charter of Rights and Freedoms, which is enshrined in the Constitution. That gave the two official languages even more weight. In particular, sections 16 and 20 of the Charter read as follows:

16 (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Section 20 reads as follows:

20 (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament

or government of Canada in English or French, and has the same right with respect to any other office of any such institution where (a) there is a significant demand for communications with and services from that office in such language; or (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Also, section 96 of the Canadian Constitution states the following:

Appointment of Judges

The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Honourable senators, you are no doubt aware that Supreme Court judges are not required to be bilingual. Section 16 of the Official Languages Act states:

Every federal court, other than the Supreme Court of Canada, has the duty to ensure that (a) if English is the language chosen by the parties for proceedings conducted before it in any particular case, every judge or other officer who hears those proceedings is able to understand English without the assistance of an interpreter; (b) if French is the language chosen by the parties for proceedings conducted before it in any particular case, every judge or other officer who hears those proceedings is able to understand French without the assistance of an interpreter; and (c) if both English and French are the languages chosen by the parties for proceedings conducted before it in any particular case, every judge or other officer who hears those proceedings is able to understand both languages without the assistance of an interpreter.

The Trudeau government announced that it planned to amend this provision of the Official Languages Act and make it mandatory for Supreme Court judges to be bilingual. In June, right before Parliament adjourned for the summer, it introduced Bill C-32, An Act to amend the Official Languages Act and to make related and consequential amendments to other Acts. Clause 11 of this bill states the following:

11 (1) The portion of subsection 16(1) of the Act before paragraph (a) is replaced by the following:

Duty to ensure understanding without interpreter

That subsection of section 16 would then read:

16 (1) Every federal court has the duty to ensure that

Essentially, this clause proposes to remove the exception so that the Supreme Court is also required to be bilingual. This bill died on the Order Paper following the prorogation of Parliament. However, in its Throne Speech, the government announced the following:

As Canadians, our two official languages are part of who we are. It is essential to support official language minority communities, and to protect and promote French outside and inside Quebec. The Government will reintroduce the proposed Act for the Substantive Equality of French and English and the Strengthening of the Official Languages Act.

Therefore, the government intends to make bilingualism mandatory for Supreme Court justices. In so doing, it will reaffirm the importance of bilingualism in the highest offices of the land.

[English]

Moreover, in the statement regarding the 1,300 complaints his office received following the appointment of Mary Simon as Governor General, the Commissioner of Official Languages said this, among other things:

Institutional bilingualism depends in large part on the bilingualism of those occupying positions at the highest levels of the public service. Our leaders must lead by example and must be able to represent all Canadians in both official languages.

In the passage from the Speech from the Throne that I just read, I would like to insist on the following sentence: "As Canadians, our two official languages are part of who we are."

To illustrate and emphasize the importance of this statement, I have chosen the passage from the reference of language rights in Manitoba that was also taken up by the sovereign court in the *Beaulac* case:

Section 23 of the *Manitoba Act, 1870* is a specific manifestation of the general right of Franco-Manitobans to use their own language. The importance of language rights is grounded in the essential role that language plays in human existence, development and dignity. It is through language that we are able to form concepts; to structure and order the world around us. Language bridges the gap between isolation and community, allowing humans to delineate the rights and duties they hold in respect of one another, and thus to live in society.

That is why constitutional protection to ensure the integrity and equality of Canada's two official languages, English and French, by virtue of its minority status, not only in Canada but especially in North America, the French fact is threatened and losing ground across Canada.

• (1700)

Last winter, the government tabled a document outlining the Government of Canada's intentions with respect to official language reform and the plan to modernize the Official Languages Act.

[Translation]

The report is entitled *English and French: Towards a substantive equality of official languages in Canada*. In it, Minister Joly, the then official languages minister, wrote:

Our official languages are part of our identity; our past, our present and our future. They are meeting points and links between our cultures. They are at the heart of our country's social contract.

But the world is changing. The development of digital technology and international trade is favouring the use of English. As a result, the use of French is declining in Canada and its vitality is a cause for concern. We recognize that French is a minority language compared to English and that we have an increased duty to protect it. In order to achieve substantive equality between our two official languages, we must take concrete action. We must do this work together, with each other, in a climate of cooperation and acceptance. It is a matter of social cohesion.

I draw your attention to the following passage from the statement by Minister Joly that I just quoted:

. . . the world is changing. The development of digital technology and international trade is favouring the use of English. As a result, the use of French is declining in Canada and its vitality is a cause for concern.

We recently saw a striking example of that decline. Everyone will remember the infamous speech delivered to the Chamber of Commerce of Metropolitan Montreal by Michael Rousseau, the CEO of Air Canada. Air Canada's headquarters is in Montreal, the largest francophone city in North America, and this company is subject to the Official Languages Act. Mr. Rousseau gave his speech entirely in English. When questioned by reporters afterwards, the CEO said that he did not speak French, despite living in Quebec for more than 14 years, but that this had never stood in his way. On top of that, he said that he had more important priorities as CEO than learning French.

Two of Trudeau's ministers joined the chorus of statements and condemnations that followed this regrettable incident. The Minister of Official Languages, Ginette Petitpas Taylor, said the following:

Our two official languages are our strength and our leaders must promote them. I invite you all to make the effort to learn the beautiful French language.

The Minister of Canadian Heritage made the following statement:

Air Canada must do its part to respect our two official languages, particularly French. Quebecers have the right to expect that an example will be set at the highest level.

Esteemed colleagues, I agree with the Minister of Canadian Heritage: Quebecers and francophones across the country have the right to expect that an example will be set at the highest level. When unilingual anglophones are appointed to high-level positions, they regularly commit to learning French while in the

position. Apparently that commitment to learning French is seen as a magic wand that justifies the failure to uphold the bilingualism values present in our laws. That's actually the justification Mr. Trudeau served up when he appointed Ms. Simon to the position of Governor General. The appointment of a unilingual anglophone Governor General sends a completely counterproductive message about how people who speak only one of the two official languages can still attain top positions even though we have two official languages in Canada.

I'm only talking about English because, quite honestly, although I never would have believed the Prime Minister would appoint a unilingual anglophone Governor General, I think it is even less likely he would appoint a unilingual francophone Governor General.

[English]

Personally, I believe that an individual stepping into such a major and important role, and representing Canadian values, must be bilingual from day one. For me, this is a must.

[Translation]

The other impact of appointing a unilingual anglophone to such a high-level position will be that the Governor General's entourage and the various services associated with her office will operate in English only. During the study of Bill C-419 on the language skills of officers of Parliament, Stéphane Dion made what I consider to be a very fair point, saying:

Isn't it true that if the head is not bilingual, the body is in danger of not being bilingual as well? If the commissioner doesn't understand the French language, then the whole system, the whole apparatus will speak only English.

Along the same lines, Senator Joyal said the following in a meeting of the Committee of the Whole in the Senate in November 1, 2011 on the appointment of Mr. Ferguson as Auditor General:

There is a distinction between someone who is willing to learn languages and someone who must master the language when he or she holds the position.

Honourable senators, can you imagine a hospital hiring doctors who are in the early stages of their training, on the pretext that they are committed to continuing their studies? Yet this is what happens when a prime minister appoints a unilingual anglophone head of state for a country where French and English are the official languages, the foundation of our common identity and values, on the pretext that this person is committed to learning French.

In the document she released as a precursor to the upcoming modernization of the Official Languages Act, Minister Joly wrote the following:

The federal government must act in its areas of jurisdiction to respond to the concerns of Francophones in Quebec and across the country in order to protect and promote French and reinforce a sense of linguistic security. . . .

[Senator Carignan]

The federal government must play a leading role in bilingualism. The judges appointed to the Supreme Court must be bilingual, the role of the CBC/Radio-Canada as a cultural institution must be strengthened, and the powers of the Commissioner of Official Languages must be enhanced. The public service, as the main point of contact for Canadians with their federal government, must also lead by example.

It is so hard for me to reconcile this statement with the government's decision to appoint a unilingual anglophone Governor General. That is why I have come to the conclusion that we must create rules for future appointments to the office of Governor General to ensure that we don't end up with a head of state and commander-in-chief who can't communicate with just over 8 million Canadians.

In my view, the Language Skills Act, which was passed in 2013, seemed to be the most promising way to achieve that objective. Allow me to give a little history on the introduction of this bill in the House of Commons, the ensuing debates and the bill's passage.

In November 2011, Prime Minister Harper appointed Michael Ferguson as Auditor General of Canada. Mr. Ferguson was a unilingual anglophone but committed to learning French during his mandate. The opposition got so worked up about this appointment that the Liberal members expressed their outrage by leaving the House of Commons when it was time to vote on the appointment of the new Auditor General.

Then, on May 1, 2012, the member of Parliament for Louis-Saint-Laurent, Alexandrine Latendresse, introduced Bill C-419, which enacted the rule that officers of Parliament must be able to understand both official languages without the assistance of an interpreter. These public servants were identified as being at the highest level of the Canadian public service hierarchy, and their bilingualism was meant to send a strong message to the public service and to all Canadians. Some quotes from the bill's consideration in committee at second reading and third reading are worth repeating here. Member of Parliament Jacques Gourde provided the government's response to Bill C-419. He said:

We understand that linguistic duality is at the heart of our identity as a nation, and it contributes to our historical and cultural wealth. It empowers official language minority communities across the country and contributes to Canada's economic vitality. It strengthens the resilience of our federation through the provision of services in both official languages.

• (1710)

Marc Garneau, the member for Westmount—Ville-Marie, stated:

Mr. Speaker, I am pleased to speak about this bill. It seems that everyone supports it . . . It is quite obvious that officers of Parliament must be bilingual. In an ideal world, we would not need a law for this.

Stéphane Dion had this to say:

Mr. Speaker . . . I am saying that we are discussing a bill that we should normally not have to discuss, something that has been taken for granted and that Canadians thought was done already.

The obligation for officers of Parliament to be bilingual and to speak Canada's two official languages is something that seemed self-evident until this Prime Minister appointed a unilingual Auditor General. That was a shock. The party to which I belong reacted so strongly that it refused to vote in favour of the appointment of that Auditor General. We left the House without even voting. . . .

It is insulting to tell Canadians that the incumbents of such crucially important positions will be asked to devote considerable time and effort to learning a language when they are over 40 or 50 years of age. They have better things to do. They must be able to understand both official languages at the time of their appointment. . . .

The other reason that the Auditor General and other officers of Parliament should be bilingual is to send the right message to the youth of our country. If they have ambition and want access to all the responsibilities of their country, they should learn the two official languages.

It is key for people to do that when they are 18 years old because it will be much more difficult when they are aged 48. When they will perhaps want access to these responsibilities, it may be too late. We need to send this message now, through this bill. It is key to shaping our country and the ability for Canada to pay tribute to its two official languages.

It is an incredible asset for us to have two official languages that are international languages. We need to be sure that it will be part of our future. We need to send a message that the most important responsibility, including yours, Mr. Speaker, is to be able to address fellow Canadians in the two official languages. . . .

A belief in bilingualism is a belief in making it more widespread.

Section 12 of the Constitution Act, 1867, reads as follows:

All Powers, Authorities, and Functions which . . . are . . . vested in . . . Governors or Lieutenant Governors . . . be vested in and exerciseable by the Governor General . . . subject nevertheless . . . to be abolished or altered by the Parliament of Canada.

Honourable senators, we therefore have the legitimacy required to set criteria for the appointment of future governors general.

Remember, honourable senators, that one of our constitutional roles is to protect minorities. Obviously, francophones in this country are one of the largest minorities and are part of our heritage.

While more than 1,300 Canadians filed complaints with the Office of the Commissioner of Official Languages following Ms. Simon's appointment, I can tell you, honourable senators, that after I introduced my bill, I received a record number of messages of support.

[English]

I firmly believe that this bill is important to Canadians. I urge you to support it without delay and pass it in second reading so it can be sent to committee and commended by the people of Canada.

[Translation]

Colleagues, thank you very much for your attention.

Some Hon. Senators: Hear, hear.

[English]

The Hon. the Speaker: Senator Housakos, did you want to join debate or ask a question?

Hon. Leo Housakos (Acting Leader of the Opposition): I would like to ask a question, if Senator Carignan will accept one.

