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(HANSARD)

Tuesday, April 26, 2022

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Tuesday, April 26, 2022

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Progressive Senate Group who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Joyce Fairbairn, whose death occurred on March 29, 2022.

I remind senators that pursuant to our rules, each senator will be allowed only three minutes and they may speak only once.

However, is it agreed that we continue our tributes to our former colleague under Senators' Statements? We will therefore have up to 30 minutes for tributes. Any time remaining after tributes would be used for other statements.

Hon. Senators: Agreed.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE JOYCE FAIRBAIRN, P.C., C.M.

Hon. Jane Cordy: Honourable senators, I would like to take a few moments to remember my dear friend Joyce Fairbairn, who passed away on March 29. Journalist, trusted adviser and legislative assistant to Prime Minister Pierre Elliott Trudeau, member of cabinet as Senate government leader, regional minister for Alberta, Minister with Special Responsibility for Literacy, chair of the Paralympic Foundation of Canada and honorary Kainai Chief of the Blackfoot Confederacy. These are just some of the highlights of a remarkable career.

In her own words, Joyce came to the Senate:

> . . . to work . . . to provide a voice that connects Ottawa and Alberta, that connects their interests and tries to explain them to each other . . .

She believed that people truly mattered. Almost every weekend, even while in cabinet and even though her husband, Michael Gillan, lived in Ottawa, she would travel to her hometown of Lethbridge to meet with people and participate in local events.

Though an avowed Liberal partisan, she said:

> . . . if you are working on the ground at the community level you are working with issues that concern not just one political party but everybody. . . . You park your partisan affiliation on the sidelines and get out and work on the issue.

It is fitting that the Lethbridge Conservative member of the House of Commons would refer to her warmly in public as "our senator" because that is who she was.

The people of Lethbridge mattered to Joyce. And because of her constant presence and attention, they knew it. Those people included the Indigenous community, to whose aspirations she was particularly sensitive.

Senator Fairbairn said:

> If there is a black mark against this country, it is the treatment of aboriginal people . . . It is absolutely ridiculous to say that Canada was settled by two founding races. It was not. As my aboriginal friends will say, they had a very generous immigration policy.