[Translation]

The Hon. the Speaker: Senator Carignan, some senators would like to ask you questions. Will you take some questions?

Senator Carignan: Yes, of course, Your Honour.

Senator Housakos: Senator Carignan, thank you for your commitment to Canada's official languages. I would like you to comment on certain associated aspects.

Would you agree that Canada's Official Languages Act is not like any other legislation, and that it is about more than just defining the country's two official languages?

Do you not believe that the official languages of Canada are an element that is supposed to identify us as Canadians?

Are the official languages not a tool that unites Canadians from coast to coast to coast? Would you agree that, no matter where we come from, both official languages are used every day, in Canada and in all areas of the world?

It is also a way to recognize the two founding peoples of this country, including the Acadians, who opened their doors and provided people like me, the son of immigrants, with the opportunity to settle here. My mother tongue was neither French nor English.

As an institution and as a country, we have always celebrated the fact that all Canadians are free to use their mother tongue.

More specifically, do you agree with me that the official languages are undeniably an element that represents the Canadian identity?

Senator Carignan: Indeed, senator, you painted a fine picture of our country's characteristic identity, with its two founding peoples and its two official languages.

It is also the role of the Governor General to represent that Canadian identity, and that is why it is important to prioritize selection criteria requiring the person to be able to address Canadians in both official languages. That is also the message we want to send the world, that Canada is a bilingual country, with two official languages, English and French. When the Governor General addresses people outside the country, he or she shows the world that Canada is a country that has two official languages.

Promoting that identity requires knowledge and use of both languages.

I very much appreciated the quote by Mr. Dion, who I believe is a man who is greatly respected by everyone. I thought it was especially important when he said that if we want the body to be bilingual, then the head needs to be bilingual. If the head is unilingual, then the body will be unilingual too.

I think that we need to take every opportunity to promote both our official languages. I believe that when we appoint people to positions as high as that of head of state and commander-in-chief, that person should be able to address people in our two official languages.

[*English*]

Hon. David M. Wells: Would Senator Carignan take a question?

The Hon. the Speaker: Senator Carignan, will you take a question?

[*Translation*]

Senator Carignan: Yes.

[*English*]

Senator Wells: Senator Carignan, thank you for your speech and your interesting idea. You said this was important for all Canadians. Would you think it's important for Newfoundlanders and Labradorians who perhaps might have an excellent representative to be the Governor General who only speaks English but would be willing to learn French? Or an Albertan, or someone from Saskatchewan or anywhere else in Canada?

[*Translation*]

Senator Carignan: If you are talking about the Lieutenant-Governor position, I imagine so. Those high-level positions should be bilingual. I drafted my bill for the Governor General's position. As you know, I introduced another bill about the Lieutenant-Governor of New Brunswick, which is a bilingual province under the Constitution.

In a perfect world, those high-level positions should be bilingual.

• (1720)

Today I heard a speech by someone who participated in a ceremony at the Montreal Museum of Fine Arts for the Riopelle celebration. This person, who was representing Canadian museums, spoke only English and delivered an English-only speech to celebrate a French painter in a francophone city, even though the event was attended by many francophones. That kind of thing always sends a negative message. We should be able to celebrate and promote our two official languages. All these high-level positions should be bilingual.

[*English*]

Senator Wells: Senator Carignan, I meant Governor General. If I said lieutenant-governor, I accept the error.

You talk about presenting a positive light. Do you think it would be presenting a positive light if a French-speaking candidate for Governor General committed to learn English or the opposite — an English-speaking Governor General committed to learn French? Don't you think that would also present perhaps an even more positive light on the position and on the necessity of bilingualism in Canada?

[*Translation*]

Senator Carignan: The problem with committing to learning the other language when you don't have the required proficiency from the beginning is that these are five-year terms. So, if the individual can't communicate for two, three or four years with people in both official languages, part of their duties remains unfulfilled. The person should therefore have this proficiency at the time of the appointment, rather than promising to learn the other language.

We saw the example of the Auditor General. Mr. Ferguson began giving interviews in French about three years after his appointment. There was a period of time during his tenure when he was unable to communicate with francophones when presenting his reports and taking journalists' questions. Obviously, making an effort to learn French or English, as the case may be, sends a positive message. I think you've seen my English improve, too. You've seen the efforts I've made to learn English and speak it as well as I can. Many of you have witnessed this. That said, the proficiency required to fill these positions must be in place from the beginning, not gained along the way, so that appointees can fully perform their duties.

[*English*]

Hon. Frances Lankin: I'm very interested in the arguments that you make and very open to being supportive of this. I cherish this about our country, but my general approach to these things is, where possible, don't try and fix it at the end. Let's try and fix it at the beginning.

For me, that means maybe a group of us should get together and take a look at how we could build recommendations to influence provincial education systems to give appropriate language training in both official languages and bring our students through.

I certainly didn't have access to quality training as a young person. I did in-place training in Quebec.

You said a number of times that we have a unilingual Governor General. I just want to point out that she's not unilingual.

[Translation]

Senator Carignan: Yes, you are correct.

[English]

Senator Lankin: I know in terms of the two official languages yes, she is; but we have many people who occupied these lands before us who speak a variety of Indigenous languages, such as Innu.

I also think that we are in a moment when we both need to revitalize and build sustainability for the French language, but we need to recognize that we're in a moment of reconciliation as well, and this is such a significant appointment.

I enter this discussion wanting to think of this as a special, significant and really important appointment, and I accept the commitment to learn English here. However, I pose to you — and this is not a criticism of your bill; you're trying to deal with something now — that we probably would be better in the long run in this country if we dedicated more time for all Canadian students to be proficient in both official languages. Do you have comment about that or are you interested in pursuing those kinds of recommendations or intervention with provincial education systems?

[Translation]

Senator Carignan: Yes, definitely. Obviously, when I said she was unilingual, I meant that she was not bilingual in terms of our two official languages. I commend the Governor General's ability to speak other languages, including Inuktitut.

We must promote the two official languages, and we should encourage the idea of sending the best messages possible and funding everything to do with education in both official languages across the country as much as possible. I have children who became francophones outside Quebec. I'm not a grandfather yet, but I hope that my grandchildren will have the opportunity to continue to speak French and that they will be able to learn French even if they are outside Quebec. I hope that enriching experience will be available to them. Obviously, I do agree with that.

Hon. Chantal Petitclerc: I have a question for my colleague, Senator Carignan, if he would accept it.

Senator Carignan: Of course.

Senator Petitclerc: Senator Carignan, Senator Lankin has already covered part of my question. I share her concerns about language skills and protections for official languages. Senator Lankin obviously spoke about this objective in the context of education and encouraging more people. My question is a bit

more specific, but it is along the same lines. I am wondering if you've identified what we need to do, and at what stage of the process, so that people don't end up in this kind of situation.

Sometimes there are highly competent people who have the experience to be able to represent Canada here and abroad. One would assume that they genuinely want to learn the two official languages, since they know that they could one day end up in a role or job that requires bilingualism.

I'm wondering if you have thought about this question and whether you have identified at what stage in an individual's career path this issue could be dealt with.

Senator Carignan: I haven't looked into that aspect as much. For now, I would say that we expect a modernization of the Official Languages Act soon. As soon as it is introduced, I plan to start looking into this issue.

• (1730)

For now, I believe that we need to treat the position of Governor General as a powerful symbol, to ensure that this position is filled in future by people who speak both official languages. To me, that is a powerful message we are sending to all Canadians. It is probably the most powerful symbolic message that could be sent.

The Hon. the Speaker: Senator Carignan, your time is up, but other senators would like to ask you some questions. Are you asking for five more minutes?

Senator Carignan: I am asking for five more minutes. If senators agree, I would be pleased to answer questions.

Hon. Julie Miville-Dechéne: Senator Carignan, first of all, I want to congratulate you for introducing this bill, and especially for having the idea when the appointment happened. Like you, I was disappointed and surprised by the new Governor General's limited proficiency in French, although it in no way detracts from her other bilingualism or her culture. As Senator Lankin said, the symbolic significance of her appointment is, of course, extraordinary. I would say that, unfortunately, this is an extremely delicate debate for francophones who want to take a stand on this issue, because there seems to be a total lack of sympathy when we call for these kinds of official positions in Canada to be held by people who can speak our language. However, the reality shows that that is often not the case.

You talked about your efforts to learn English, but the reverse does not always happen. I know Senator Lankin talked about it too, but there are courses offered in the public service for anyone who wants to learn French. In the public service, we have all the tools at our disposal to learn French if we want to, so it's a question of willingness.

I have a sneaking suspicion that if a person who spoke only French and an Indigenous language had been appointed to the position of Governor General, that would have caused quite an uproar in our primarily anglophone country. I would encourage my anglophone colleagues to ponder this: How would they have

reacted if our new Governor General spoke only French and an Indigenous language? I think people would be a little upset about that.

Senator Carignan: Well, that is kind of the point of the bill. I would have felt just as uncomfortable, understandably, if it were the other way around, because the idea is to represent Canadian identity, which is bilingual. That is exactly the purpose of this bill. I'm sure you understand that, if the bill is adopted, it will prevent the future appointment of a Governor General who speaks only French and one other language, but not English. I understand your question, and I share your opinion.

Hon. René Cormier: Would Senator Carignan take a question?

Senator Carignan: Yes.

Senator Cormier: Senator Carignan, I sincerely thank you for introducing this bill that prompts us to have a more transparent discussion on a sensitive topic. I think that we all recognize that Ms. Simon is a highly competent and talented individual, but we also recognize that we are at a crucial point in our history in which reconciliation must be reflected in symbolic and important decisions. That said, and I'd like to hear your thoughts on this, I think that this appointment has created some profound uneasiness in Canadian society because it pits Indigenous languages against French, when they can be compatible in a certain context.

You talked about education, which is a provincial jurisdiction, as we all know. We also know that, as Senator Miville-Dechéne pointed out, the federal public service offers language training.

How is this reflected in this bill, and what are your thoughts on the challenges facing the public service, which must provide training and conduct evaluations to ensure that senior federal public servants are able to speak both official languages?

Senator Carignan: I do know that there is training that is provided and that is available. We must promote the importance of speaking both languages. I believe that we should perhaps consider creating additional incentives in the public service so that people learn both languages. My interest in this matter is growing. I am currently working on certain files concerning services in English and French in the public service, and there is a discrepancy in the deadlines, the quality of the services provided, and the response times for certain calls based on whether they are made in French or English.

There is still much work to be done. Once again, I will cite former minister Stéphane Dion, who said that if the head of an office is a unilingual anglophone or francophone, the body is in danger of being unilingual as well. That's why it's important that we work on all fronts, but especially on the people at the top.

Senator Cormier: I have a follow-up question. Your bill refers to the Language Skills Act. You also talked about the Official Languages Act. Parts V and VI of the Official Languages Act, and Part IV also, deal with language of work and Canadians' right to work in their language. Do you agree, Senator Carignan, that for this new version of the Official

Languages Act that is coming down the pike, it will be extremely important for everyone to take into account any possible changes in these parts of the legislation?

Senator Carignan: Thank you for your question. I don't want to start a debate on the future legislation, but we definitely need to make improvements to major parts of this legislation and also give the Commissioner of Official Languages more enforcement powers. There is important work to be done on this file.

(On motion of Senator White, for Senator Dagenais, debate adjourned.)

[English]

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Black, for the second reading of Bill S-222, An Act to amend the Department of Public Works and Government Services Act (use of wood).

Hon. Terry M. Mercer: Honourable senators, I would like to acknowledge that I'm joining you from the ancestral and unceded territory of the Mi'kmaq people.

I rise today to speak to Bill S-222, An Act to amend the Department of Public Works and Government Services Act (use of wood). By my count, this is the sixth iteration of this bill. As I said before, I feel a sense of déjà vu. I applaud Senator Griffin for her determination in trying to get this bill passed.

Forestry in Canada is a big deal. According to the 2020 annual report from Natural Resources Canada entitled, Canada's forests: Adapting to change, with 347 million hectares of forest, Canada is the third-most forested country in the world. Canada has 9% of the world's forests.

• (1740)

In 2018, the forest sector directly employed 204,555 people. That's a lot of folks.

In 2019, Canada's forest sector contributed \$23.7 billion to Canada's nominal GDP.

This bill makes a lot of sense just in those practical terms. We have the supply. We have the plan for sustainability. We have the people. What is most important about the forestry sector is its sustainability and environmental benefit.

According to the same report, 200 million hectares of forest in Canada have a long-term forestry management plan. That's according to the numbers in 2016.

Canada has 168 million hectares of forest certified to third-party standards of sustainable forest management — that's according to the numbers in 2019 — and 77% of Canada's managed Crown forest land is certified to third-party standards of sustainable forest management. This is important to the long-term viability of the industry. By protecting the sustainability of our forests, product can and will be available, however we want to use it.

Trees also have the added benefit of cleaning our air. Ensuring a sustainable forest sector is vital to our fight against climate change. The environmental impact of using wood as opposed to steel and concrete is clear.

As my honourable colleague noted in her speech, and it bears repeating, one cubic metre of wood emits 60 kilograms of carbon, compared to 345 kilograms for the same volume of concrete and 252 kilograms for steel. As we navigate our way through mitigating the effects of climate change, it is important that we weigh these factors when deciding what material to build with.

This bill would require that in developing requirements with respect to the construction, maintenance and repair of public works, federal real property and federal immovables, the minister must consider any potential reduction in greenhouse gas emissions and any other environmental benefits, and may allow the use of wood or any other thing — including a material, product or sustainable resource — that achieves such benefits.

I think it is an idea worth exploring further. I look forward to hearing further information when we get this bill to committee.

Thank you, honourable senators.

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Tannas, bill referred to the Standing Senate Committee on Agriculture and Forestry.)

CRIMINAL CODE IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Marshall, for the second reading of Bill S-223, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs).

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

BILL TO AMEND—THIRD READING

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

Hon. Salma Ataullahjan: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(b), I move that the bill be read the third time now.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

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

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Smith, for the adoption of the second report (interim) of the Committee of Selection, entitled *Duration of membership on committees*, presented in the Senate on December 2, 2021.

Hon. Yuen Pau Woo: Honourable senators, let me start my speech and continue after the break.

Honourable senators, last week we adopted the Selection Committee report that results in the formation of Senate standing committees. The first report of SELE named senators to the various standing committees according to the proportions that each group constitutes in the Senate.

The ISG received roughly 48% of the seats on each committee, the CPC received about 20%, the PSG 17% and the CSG 14%. Non-affiliated senators who wanted to be on committees were offered seats from the allocations that were assigned to the various groups.

Every senator who wanted to sit on a committee was offered one or more seats. No one was excluded. But how did a senator get the particular seat on the committee that he or she was assigned? Did that senator have a special claim to the seat?

Does any senator have a special right to a seat on a given committee? The answer is obviously no. We know this because all of us went through a process in the last two weeks of selecting committees that we wanted to sit on, and working through the inevitable conflicts that arise when there are more senators wanting to be on a committee than there are seats available on that committee.

Different groups use different protocols for allocating seats to their members. But I am sure every group had to deal with some overlapping interests among members, with the result that most senators did not get all the committees they wanted to be on. That is certainly true of the ISG.

While every ISG member got their first choice of committee, few also got their second and third choices.

Which brings us to the subject of the second Selection report that we are currently debating.

Let's be clear, firstly, that this is a report of the Selection Committee, duly adopted by a majority of the members on that committee, consisting of members from all groups including nonaffiliated senators.

The reason Selection issued a standalone report on this issue as opposed to incorporating the issue into the first SELE report is because the PSG insisted on separating the issue of portability from the issue of committee formation.

The leaders of the other three groups — the Conservatives, the CSG, and the ISG — agreed with nonportability of seats, as they had for sessional orders in the previous parliament.

Listening to the polemics on Tuesday night, you might have come away with the impression that the suspension of portability is an ISG plot, masterminded by power-hungry facilitators at the helm of this group. In fact, three of the four groups in the Senate have supported some version of this report in previous sessions, and the Senate has voted in favour of non-portability each and every time it has come up in this chamber.

• (1750)

Honourable senators, the committee seat you obtained last week came through a negotiated process within your group that very likely deprived another member of the same group from having that seat. To put it in reverse, the seat you really wanted but did not get is because of the selection process your group established and that you willingly participated in. As they say, "You win some; you lose some." However, that was the process you agreed to. It therefore follows, I believe, that if you choose

to leave the group, you should, as a matter of fairness, return the seat to the group so that, if needed, the seat can be allocated to a member who is waiting in the queue.

This is why, honourable senators, the issue we are debating today is not about the independence of the Senate or the equality of senators. It is about the much more mundane — but foundational — concept of fair play and procedural integrity. Every time we have to reconstitute committees, as we are doing at the start of the Forty-fourth Parliament, we have to solve the problem of scarcity — scarcity of committee seats in the face of excess demand from senators. You can tell I'm an economist.

As it turns out, we have decided to solve this problem by allocating the seats by proportionality to recognized groups in the Senate and then leaving the groups to work out how they divvy up the seats they were assigned. This is about boring math, not some high-minded principle as the dissenters to the Selection Committee report have asserted.

On the subject of math, let me offer a rebuttal to Senators Mercer, Cordy and Bellemare who have made claims based on math without actually doing the math. They state correctly that any movement of senators from one group to another will change the proportionality of groups in the Senate, and they use that as a point to argue for portability. If you actually do the math, however, you will find that the movement of one or two senators does very little to change the actual allocation of seats on our committees. I have done the math, and I can confirm that the Independent Senators Group, or ISG, would have exactly the same number of members on committees of 9, 12 and 15 if one or even two members were to leave our group. This is akin to the retirement or passing of a senator, which does not precipitate an immediate change in the distribution of seats on a committee.

If a large number of senators were to leave a group, the proportionality numbers would be materially impacted and a change in seat distribution would be warranted. However, this is not unlike the appointment of new senators, which also affects proportionality calculations.

The point is that we don't recalculate proportionality every time there is a shift in numbers — not even, I would say, when the shifts are quite large as was the case during the last Parliament when the ISG grew by nearly 20% even as our allocation of seats on committees remained static.

So much for math. Let me now return to the high-minded arguments that my honourable colleagues made on Tuesday night about the independence and equality of senators.

We heard from Senator Mercer that "a senator is a senator is a senator." As tautologies go, this is especially seductive, but what does it mean? More to the point, how is it relevant to the debate at hand?

Senator Mercer would presumably argue that a senator deprived of his or her particular committee seat is less equal compared to other senators. But from what dispensation did the senator derive the right to have that committee seat in the first place? Did the Governor General grant it to him? Is it written in

her summons? Do we have a rule that makes that claim? Of course not. In fact, to the best of my knowledge, I don't believe there is even a rule that says senators must sit on committees.

To be clear, I believe that all senators have a right to sit on committees, but I do not believe that any senator has a right to sit on a particular committee.

We heard again on Tuesday night the mistaken assertion that this report deprives senators of the right to sit on a committee. It does not. All senators have the right to sit on a committee, including senators who are not part of a group or caucus if they want to sit on a committee. There is no violation of the equality principle.

The dissenters would have you believe that equality extends to a senator's right to a particular committee seat. However, why should that be the case? More importantly, how can that possibly be the case when there are more senators desirous of committee membership than there are seats on that committee?

The underlying point here, colleagues, is that while senators may have a right to sit on committees, they do not have an entitlement to any particular committee seat. Seats on particular committees can only be assigned through what is essentially a process of negotiation. For a senator to then assert his or her unalienable right to that seat is a contravention of the negotiated agreement, a fallacy of logic and an abuse of procedural fairness.

I would go even further to say that this conception of portability actually violates the equality principle and undermines Senator Mercer's mantra that "a senator is a senator is a senator."

The dissenters also argue that this report is about the independence of senators. This is another red herring. Insofar as I am concerned, senators lose their committee seats when they leave a group not because of their views, but because of the agreement they signed up for when they joined a group. To put it differently, the seat is retrieved from a senator because it wasn't theirs to start with.

This is not to say that seats will be taken away each time a senator leaves a group. If there is no pent-up demand for the seat from within the group, there is no need to retrieve the seat. The departing senator can continue to serve on it. Retrieving seats is not about vengeance or punishment. It is about respecting a process and working on a case-by-case basis.

I would add that the same applies when a senator joins a group after committee seats have already been assigned as will be the case when the new appointments to the Senate — which we are likely to see in the weeks ahead — take place.

If any of the new members join the ISG, I know the new leadership will make all efforts to find seats for them that correspond to their interests. That, too, is a process of internal negotiation that requires an equal measure of a clearly defined process and senatorial collegiality.

You will recall from Tuesday night's debate that a number of senators dispute my view that we get our seats through our groups by way of a negotiation process. They claim that committee seats don't come from groups; rather, they come from

the Senate. *Ergo*, there is no need to return the seat to the group if a senator should choose to leave that group. I expect that some of our newer colleagues are puzzled by this argument, so I will explain it. However, that may have to wait until after the dinner break because I'm looking for the Speaker to now rise and invite us to see the clock.

The Hon. the Speaker: Pursuant to rule 3-3(1), I'm required to leave the chair until 7 p.m. unless there is leave that we continue. Accordingly, the sitting is suspended until 7 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

SECOND REPORT OF COMMITTEE—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Smith, for the adoption of the second report (interim) of the Committee of Selection, entitled *Duration of membership on committees*, presented in the Senate on December 2, 2021.

Hon. Yuen Pau Woo: Honourable senators, the point at which I relieved you from your hunger pangs was when I was explaining the difference between my view of how we get our committee seats and the dissenters' view. If you are puzzled about the dissenters' view, it is the following: That whatever deal caucuses and groups may negotiate and, how that deal may be expressed in the Selection Committee report, it is the Senate that must give its blessing before the report and the deal can be effected.

The argument we heard on Tuesday night from a number of colleagues was, "No, no, no. The groups have nothing to do with giving you seats; it's the Senate that gives you committee seats."

But let me ask you this: Did the Senate as a whole come up with the deal? Did the Senate establish the criteria for prioritizing one senator over another for a given seat on a committee? Did the Senate as a whole establish the process by which conflicts over seats on a committee would be resolved? Of course not. All of the difficult work was left to the groups and caucuses. There is no escaping the fact that it is the groups that came up with the mechanism for allocating seats to members.

Indeed, that is why the Selection Committee exists: as a way to formally introduce agreements to the Senate that have been made by the groups and caucuses. To then say that one has no responsibility to the group because the Senate made the final decision is, at best, a dodge or, worse, a dereliction.

It's a little bit like saying, "You don't have to pay the real estate brokerage a commission on the house that they helped you negotiate a good price on because the ultimate decision to sell the house was in the hands of the previous owner."

Now, if you still need convincing, let's imagine a scenario where the Senate actually rejects a Selection Committee report on the formation of committees. In fact, think about what would have happened if last week's first report of the Selection Committee had been rejected by the Senate. Do you think the Senate would then resolve into a Committee of the Whole to try and decide who sits on which committee? Of course not.

What would happen is that groups and caucuses would have to go back to the negotiating table to hammer out a fresh deal to assign seats to their members based on the new deal, and they would have to again bring it to the Selection Committee as a report to be tabled in the Senate.

There is no escaping the fact that committee seats are negotiated among groups, and the filling of those seats is a process that is internal to the group. It is in this sense that a committee seat belongs to the group rather than to the senator.

This is not a statement about favouring groups over individuals. It is a statement about the reality of how Senate committee seats are allocated.

Colleagues, I will grant that there is a way in which one could argue that portability is an issue of independence, as our Progressive Senate Group colleagues have argued, but it is in the narrow sense that senators insist on being liberated from any responsibility to the group from which the seat was obtained. In effect, these senators believe that they have an absolute right to that particular seat on the committee regardless of how the seat was obtained, never mind that other senators were deprived of that very seat because they too followed the agreed-upon protocol for seat assignment within the group.

In my opinion, though, this is not senatorial independence; it is senatorial libertarianism.

For most observers outside the Senate, this debate is arcane and seemingly trivial, but I think it gets at some important underlying questions about what it means to have a more independent Senate.

A good way to begin thinking about this question is to consider the phrase employed by Senator Mercer and Senator Cordy: that the group exists to serve senators, not the other way around. That sounds almost as good as a senator is a senator is a senator. But what does it mean?

Is it that senators join a group solely for the purpose of extracting benefits that are distributed by the Senate via that group? Is the purpose of being a member of the Conservatives or a member of the Independent Senators Group or the Canadian Senators Group or the PSG principally to get a committee seat? Is it to get on the executive of a parliamentary association; to be considered for overseas travel; to access prime office space in the East Block or Victoria building? Is that what you mean by "the group is there to serve the senator"?

Colleagues, is it not conceivable, even desirable, that a senator should think about his or her membership in the group as one which includes serving the purposes of the group? Have we become so atomistic and self-absorbed that we see our role only as freewheeling independent senators with no responsibility to a larger collective?

Is the future of the Senate one in which groups are purely platforms to assist members in carrying out transactions? That would seem to me to be a very shallow view of Senate reform, and a self-centred one too.

Perhaps I'm betraying my cultural roots, but I believe in the importance and value of a collective and of the responsibility that comes with belonging to a group. I joined a group not just because of what the group could do for me but for how it gave me the opportunity to become a better senator by working with like-minded colleagues.

Now, this is the point in my speech where some of you may be thinking, "Senator Woo wants to take us back to the bad old days of caucuses." Since I'm the outgoing facilitator of the ISG, what I say has little bearing on the future direction of my group. But in any case, the bogeyman argument that stronger groups translate into abusive caucus behaviour is yet another red herring.

I understand some senators are still recovering from the PTSD of abusive caucus behaviour. But it is entirely possible for senators to exercise independent decision making on bills and motions while belonging to a group that values working together and has rules to foster collaboration based on fairness, respect and decency. That is in fact how I would define the ISG. Fairness, respect, collegiality and democratic practices, even in the context of a highly structured group, are not antithetical to an independent Senate.

• (1910)

In this context, I was troubled to hear in Senator Cordy's speech her insinuation of some sinister motivation behind the Selection Committee report that is before us. She suggests that in supporting this report, the ISG is trying to prevent senators from being more independent. I reject this insinuation categorically. In what universe does fair play have to conflict with independence? Are senators who respect and abide with fairness of procedure not exercising a form of independence that includes the responsibility that comes with it?

Some of you probably feel that portability is a necessary condition for a more modern and independent Senate, and you are inclined to vote against the report because of that sentiment. You know, the very term "portability" has a nice ring to it. It has positive connotations, and it seems to go with the concept of independence. I can in fact think of situations where portability would be the desired model for committee seat assignment. But that does not mean portability is right for all models of committee seat assignment and certainly not for the current model that we employ.

The fact is when portability clashes with fairness, I think fairness should prevail. Another way of putting it is as follows: Does your right to stay on the committee of your choice trump your responsibility to the group from which you derive your

seat? How you answer this question will depend on your relative weighting of individual versus group rights. This is an ancient problem in philosophy. I accept that some of you prioritize your individual rights, and that is fair enough, but I do not accept that this report undermines the independence of the Senate or the equality of senators.

Let me move to the next red herring. What should we make of the fact that the current rules allow for portability? Previous speakers have pointed out that portability is a decades-old practice of the Senate, and they are right. But defending portability on the grounds that it is tradition is very different from defending portability on the grounds that it makes sense. With due respect, I have heard a lot from senators about the importance of adherence to a traditional practice, but they have said very little about why the practice makes sense in the current context of how we actually assign seats to senators. It would seem that they are arguing in favour of tradition for tradition's sake, which is a curious position for pro-modernization senators to take.

At best, the argument in favour of portability based on the fact that it's currently in the rules isn't really an argument. It's simply a restatement of the status quo. If you are for modernization, then you have to be open to the idea that some of our rules are not fit for purpose. Rule 12-2(3) on portability is one such rule that is ripe for reconsideration.

It is even more curious that the proponents of this rule 12-2(3) are generally silent on rule 12-5. Allow me to get a little technical here. Rule 12-5 allows the leadership of a caucus or group to replace a senator on the committee with the stroke of a pen, regardless of whether that senator is leaving the caucus or group. In the hierarchy of draconian actions, rule 12-5 surely trumps 12-2(3). But it is in the rules, and it has been in the rules for at least as long as rule 12-2(3). In fact, portability would be useless to a senator who was stripped of his or her seat before that senator had a chance to leave the group.

I'm not advocating for or defending rule 12-5 as such, but I'm pointing out the inconsistency in an argument that is dogmatic in its defence of the portability rule but silent on the potentially more insidious twin rule that is 12-5. In fact, Senator Cordy has previously argued that 12-5 is an acceptable exception to the portability rule 12-2(3), which is tantamount to saying, if we're really worried about senators who may be thinking of leaving with their seats, let's take those seats away before they do.

Even if you take Senator Cordy's more evolved position that she articulated on Thursday, in which she says she's open to revisiting rule 12-5, one has to question how she can defend 12-2(3) on the grounds of tradition while challenging 12-5, which is no less steeped in that tradition.

I want to clarify that I'm not against the concept of portability. In fact, I can think of a scenario where portability of committees is justified because it does not violate procedural integrity and fairness among senators. That scenario is where senators are assigned their seats through an all-Senate process, rather than through group negotiations. In that situation, one could make the case that seats belong to individual senators for the duration of the session. But that is not how we assign committee seats currently.

Portability, you see, is an attractive concept. I would say it's even a seductive concept, but it has to be fit for purpose. Perhaps we can move towards a selection process that is more fit for portability, but that is some ways off. In the meantime, we should design rules that fit the actual circumstances of our practice rather than an idealized version of what that practice could be.

To sum up, much as some would like to make this report about Senate independence and senatorial autonomy, the less glamorous reality is that committee seat assignment is a routine scarcity problem that has to be solved through negotiations. Negotiations only work if the parties subject themselves to the rules of the negotiated agreement and respect both the outcomes and the procedures that led to those outcomes.

If there is a principle at stake in this motion, this report, this debate, it is the principle of procedural fairness. Senators do not have a divine right to a given committee seat. They receive that seat on a particular committee by willingly participating in a group process that resulted in a favourable outcome for them but at the expense of other senators. If they leave that group, the seat should not go with them. That is the intent of the Selection Committee report we have been asked to vote on, and that is why I support it. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Dennis Glen Patterson: May I have a question?

The Hon. the Speaker: Senator Woo, there are senators who wish to ask questions. Will you take questions?

Senator Woo: Yes, of course.

Senator Patterson: Thank you, Senator Woo, for the thoughtful and erudite speech; I have got to remember senatorial libertarianism.

You spoke in praise of the system for assigning committee seats to senators, but this also includes the very important question of selecting chairs and deputy chairs. That's not an easy task, being a chair or deputy chair. I don't need to tell anyone. You need to have a rigorous understanding of the parliamentary process and respect for a balanced and respectful approach and order in the committee. Yet we've had total rookie senators appointed to important committees with no experience whatsoever in these areas in the parliamentary process.

Senator Woo, would you say that the current selection process and, in particular, the selection of chairs and deputies, is based on merit or is more based on group affiliation and a kind of popularity-contest vote from the groups, regardless of experience or merit, to date?

Senator Woo: Thank you, Senator Patterson, for your question. I cannot speak for your group, but I can tell you definitively that, in the ISG, chairs and deputy chairs that are designated to the ISG through the negotiation process are selected through a democratic process by the members of that committee. They know that the important criteria have to do with expertise. They have to do with the ability to chair meetings. They have to do with real-life experience.

• (1920)

I'm very confident that ISG members make wise decisions in choosing their chairs and deputy chairs.

[*Translation*]

Hon. Diane Bellemare: Senator Woo's speech was very convincing. He has a way with words, but I would like to ask him a question about the following problem. It would seem that the entire issue stems from the fact there is excess demand for certain committee seats, so when a senator leaves a group, they breach the privilege of another one of their colleagues by taking the seat with them when they go.

In economics, the problem of excess demand is usually resolved by addressing supply. Supply is increased. The problem that we are having with excess demand has nothing to do with the solution proposed by Senator Woo, which is to restrict senators' mobility to resolve the problem of excess demand.

Would you agree with me, Senator Woo, that another rule does exist for a committee or group that feels aggrieved by the departure of a senator? Rule 12-2(4) stipulates that it is the Senate that allocates committee seats and can take a seat away from a senator. Rule 12-2(5), which you cited, seeks to change the composition of committees when the senators in the group all agree. When a senator must be absent for a day, he or she must have a replacement. That rule is purely administrative. Why not use rule 12-2(4) when there is an issue related to movement, that is, if a senator leaves a group and there are any concerns about the group being harmed?

[*English*]

Senator Woo: Thank you, Senator Bellemare.

Those of us who are unilingual heard that the interpreter had some difficulty with the translation, but I think I got the question. I will repeat the question as I understand it.

Senator Bellemare is asking whether there's another way to solve — let's call it — the procedural fairness problem that I've articulated, whereby if a senator leaves a group and there's excess demand in the group, rather than stopping portability why don't we get the Senate to use its powers through rule 12-2 to basically reappoint some senator to redress whatever imbalance resulted from the movement of that said senator. I hope, Senator Bellemare, I have accurately summarized your question.

The answer to that question is that you are, in effect, proposing renegotiation. That's what it boils down to. If you are saying that every time a member from one group leaves that group and takes a seat with another and that the remedy for the imbalance in the group that used to have the senator's membership is for the Senate to then make a fix, writ large, then we are essentially talking about the Senate as a whole trying to find the solution to filling one or more seats in the absence of a comprehensive solution. Where that will lead, I am sure, is essentially a wholesale renegotiation of Senate seats.

There may be special circumstances where the Senate can agree, for some extenuating circumstances when someone has to vacate a seat, they will unanimously agree to appoint somebody

[Senator Woo]

else into that seat. But in the event that it cannot be done, it essentially boils down to the problem I articulated before which is that you will force the Senate as a whole to try and solve a problem that is best solved by groups and within groups.

That's why, Senator Bellemare, I don't think rule 12-2 is the solution to the portability problem.

Senator Bellemare: I have a supplementary.

No, my question was around the idea that it's very difficult to intervene in the paradigm of Senator Woo's that takes into account that the group owns the seat, the group negotiates and the senator doesn't have any role to play. Also, the Senate, especially, doesn't have a role to play in that.

The truth is that, in the old system, if there was a rule that protected independence, it was the rule of portability.

So my supplementary question to Senator Woo is this: What would the Senate be if it were more independent and less partisan, as the ISG charter has claimed that it wants to be — how do you imagine a vision where the senator will broach privilege in their capacity to independently exert their work in the Senate?

Senator Woo: Thank you for the question. I want to thank Senator Bellemare for her consistent reflections on how to modernize the Senate and how to make it more independent. She is one of our deepest thinkers on these issues, and I salute her for that.

Before I answer her specific question, let me challenge one of her premises. She said that the group negotiation process and the group committee allocation process essentially leaves the senator out of that decision making. That is not true. It is not true in two respects.

First, I speak for the ISG. ISG members designed the process. I am the servant of the process. ISG members agreed on what the process would be and asked the facilitators and the secretariat to administer it so that they had a say in the very shaping of the process.

Second, having shaped the process, they expressed their views on which committees they wanted. I'm sure it's the same for other groups; they have some similar system — first choice, second choice and so on. So they had a lot of say.

But once they did that, then they subjected themselves to the rules that they designed — many of them, because not everyone was there at the creation of the rules — but most ISG members were involved in the design of a system that they signed on to, which they then participated in.

That is why there is an obligation to be respectful and responsible in following the process.

Before I get to your actual question, my second point is this: While I have described a kind of iron logic that requires seats to be given up when a senator leaves a group, you may have heard me say that this is not a logic that has to be employed every time a senator leaves a group. In fact, there could be, and perhaps

likely would be, many circumstances where a senator leaving a group — I can only speak for the ISG — would not be asked to relinquish that seat because there's no excess demand within the ISG, or maybe there is such a compelling case for that member to stay on the committee that there is no need to apply the non-portability rule.

But it is the principle of non-portability that has to be put up front, because that is how the system can have integrity.

Let me get to your question of how we see a more independent Senate. This is a huge question, of course, and I thought I touched on some aspects of it, but let me repeat my central point: There's no incompatibility between a group that is cohesive, that has strong rules of procedure and conduct — no contradiction between a group that implements its procedures in a disciplined and rigorous way — and senators being independent to vote as they please, to say what they please and to introduce motions and bills. There is no contradiction between having strong groups and strong senators. That is basically the point I'm trying to make.

• (1930)

Some people think that having strong groups means a diminution of the individual senator's rights. This is the view we heard. A group is there to serve the senator; the senator is not there to serve the group. Obviously, there is a balance. But if you ask me where I lean, I lean in the direction of having well-functioning groups based on strong principles which protect the independence and the equality of senators.

Hon. Marilou McPhedran: Would you take a question, Senator Woo?

Senator Woo: Yes.

Senator McPhedran: Thank you very much. I want to go back to something I referenced in my speech last evening, and thank you very much for your communication when you acknowledged that you had listened to my speech. You then will recall I referenced a Speaker's ruling on rule 12-5. I won't go into all of the detail, but there is one very specific statement I'm going to ask you to interpret, based on the position you have taken about group ownership of the individual member's position. It says that if a senator withdraws from a caucus, rule 12-5 would cease to apply. The senator would retain any then current committee membership, unless removed either through a report of the Committee of Selection or a substantive motion adopted by the Senate.

Senator Woo: Thank you for that question, and thank you for accepting our offer of a seat on the Fisheries Committee. I was distressed to hear last night that you had not gotten any committees. It was my understanding all groups, as part of the negotiations, would look after senators who are non-affiliated. As soon as I found out, I gave you some options and I'm glad you've accepted one of them.

With respect to your question, I may be mistaken in my interpretation of the rules, but if we were to pass this Selection Committee report, then I think that application would no longer be in effect, because a senator who was named under the auspices

of a group would be subject to the non-portability of that seat. Of course, that's a decision for this chamber to make, and I won't prejudge our vote on this report.

The Hon. the Speaker: Senator Woo, your time is just about up. Are you asking for five more minutes? I see there are more senators who would like to ask questions.

Senator Woo: Yes, with leave.

The Hon. the Speaker: Anybody opposed to leave, please say no.

Senator McPhedran: On this theme of clarification and your interpretation, it's my understanding from our correspondence that when I wrote back and set out a scenario whereby if I accepted your offer, which I did very much appreciate, that it would be under the current rules because we had not yet voted. So could you explain, please, the conditions you set on your offer of membership?

Senator Woo: I'm hesitant to share private correspondence, but you are inviting me to, so by all means. I believe what I said to you was that we are pleased for you to have the seat, and it would be subject to whatever decisions the Senate makes as a whole on the portability or non-portability of seats.

To me, that would imply that if this report is passed, then seats would stay with the group, should you choose to leave.

I'm certain I also said in my email to you, and I don't want to say it would be extraordinary, but we should not expect that we would take seats away willy-nilly. In fact, I have an expectation that, should you choose to do something different, and the question of your seat came up, we would talk to you about it and we would try to find you another seat. But that is only if perhaps by a new member joining the Senate maybe we'll get somebody with extraordinary fisheries experience, even better than Senator Manning's, joining our group, and that person really wants to join fisheries. In that circumstance, we may say to you, "Senator McPhedran, can we work something out?"

But this is not about punishment or vengeance. It's not about some kind of a power trip. It's about finding solutions. We are all about finding solutions, but we need tools to find solutions, and I believe this Selection Committee report gives us one of those tools.

Hon. Leo Housakos (Acting Leader of the Opposition): Honourable senators, I wasn't going to participate in the debate, but I have to say I got motivated by the intervention of Senator Woo. Of course, colleagues might even be shocked and surprised today that we are actually in agreement in one of those rare situations. Who knows? It might be a trend, Senator Woo.

Colleagues, I want to share a few thoughts on this particular issue. As I said, I usually don't like engaging on the Senate floor on issues that have to do with structure, operations and rules. That's not what we're here to do. We came here to debate the public discourse of the day, talk about motions, inquiries and studies and provide sober second thought on legislation, to have

the courage to put forward thoughtful private members' bills that speak on behalf of groups that don't have the opportunity to be heard on the other side for a variety of reasons.

I have to say I'm one of those who came here a number of years back. When I came here as a young rookie parliamentarian appointed by Prime Minister Harper, I came to this place and I got an opportunity to sit back and learn from some of the titans of the parliamentary process: senator Pierre Claude-Nolin, God rest his soul; people like senator Hugh Segal; senator Lowell Murray; senator Jim Cowan; senator Serge Joyal; and Senator George Furey, who still is with us and ably serving in the chair as Speaker. Let me tell you, when I got here, there were deep, thoughtful debates about public policy. Yes, we disagreed. There were Conservatives on one side — back then, we were on that side. There was the Liberal opposition on this side. It was a little partisan, but not as partisan as some of the independents profess and talk about the good old battle days. We didn't spend that much time on navel-gazing; we didn't spend that much time complaining about the operations and the nuts and bolts.

The Westminster model is designed the way it's designed — with groups. Usually, they're political groups around the world. You have the government side, the opposition side and there are a number of independents in a variety of parliaments. When I came here, we had some independent senators as well. We accommodated them out of goodwill.

The reason we have groups in all the Westminster parliaments is to eliminate the bottleneck that is happening right now in this chamber. I have seen this on a number of occasions since 2016. One has to ask the question: What are we spending all these hours trying to solve? Because I can tell you in 2015, that terrible bad old way of doing things in the Senate, very partisan, made up the Liberals and the Conservatives, when the government at the time forced upon this institution a structural change through political discourse, through an election, what has created this less partisan Senate was an election campaign, the Prime Minister going to the electorate saying: "I want to create a less partisan Senate, and I want to make it more independent."

We respected the democratic will at the time because that's how the tradition of this place was. Those who were the first arrivals appointed by Prime Minister Trudeau will remember both the Liberal and Conservative caucuses went out of their way to accommodate, to find committee spaces for those senators, and to change the rules to the best of our ability to accommodate them to create new groups. And that was just done out of goodwill, nothing more and nothing less.

Unfortunately, you all know my opinion on this, these changes have been imposed on us by Prime Minister Trudeau without strategic thought or a path forward, but we have tried to find that path forward to the best of our ability. And I will tell you that this is still a place of Parliament, and I remind everybody of that. It's a place of democracy. We have had an issue for 154 years and ongoing. We don't get elected every four years. We are not accountable to the electorate every four or five years. We have such a privilege of tenure. Independence of tenure is more important than professed independence, saying, "I'm not affiliated. I'm not a member of a party." You're here until the age of 75. That's the most amazing privilege anybody could have. And this institution, before this new independent Senate,

had an ongoing problem of accountability and transparency with the public. Just because you say you are independent today, all of a sudden, has not resolved that problem. We still have the issue that we're not always compatible with democratic outcomes.

• (1940)

In the last two elections, the Conservative Party of Canada received the plurality of votes from the Canadian public.

An Hon. Senator: You don't hear much about that.

Senator Housakos: Not only do you not hear much about that, we have a group in the official opposition in this chamber that, from a proportional perspective, continues to go down. As is the tradition of the place, the prime minister has the prerogative of naming senators and it continues to grow. Historically, senators have always been appointed to be either Liberals or Conservatives. Liberal prime ministers traditionally appoint liberal-minded senators. If not Liberal, they are independent, but certainly progressive; certainly centre-left. One would expect nothing less. Conservative prime ministers usually appoint conservative-minded senators, usually a bit right of centre, and that's fine as well.

You know when you come here, more or less, those are the values of who you are, what you are all about and what you normally articulate. It's very rare — although there are exceptions where prime ministers name senators who come here and have a diametrically opposed position. Again, because of your privilege of tenure, you have that right.

Now what we have is a situation where groups — and I'm going into a long precursor — in this place represent senators. We do the negotiations — nuts and bolts of committee representation — in order for this place to be functional. Regardless of whether we are political or not political, without groups working and cooperating — and over the last couple of weeks I have been filling Senator Plett's big shoes as acting leader and it's a lot of work. It's a lot of work talking with all the other leadership groups in a spirit of fairness, trying not to guide or decide debate. We have disagreements all the time with Senator Gold, Senator Woo, Senator Cordy and Senator Tannas, but our intention is to make the place function so we can have coherent debate. Everyone can have an opportunity to articulate, make their points, persuade people and move the agenda along. So far, we are not doing a bad job, in my opinion, in this Parliament.

However, we are not doing a great job when we are spending hours on this kind of stuff. I listened to Senator Mercer and Senator Cordy carefully. Talk about an infringement of parliamentary privilege in this place. Let's take two examples: the committees on Internal Economy, Budgets and Administration, and Rules, Procedures and the Rights of Parliament. These are not even committees that deal with public policy. These are committees that deal with our function. Take a committee like the Senate Ethics Committee, which touches each and every one of us, potentially, if ever an ethics question comes up. Those are three specific examples.

When a group appoints their representative to any one of these committees, those individuals not only represent their own personal experience, knowledge and skill set; they represent their colleagues. Can you imagine if tomorrow morning in the Internal Economy, Budgets and Administration Committee that the chair, Senator Marwah, and the deputy chairs, Senator Campbell — who represents the Canadian Senators Group — and the other deputy chair, Senator Dawson, decide they are suddenly becoming Conservatives? Highly unlikely, I know, but maybe Senator Dawson falls and hits his head. Maybe Senator Campbell, when he gets a little older, has a major shift in values from left of centre to the right of centre. All I'm saying is that once this place becomes the wild west, those individuals — and it's not a question of their privilege being infringed or having a right to transfer representation on these important committees — are going to be infringing upon the rights of each and every colleague of the group that appointed them in that important committee.

The reason we have group meetings every week is because we can't attend every single standing committee in this place. I expect, at least on the steering committee, a couple of representatives who will represent the values and views I have, and bring me any red flags I should know about on a weekly basis. If I want to further exercise my privilege, I can go to any standing Senate committee, as Senator Woo pointed out, and articulate my point of view as Senator Housakos. I can go to each and every one of the committees, even though I officially serve on three of them. That's where your privilege kicks in.

However, the moment you are representing a group on the Ethics Committee, the Internal Economy Committee or the Rules Committee, and all of a sudden we allow for the potential of majority mob rule, this place falls apart. The goodwill I talked about earlier that I experienced in the past falls apart. All of a sudden, it's a question of who can influence more members to join the Progressive Senate Group or the CSG or the ISG and the spirit of independence. For what? We are here to defend values and policies. We are not here to fight for territory or ground. That's not what we are here for.

I think we have to be cognizant of that and to my earlier point about accountability. You have to be accountable to somebody. The members of the Conservative caucus and I, politically in our democracy — we can have a long debate about this, but if you ask the media, if any one of us does here something they will be knocking on Erin O'Toole's door — the Leader of the Opposition — and saying that a member of his caucus is infringing on this, that and the other. We've had experiences recently, and that's our accountability.

Honourable senators, there is a problem we have, even with this new model, and I haven't worked my way around it. All of you who have been appointed by Prime Minister Trudeau in the spirit of independence have to be accountable to somebody. At a bare minimum, be accountable to the group you independently chose to sit with when you came here on the basis of values. Nobody forced you to join the Independent Senators Group, the CSG or the Progressive Senate Group. Nobody forced you to join the Conservatives; not one has since Mr. Trudeau has gone to this independent body.

An Hon. Senator: What are the odds?

Senator Housakos: The odds are what they are. That's not the debate here. The point is that some people here change groups like I change ties. How in the world can you change your values overnight? What is the driving force behind it? Let's call a spade a spade and be honest. It's the typical interaction of groups as they get larger between egos and human beings, in pursuit of titles and premiums. We know what this debate is all about. It has nothing to do with values or political discourse. It has nothing to do with the interests of the Canadian people we are here to serve. It's all self-serving. We have to look into the mirror and ask ourselves if this is the kind of Senate we want to build.

I remind you that we are not elected. We were given a mandate by a Prime Minister. Some of us were vetted by different committees, but each and every one of us was given a mandate by a Prime Minister. That's your democratic mandate that you have here. After that, we are cognizant as senators, historically, that we have to make this unelected place work out of respect, cooperation, tolerance and give-and-take. I have always said, even at the worst and most partisan times of this institution — and I go back to the Rules Committee, the Internal Economy Committee and the Senate Ethics Committee — there was always a consensus. On this kind of stuff, on the nuts and bolts about rules, committees, budgets and titles, there was a consensus.

Then we went back to our caucuses and figured it out amongst ourselves. Not everybody was always happy with the outcome, but that is human nature. Since 2016, I have never seen the amount of navel-gazing that we are engaging in right now. I think it is wrong. We have to respect the groups. We just unanimously passed Bill S-2, and we sent it to the House. Why did we do that? We are asking taxpayers to foot the bill to pay more money for leadership of Senate groups in this place. This is something that we Conservatives were hesitant about, as you all know, but we have come to terms that there is change and we have to have consensus and make this place work. Why did we give such value to the different leadership groups here? Because we respect the choices of senators to work within those groups.

All I'm saying, honourable senators, is let's stop the gamesmanship, let's stop trying to poach one another and let's focus on public discourse, policy, bills, motions, inquiries and on trying to make Canada a better place for Canadians. Thank you.

Some Hon. Senators: Hear, hear.

• (1950)

APPROPRIATION BILL NO. 4, 2021-22

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-6, An Act for granting to Her Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2022.

(Bill read first time.)

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

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

ADJOURNMENT

MOTION ADOPTED

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

That, notwithstanding the order adopted by the Senate earlier today, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, December 14, 2021, at 2 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Smith, for the adoption of the second report (interim) of the Committee of Selection, entitled *Duration of membership on committees*, presented in the Senate on December 2, 2021.

Hon. Mary Jane McCallum: Honourable senators, I wanted to say to everyone here that I'm not self-serving, and when I came I saw the Senate as a solution. I am accountable to the Indigenous people I represent, and I report back to them. I work with them to bring Indigenous issues to the fore.

When we decide to join a group, we are doing it blindly. If it is not a good fit, this is an unfair situation for the individual senator as well. Has this been discussed within the Selection Committee and how this will impact the unaffiliated senators? Do you understand my question? We are coming in blindly. I say, "Okay, I'll join that group." If it's not a good fit, then I have to decide what I'm going to do. And because you have a choice to go to one group or to remain unaffiliated, the unaffiliated senators really don't have any protection. So if that is a choice they have, how has the Selection Committee dealt with this to offer them help during this transition? It's a transition until they move to a group or they decide to form another group.

Hon. Leo Housakos (Acting Leader of the Opposition): Thank you, Senator McCallum. I think your characterization of this place as "pollution" is a little harsh. I think this institution has served this country marvellously well for over 150 years, as has Parliament. As we've said many times, is Canada perfect? It's a perfectly imperfect nation. But I still think it's one of the best in the world, and in large part because of our institutions. So I won't accept the characterization of this institution being polluted or ever having been polluted, to be honest. I thought that's what I heard.

An Hon. Senator: "Solution."

Senator Housakos: Oh, "solution." I do apologize. Senator McCallum, I'm getting old and it's late. I thought I heard "pollution" instead of "solution." I was surprised, because I know you are very thoughtful and have made huge contributions to this place. I was a little taken aback.

Back to the substance of your question, and I do apologize, colleagues — it's late and I'm tired. Like I said, I wasn't planning to enter the debate. To answer your question, senator, for the time I've been here now, 13 years, every time a non-affiliated senator has come into this chamber and was not a member of one larger group or another, my recollection is that we have gone always out of our way to accommodate them.

We did that from day one in 2016 when the first eight or nine non-affiliated Trudeau senators were appointed and didn't have a group. They weren't large enough. They were facing hostility from the then Liberal caucus, which, of course, has since been expelled from the national caucus. And the Conservative caucus, no secret, had a lot of deep reservations about the government's new experiment in this chamber. Yet, we still welcomed every member. We still found ways to make sure they were given seats on committees. That has always been the case.

Even now with the two truly independent members of this chamber, I can tell you as leader I have reached out to both of them. I have had conversations. It wasn't because of any motion from Senator Mercer or anyone else. It was understood because I know they have a voice. Senator McPhedran can confirm that. We have reached out because we believe they have a role to play.

Furthermore, as someone who understands rules and procedures in this place, there is no other chamber in the Westminster parliamentary system anywhere in the world where the rules are so weighted in favour of non-affiliated senators. How many times every night and every afternoon does the Speaker or Speaker pro tempore get up and say, "with leave of the chamber?" This simply means any senator can say, "Speaker, I don't grant leave." It could be Senator McPhedran or Senator Woo — they are equal in this place.

How many bills this week that we fast-tracked past second and third reading would not be law if Senator McPhedran today — whom I call the true independent along with Senator Brazeau — did not grant leave? They don't have a group. They don't have leadership. They could have stopped every single bill this week. They have as much power as anybody, including the government leader. Probably even more power. And that's the truth. We are at the pleasure of these independent senators.

So if anyone believes you are joining a group because that gives you more strength, nonsense. God bless her, Senator Anne Cools taught me that just when I was sitting with the Conservative government benches as a backbencher and government leader at the time. Every time there was a government bill, we would look at — God rest her soul — Senator McCoy and Senator Cools and we said, “Boy, they’d better agree with this government legislation or it’s never going to pass and we are going to be here for weeks.” Right? How many times did we have to sit on Friday and Monday because Senator Cools and Senator McCoy weren’t happy? Of course I’m saying things that might give Senator McPhedran some ammunition. And I can tell you, she calls me regularly for advice. She has become a quick pupil on procedure, and she’ll be using them pretty soon — government leader, I’m sorry. Again, Senator McCallum, to answer your question, that’s the nature of the place.

I have been watching you with curiosity, and you are learning very quickly yourself and you are becoming a fantastic contributor. I see you with the number and the substance of your private members’ bills that you are tabling and your motions. You are representing your community with tremendous capacity. It has nothing to do with whatever group you’re in. You are doing it because you are exercising your right as a parliamentarian. You are moving great motions. You are speaking to them in an articulate fashion, and you persuade enough of your colleagues that they are going to pass. They will become the rule of the law of the land. That’s the way it goes.

Anybody who thinks this place is designed to give some kind of an advantage to a majority group, I can tell you that’s not the case. On the contrary, the most disadvantaged people in this chamber as a group, and I saw it because I came in with the government, is the government side. Senator Gold and Senator Gagné have the toughest jobs here, and it has become tougher because they have these various groups with various values to herd. I hope that answers the question.

Like I said, if anybody feels because they are independent or in a smaller group that they are somehow diminished, that’s not true. I repeat my point: When you are appointed as chair or deputy chair on any of these committees, you are representing a caucus. You are representing many other people behind you. Again, look at the accommodations despite the Rules. How many times have we gotten up here and done things where we said, “Notwithstanding rule . . .?” Why? Because we give in. We realize we have to be decent amongst each other to have credibility as an institution.

• (2000)

That is what I hope we will continue to do in this place, in the spirit of respect and cooperation, not in a spirit of antagonism. Yes, sometimes there are politics. Senator Gold and I engage in it. I have the utmost respect for him, and I hope he has some respect for me. We find ways to work. We put the politics aside when we have to and we do what we need to do in the best interests of the country. Eventually, we’ll solve all the problems of all the groups we represent. Thank you.

The Hon. the Speaker: I’m sorry, Senator McCallum. There are other senators who wish to ask a question. I’ll come back to you if there’s time.

Senator Quinn, did you have a question?

Hon. Jim Quinn: Yes.

Honourable senators, this whole debate is very interesting for a new senator like me. When I was appointed, I was appointed as an independent. I eventually choose a group, but I didn’t forfeit my independence. Rather, I embraced a group that I felt had a philosophical alignment with me, not limited to my independence.

Certainly, I feel that I must respect, in many ways, the facilitation that the leaders have brought to the institution in having discussions around proportionality. I do respect that negotiation. However, this discussion over the last few days has been very helpful, to hear both sides of an argument.

But I do feel conflicted because while wanting to respect the negotiations that were entered into by leaders, I think it is important that I, as a senator who has been appointed on an independent basis who has chosen a group that tonight is sounding more and more like a caucus — I apologize, but it does — how can I, at some point, possibly rethink my position within a group to go to another group or to become an independent and lose a position on a committee to which I feel I’m accountable to the people of Canada because I’ve been asked to serve on a committee because of a particular skill set and competency that I may represent. It’s a bit of a conflicted world for me, this whole debate. I’m sure that happens very often.

How do we rationalize the independence of this modernized institution, an institution that continues to evolve? How do we rationalize that while at the same time it’s almost like punishing someone because they’ve made a decision to realign?

I hope that realignment of someone’s philosophies isn’t something that just occurs overnight. I would hope that it is an evolution. But I don’t think that that skill set and competency should be removed from a committee to which that senator is acting and inputting on behalf of Canadians, not on behalf of a group.

How do we rationalize all of that?

Senator Housakos: Senator Quinn, those are all very good points, but with all due respect, the truth of the matter is Canadians did not put you on a committee. I’ve been put on a couple of committees by the Conservative Senate caucus. I was not put on those committees by Canadian citizens.

If tomorrow morning I philosophically change my point of view and I decide to join, for example the Canadian Senators Group or the Progressive Senate Group, then at that particular point in time I have to respect the group that sent me to do work on that particular committee on their behalf.

Now, I reiterate that your privilege as a senator is not violated. You and I can go and make representations and participate on any committee, but the moment you serve as a chair or deputy chair, at steering or you have a voting right on the committee, again, you were sent there. Your accountability is to your group on a weekly basis.

Unfortunately, there is no mechanism yet in this institution where we are accountable to the people of Canada. We don't run for elections every four years. Furthermore, even when it comes to the Prime Ministers who appointed us here, they don't have much accountability either to us in regard to the fact that we're here with our privilege until the age of 75.

The self-discipline that this place imposes with the groups that we choose to philosophically associate with, that is where we get some semblance of discipline and organization. You're right that if you make a change of group, you would think about that from a philosophical point of view, not from a self-serving point of view.

If tomorrow morning I leave my group and it costs me the chair of a committee, that chair is not mine. I would like to think the committees I have served on as chair over the years is where I have some expertise and that is why my caucus sent me there. The moment I cease to be a Conservative and I go to another group, that other group that I represent will send me to do work that that group deems necessary on their behalf.

Again, it's difficult, because we're not like every other Parliament. We're uniquely different because of the fact that we're an appointed body. We're appointed to positions on committees by groups that represent us. It's not an election. For example, we don't elect every single committee seat and chair and deputy chair in this chamber. The reason we don't is because eventually it will become a dictatorship on the part of the largest group, for example.

Historically, in this country there have been many instances where the Liberals had the vast majority of 70 or 80 seats and the Conservatives had dwindled, and there were instances where the Liberal caucus had dwindled to a small number.

By the way, I would like to inform every member here — because every independent senator that comes here thinks there's a problem with the Senate rules — this place, ultimately, is a place of the majority. The reason we've survived as a coherent body is that majority group, when it becomes so big, if they don't understand that we will only be credible by the manner in which that majority treats the minority, then the place falls apart.

I reiterate that at the beginning of 2016 when a small minority came in here, which today is becoming a plurality and a majority, the majority didn't like it, but we knew we had to accommodate that minority. I've been here long enough to know that today I'm in the minority. Five or seven years from now, many of you will be in that minority. That's just the nature of democracy. How we treat each other is fundamentally important.

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

Hon. Pat Duncan: Thank you, Your Honour. I appreciate the opportunity to enter into this discussion and ask Senator Housakos a question.

I would like to say at the outset that it's almost the three-year anniversary of my appointment to the Senate. From the very beginning, I have been in awe and appreciate every single senator. There is a tremendous wealth of Canadian talent, brains and energy. I appreciate the opportunity and privilege to be of service to Canadians alongside all of you.

It is the appreciation of that talent and the strengths that each individual brings to the Senate that is causing me to ask this question. I've listened very carefully to the debates, and repeatedly I've heard "the Senate appoints." That's true because it is the Senate as a whole. It is all of us that approve the Selection Committee report that names different senators to committees and their service.

The leaders have met and agreed on the list of names that has been presented, however their groups have decided. People are named to a committee in that Selection Committee report. Not one of us questioned that report. No one has said, "Wait a minute. Take a good, hard look at these different committees."

The problem that I've seen is that we aren't using the talents of everyone and our committees are not reflecting the diversity of our country or are necessarily representative of the population. Forgive me, Senator Mockler and my colleagues on the National Finance Committee. It does not have a representative west of Ontario except for me. I think that's an issue.

All of us as senators approved the Selection Committee report. No one looked and said, "There is no Indigenous representation on this committee." Yet, Indigenous businesses represent \$32 billion of our GDP. That is my concern.

• (2010)

I respect absolutely, Senator Housakos, your expertise and your knowledge of the Rules, and I have the utmost respect for and understanding of the arguments that have been presented.

I would like to ask Senator Housakos whether he sees what I've outlined as an issue and whether he has a suggestion as to how to solve it.

Senator Housakos: Thank you, senator. Of course, I understand that. We can easily start micromanaging all the various imperfections of the system. No system is perfect.

I want to highlight, colleagues, that in the Western democratic world — and if I'm not mistaken in my statistics, I think in the comparison of all democratic chambers in the world — the Senate is the most diverse. If I'm not mistaken, we've equalled other chambers in terms of gender parity. We are very representative in terms of various visible, ethnic and linguistic minorities. Again, I challenge comparison with any other parliamentary body in the world.

In terms of composition of committees, are we where we need to be and in the perfect range with everything? I look at the Aboriginal Peoples Committee. I'll give you my opinion. I think there are not enough non-Indigenous people on that committee.

In the ongoing process of national reconciliation, people like me have to learn a heck of a lot more about our history and this issue. Quite honestly, I look at the composition and say to myself that it's pretty stereotypical; the only people who are interested or want to talk about Aboriginal issues are Aboriginal people. That was my reflex.

I look at the Committee on Official Languages. The only people who are interested are French Canadians? English Canadians don't care about official languages? That struck me.

These are just a couple of examples. I'm sure that if we dissect further, we will find other examples. It is incumbent upon us to go back to our groups, discuss it with our leadership, shake the cage, come back to our leadership groups and try to fix it. As I said earlier, we're trying to be fair and representative to the best of our abilities. We understand the problems and we try to resolve them.

Canada, and this institution, are perfectly imperfect. The only way we can correct it is to recognize that this is an ongoing process and evolution. I'm sure that every other leadership group recognizes that.

We have another problem. In the process of trying to be fair to all groups, as groups become smaller and smaller, they're not as broadly representative of the whole country and of all linguistic groups. We can talk about inequities in the process and how this institution is not perfect.

I'm from Quebec. We have 24 senators in this chamber out of 105. The Western provinces — British Columbia, Alberta, Saskatchewan and Manitoba — have 24 senators. The province of Quebec has as many senators as those four provinces. Atlantic Canada is overrepresented. We can get into the debate about how the Constitution came about and how the two founding peoples came to the table. In large part, if it weren't for that inequality in this chamber — those of us who know the history — Canada would probably never have been founded and we wouldn't have this country to try to make even better, as we're trying to do today.

My point, Senator Duncan, is that we've come a long way and we've done it through patience, tolerance and negotiation. That's how Canada came about, through negotiation — not a free-for-all, not populism, not free-for-all votes here on the floor to decide every little thing. We did it through consultation, cooperation and debate, and sometimes acrimonious debate. But the Westminster model is designed such that acrimonious debate takes place behind the scenes. Senator Gold and I can have screaming matches, and he can get upset with me and I with him. We come here and work it out and get into the nitty-gritty of the substance of the debate. That's my take on it.

The Hon. the Speaker: Senator Kutcher, did you wish to ask a question?

Hon. Stan Kutcher: I do. But I'm not sure, Your Honour, whether Senator Duncan had a supplementary.

The Hon. the Speaker: Senator Duncan, did you have a supplementary question?

Senator Duncan: I did. However, in the interest —

The Hon. the Speaker: I'm sorry, senator. I will put you on a list, because time is running out and we do have a number of other senators.

Senator Duncan: Understood. Thank you.

Senator Kutcher: I have a question for Senator Housakos, but first an observation. I think we are demonstrating to each other that we are fully engaged in understanding who we are becoming, and that is not a bad thing.

Senator Housakos, I'm not sure if I correctly heard your response to Senator Quinn's point and I'd like to clarify. I thought I heard you say that when we sit on committees, we speak in that committee on behalf of the group.

Now, I don't speak on behalf of the ISG when I sit on a committee. I sit on a committee in which I have interest and expertise, and I speak from that basis as an independent senator; I do not speak as a member of a group.

Most of the colleagues whom I know quite well would see their role the same way — that we do not speak about what a group is telling us to say on a committee. We speak from our own personal experience, expertise and values.

So I'm a bit struck by your response, if I understood you correctly, because I think we have a fundamental difference of opinion. I would appreciate your either correcting me on my understanding or maybe taking it to the next level to help me out with that. Thank you very much, senator.

Senator Housakos: Thank you, Senator Kutcher. Remember, I rose and said I wasn't planning to enter this debate; I merely wanted to share a few thoughts.

Let's take it to the next level, because we're not saying different things. Of course, you are named to whichever committee by the group you represent because of your expertise and knowledge. I can assure you that when leaderships of all groups identify people for committees, they're choosing the best people to work on those committees — those with the most knowledge, experience and interest.

Having said that, we simultaneously choose to work with a group or caucus that represents our values, and we represent their values. It's no coincidence that you're in the group you're sitting with, and it's no coincidence that group thinks you're the best person to serve in the capacities you're serving. I don't think either is exclusive, quite frankly.

Yes, there are times — because that's how Parliament works — when you and I will go to our various roles in committee and articulate a point of view that is not always exclusively agreed upon by the group. It's called democracy. That happens when it comes to our work and dealing with policy groups and political discourse.

The truth of the matter is that I don't think any leadership or group micromanages the representatives they name to the various committees because, as I said, there's a reason you are on that committee. You are probably the one guiding and driving the debate in your group.

When I sat as chair of the Rules Committee, I think my group picked me for that role because of my expertise in procedure and the rules and rights of Parliament and what have you. I can assure you that I drove the debate in my group, but I was chosen to be put in that committee to represent my group's interests. I cite committees like Ethics and Rules and Internal Economy because those are not philosophical roles; they are administrative roles. It would be wholly chaotic and undemocratic if chairs, deputy chairs and people serving on those committees someday find themselves representing only one group in this chamber. At that point, this place ceases to be representative and democratic. Going back to my original argument — talk about infringing on the privilege of a large number of senators. Potentially you can infringe on a large number of senators.

I don't think that what you and I are saying, Senator Kutcher, is diametrically opposed at all. I hope that I clarified my perspective in detail.

The Hon. the Speaker: Honourable senators, before calling the next senator for a question, we have just a little over five minutes left in Senator Housakos's time and we have four senators who wish to ask a question. I'd ask you to please keep your questions brief.

[*Translation*]

Hon. Renée Dupuis: Senator Housakos, my question will be brief.

I don't know if I heard correctly, but you spoke about the possibility of philosophically changing your politics and maybe considering joining the Progressive Senate Group or the Canadian Senators Group.

Does the fact that you didn't mention the Independent Senators Group, or ISG, mean that you're ruling out ever becoming a member of a group like the ISG on principle?

• (2020)

Senator Housakos: No, not at all. The ISG is a group like any of the others. As everyone knows, it has attracted quite a few representatives and has many members. It is doing well, and I have no problem with that.

[*English*]

Hon. Marty Klyne: I'm sitting here with the strong sense that we've lost the plot concerning the issue. The issue is about the portability of these seats.

From my perspective, which is not as deeply entrenched and long held as yours, the seats are being used as a bargaining chip, as golden handcuffs, as a retention tool. Senator McCallum was on the cusp of that idea when she asked about someone not feeling like they're a good fit within a group but they're staying

there because they're on that committee. I'm putting words in her mouth, but is she hanging on to that committee because she finds it's the place she needs to be?

To go back to the wise words of the former senator Robert Peterson, committees are where some fundamental critical work is done. I've heard many other senators say that. I hang on to that sentiment. That's where we actually do a lot of good work. We study bills, and we look at topics of national interest that nobody else is looking at.

Now I'm starting to lose the plot, but what I think we need to address here is portability. I know I've seen someone leave a group and keep their seat, much to the chagrin of the group they left. When the senator left, the group was relying on the rule that seats weren't portable, and the senator shouldn't have left with that seat. The other group, the one on the receiving end, would say, "Oh, no. They get to keep their seat." There's a little bit of hypocrisy going on.

What I would like to know is why a seat cannot be portable. Again, from my perspective, it is a bargaining chip, a retention tool and golden handcuffs.

Senator Housakos: I don't think it's that at all. It's a question of maintaining respect for proportionality and respect for the operational semblance of this institution without it becoming the Wild West where votes on seats become negotiable with groups. On the contrary, if you or I want to change affiliations, yes, I will lose a voting right on a committee because, again, there must be respect for proportionality, but it doesn't prevent me from doing work.

In this Parliament, I no longer serve on the Foreign Affairs and International Trade Committee. That's one of my loves. As you can see from what I do in this chamber, I do a lot of work on human rights and on foreign affairs issues. About 80% of what I do here is touched upon at the Foreign Affairs and International Trade Committee. Unfortunately, because of our group's proportional representation, we're down to two members on that committee, so two of us had to cede our seats. I was one of them.

Do you think in any way it hinders my capacity if I'm in this group or any other group to move the motions I'm moving, to table the private member's bills I'm moving? Do you think I will be prevented from participating in the debate on issues of Foreign Affairs and International Trade? Absolutely not. I will be there. I will be participating. I will be asking questions, but I won't be casting a vote, officially, on behalf of my group or any other group in respect of that proportionality.

Senator McCallum: I want to thank you for the comments you made.

Senator Housakos: Thank you, Senator McCallum. .

Hon. Marilou McPhedran: Will you take a question, Senator Housakos?

Senator Housakos: Absolutely.

Senator McPhedran: First of all, I'm loving this discussion tonight. I'm also in awe of how you managed to deflect the questions with your erudite answers. However, I'm going to see if we can stay focused.

In some ways my question ties in with the reference that Senator Woo made. Under the current set of rules, if I were to be given a committee seat and then I was to change my affiliation or my non-affiliation, I would get to keep that seat for the session, correct?

With the Selection Committee report, if it's voted on and accepted, anybody who changes affiliation or for any reason their group is in need of some corrections — shall we say — their position can be yanked from them under the proposed report. Is that correct? Thank you.

Yes.

Senator Duncan: I'm just reminding Senator Housakos that it's not Question Period. I would appreciate a short, direct answer.

Is there any way that we could form committees in a manner that would take into account all of the senators' skills and talents and ensure our committees are representative? Is there some other method? Of course, I don't want to do this on the floor of the chamber and micromanage the issue. Would Senator Housakos suggest, for example, that the Rules Committee study the subject?

Senator Housakos: It's never a bad idea to have the Rules Committee study the subject matter. All I'm saying is that you'll always have circumstances where caucuses make choices, and some people are satisfied with the choices and some are not. There's no such thing as a perfect process. I recognize that.

However, by and large, I don't recall a situation in this institution where we had chairs, deputy chairs or any senators on committees who weren't doing valuable work and shouldn't be there. I don't. We can make an argument that somebody would be more or less suited, but in my experience I think every senator who has been chosen to do work does it with dignity and professionalism. That's why the Senate is recognized in Parliament as having done some of the best committee work, and it's not a new thing. It has been recognized by witnesses and stakeholders for decades.

That means the system hasn't been that poorly managed.

Senator Kutcher: If I understood Senator Housakos's response to my question properly — and I want to acknowledge that Senator Housakos and I share an affiliation for the Montreal Canadiens, although this year it's very difficult to do that. I'm not sure that I agree with what was just said.

I want to clarify it. What I heard you say is that the senator does not represent the views of the group when they are on the committee; they represent their view and their perspective. They're not the mouthpiece for the group on a committee. If that's the case, since they're not a mouthpiece for the group, should they not be free to move from group to group because they are independent and represent their own perspective?

Therefore, proportionality — I'm trying to understand this — can be at play in the assigning of seats. And that makes complete sense to me. But once the seats are assigned for the duration of that session, if the senator is not a mouthpiece for the group on the committee, since they are sitting on the committee as a freely unbound senator, should the senator choose to move to a different group, should they not just move their seat to a different group? Because you can't have it both ways. You're can't be on a committee as an independent senator speaking in an independent voice and be a mouthpiece for your group. It doesn't work that way, as far as I can tell. So, thank you, senator.

• (2030)

Senator Housakos: Senator Kutcher, we agree on a lot of things, especially hockey, but on this part, I think we are a little bit not on the same page. When you work on your committee work, you certainly speak with your conscience and your mind. But when you also choose to affiliate with a group, like I said earlier in this long, protracted discussion we've had, you are choosing a group that reflects your values and who you are. So that in itself indicates that it's very likely that the points you are articulating and the work you are doing on committee are somewhat compatible with those of the group you're working with.

And I'll just end with this. Everything we do here is an exercise in persuasion in order to get our policy through here. The reason we affiliate with groups is to start from a base and build the process of persuasion to getting bills passed and motions passed and so on and so forth. I think Senator Kutcher is in the Independent Senators Group. Is that correct? I don't know how it works in the ISG, but in the Conservative caucus, those of us that work on committees, of course, we reflect our abilities and our views. But then we come to our committee, before we table reports in this chamber, and we consult. We persuade. Sometimes we are in agreement. I assume every group is the same. And then we come to the chamber here, and after we have persuaded the majority of our group, we try to persuade other groups through negotiation, debate, questions and answers and so on and so forth.

To answer your question, I don't think it is black or white. I don't think Senator Kutcher or Senator Housakos speak for ourselves exclusively. I think we bring an expertise, a knowledge and a point of view. We both, I know, have deep convictions on things, but then we go back to our groups; we consult. We don't take marching orders. I think that's where we have the discrepancy here. Even in the Conservative caucus, we don't take marching orders. We have discussions. Even at national caucus, we have discussions. We are not given orders that, "This is what we want you to do." Trust me — especially the Senate caucus — we are not very good at taking orders.

That's where I think the discrepancy is here. I don't think you exclusively speak only for yourself, and that's the point I'm making. I think you speak for yourself, your conscience, but you also represent your group because you receive the privilege of serving on that committee by that group. That's the point I'm trying to make, and I don't think I'm doing a very good job given the fact that everyone is drilling me over here.

The Hon. the Speaker: Senator Kutcher, do you have another question?

Senator Kutcher: I think Senator Housakos needs a break.

Hon. Pierre J. Dalphond: Honourable senators, in my short 15 minutes, I'll try to remain focused as I try to respond to the leaders of the two largest groups, Senator Woo and Senator Housakos, and to answer the questions raised by Senator Tannas on Tuesday.

A week ago, the Senate adopted, without debate and with the unanimous agreement of all those attending, the *First Report of the Committee of Selection*, appointing senators to the various committees of the Senate. This was a critical step in organizing our committees, with many now up and running.

In doing so, we acted in compliance with Chapter 12 of our Rules, which states that the mandate of the Committee of Selection is to propose names of senators to populate committees, and that the Senate is the appointing authority.

This follows the practice of the House of Commons, both chambers of Westminster and the Australian Parliament. Moreover, all the authorities commenting on the Westminster model recognize that a chamber can amend the proposal of a selection committee. In other words, in the Westminster model, it is the chamber itself, and not the political parties or groups, that appoints members to various committees.

No doubt, groups are important in the pre-nomination phase leading to the report of our Selection Committee, to identify interest and expertise of senators and ensure a maximum of seats are filled on committees, including those that might be less sought after. But it should be up to the Selection Committee to make sure the ultimate result is a composition of each committee that is representative of Canadians and the society we live in.

These internal processes, which vary from one group to another, cannot be conflated with the Selection Committee's function and its proposals and the subsequent decision of the Senate to appoint. This is obvious when we consider that non-affiliated senators, who are equal to any other senators, have the right to serve on committees, not just group members, as recognized in 2017 with the adoption of the *Third Report of the Special Committee on Senate Modernization*, a month before the ISG was recognized as a group.

Thus, to protect this right, non-affiliated senators are entitled, under rule 12-1, unanimously adopted in 2017, to one representative on the Selection Committee to ensure that its report will include the names of non-affiliated senators as of right. Unfortunately, this rule was not complied with recently, since both Senators Brazeau and McPhedran were not proposed to fill any of the 193 seats described in the *First Report of the Committee of Selection*. This hardly looks to me as a recognition that all senators are equal, including non-affiliated, in the appointing process. I hope this situation will be corrected soon, not by begging to existing groups to get some leftovers, but to be given as of right when they participate in the Selection Committee work, in order to allocate to even two non-affiliated senators. That represents 4 seats out of 193. We are far from that if we look at Senator Brazeau and Senator McPhedran.

Despite this flaw, the report was adopted last week by this chamber. Then, and only then, the committees were constituted.

The takeaway of the process is that the Senate itself, and not the groups, makes appointments to committees.

Moreover, in all Westminster parliaments, appointments to standing committees are made at least for the duration of a session when not for the duration of a Parliament. As we have heard earlier this week, the Senate has applied this principle since 1867 and incorporated it formally in its rules in 1969. But why is that so? The answer flows from the role of the committees summarized as follows in the preface of *Senate Procedure in Practice*:

Committees have always been a significant feature of the Senate. It is in committees that the talents and experience of senators are applied to great advantage. Their professional background and skills, together with the knowledge that senators acquire during their tenure in Parliament, provide a firm base for their engagement in committees. The solid work of committees is also enhanced through the stability and continuity of membership. Senators have an opportunity to gain an in depth understanding of complex issues studied over the years.

That is from the book written here in the Senate.

Now, some leaders are proposing that we accept, as we did without debate in March 2020 and again in a limited debate in October 2020, to dismiss this principle of continuity. This principle is even more important today than it was before, since it ensures greater individual independence in senators' choice of affiliation in a chamber where there are now more groups and, thus, the possibility of greater mobility.

• (2040)

Seriously, colleagues, does anyone think that if a senator changes groups or becomes non-affiliated, he or she is no longer worthy of the trust of the Senate that has appointed him or her on a committee or that by changing a group a senator suddenly changes their views and perspectives on a matter?

We might then ask why is there an attempt to change this rule of continuity? Some say it is to preserve the proportional allocation of seats. Senator Bellemare and others have shown on Tuesday the flaws in this argument. The answer lies somewhere else.

The rule change seems to preserve, or even increase, the power of groups and their leaders. It was said clearly tonight that seats belong to groups. This runs counter to various attempts to enhance the individual freedom of MPs and members of upper houses in the Westminster model.

A 2009 report of the United Kingdom House of Commons Reform Committee recommended continuing appointments for the duration of Parliament and added "the desirability of removing the influence of party whips from the process . . ." in selecting members of committees. That report also explored options to further democratize the process of committee appointments with greater transparency.

The proposal before us is even more unfortunate in this place since it runs against the whole concept of a more independent Senate made up of senators free to determine their opinion on issues and bills, free to vote accordingly and free to affiliate, or not, without fear of reprisals.

In fact, this new concept of portability and the group owning the seats appears to have arisen after Senator Richards became a non-affiliated senator in 2018. Senator Richards then retained his seat on the National Security and Defence Committee, where close votes were expected in connection with Bill C-71. If the principle of appointment for the whole session then had been discarded, as is now proposed, dynamics would have been different on that committee.

In other words, substantive committee outcomes may be the factor in this initiative to discard the principle of appointment for the duration of the session.

In a question to Senator Cordy on Tuesday night, Senator Tannas touched directly on that point. Referring to rule 12-5 to which Senator Woo referred abundantly tonight, on replacement on committees, he said:

But nobody has mentioned rule 12-5, which basically says that the leaders, on a signature, can remove any member of any committee and appoint somebody else. So what we're really talking about is, up until one minute before the person resigns, the leader could remove their seat. It is only in the moment after they have resigned that they can keep their seat or that the leader can't take it back. The group can't take it back.

As said in reply by Senator Cordy, if rule 12-5 can be read as meaning that, the time has come to ask the Rules Committee, not Selection, to review this matter.

I also have difficulty with the suggestions that the rules protecting seats for the session are not important because of a broadly drafted rule on replacements. In my view, a proper interpretation is to the contrary. The rule on the duration of appointments is the principle and the rule on replacement is the exception.

That rule on replacement has been in place since 1983. Its proper purpose is to make temporary substitutions, as Speaker Noël A. Kinsella explained in 2007:

Allowing changes in membership during the course of a session provides a convenient way to co-ordinate caucus work. If, for example, a senator is obliged to be away from a meeting for other responsibilities or if a senator who is not a regular member of a committee has particular expertise in a matter under consideration, rule [12-5] provides a way to accommodate these circumstances.

In 2009, a Rules Committee report confirmed that, in practice, today's rule 12-5 is used for temporary replacements in the following manner:

The senator who is unable to attend the business of a committee for a meeting or period of time is replaced by another senator. Then, when the original committee member

is able to resume attendance at meetings, he or she replaces that replacing senator — thus restoring the original membership of the committee.

On this point, in the other place, the House of Commons, permanent changes to standing committees can only be carried out by decision of the House of Commons as was shown when MP Leona Alleslev crossed the floor from the Liberals to become a Conservative. Motions from the equivalent of our Selection Committee have to be passed in the House of Commons, and a motion is needed by the House of Commons to adopt that report.

This is also the case in the Australian Senate and the U.K. House of Commons. As for the Standing Orders of the House of Lords, they are silent on the removal of committee. A replacement must be the subject of a motion adopted by the House of Lords.

Perhaps it is no surprise then when we previously voted on suspending rule 12-2(3) on October 28 last year, our former Speaker, Senator Housakos, voted to uphold the Westminster practice of duration of appointments.

No doubt, the broad rule 12-5 has been used for party discipline in the past. However, it is strange to see this aspect of the rule invoked in the current Senate, at least in groups that state that their members are free to vote as they wish, that the group will not take action to direct certain results and when there is no longer a whip. In other words, one could expect that the leadership of these groups will not use rule 12-5 for forced reassignment of senators, especially to ensure a result such as no amendment in committee.

Today's decision is an important one for the direction of Senate reform because, honourable colleagues, it proposes regressive changes.

Last year, our former colleague, Murray Sinclair, reminded us of his aspirational vision of this chamber as "Canada's council of elders." He said:

We can move towards a culture and institutional structure that we can envision more as a circle of independent individuals, and away from hierarchical factions

In conclusion, I believe that to adopt the report will be a disservice to individual independence, to the committees, to the Senate and to the reform that we are striving to achieve for those that believe in this reform.

I respectfully urge you, senators, to vote against this report.

Thank you, *meegwetch*.

(On motion of Senator White, for Senator Tannas, debate adjourned.)

POINT OF ORDER

Hon. Stan Kutcher: Excuse me, Your Honour. I don't know how to raise this. I don't think it's a point of order, but it's a question. I don't want to get into Senator White's way.

Somebody named “ZoomGalUser12” has entered into our debate, making comments about issues that we have been discussing in the chat. We have asked who “ZoomGalUser12” is and have had no answer as to who that person is.

• (2050)

It’s in the chat function. We are debating these issues. Different senators have put comments or questions in the chat function for each other. Someone named “ZoomGalUser12” has entered the chat, and I don’t see which senator “ZoomGalUser12” is.

The Hon. the Speaker: Thank you for raising that, Senator Kutcher. I have just been informed by the table that it’s one of the tablets in the chamber, and we are trying to ascertain which one it is. Is an honourable senator in the chamber using tablet Zoom12?

Can you wait until we resolve this, Senator Quinn, or is it pertinent to this?

Hon. Jim Quinn: It’s pertinent to this. There are at least four other ZoomGal users on our participant list.

Senator Woo: I’m a ZoomGal.

The Hon. the Speaker: What I’m told, honourable senators, is that all of the tablets in the chamber are identified as ZoomGal but that honourable senators shouldn’t be using the chat in the chamber. Is that correct?

Senator Wells: I assure honourable senators that I am not ZoomGalUser, but it’s my understanding that debates should happen on the floor or on Zoom, not in the Zoom chat. In my experience, the Zoom chat is used when you have technical difficulties and things like that, not as part of active debate on the sidelines.

SPEAKER’S RULING

The Hon. the Speaker: Honourable senators, I am advised that all of the tablets in the chamber are identified as ZoomGal, but that honourable senators should not use the tablets in the chamber for Zoom chat. If any honourable senators are doing that, I would ask you to refrain from doing it in the future. Thank you, Senator Kutcher, for raising that point.

(At 8:52 p.m., the Senate was continued until Tuesday, December 14, 2021, at 2 p.m.)

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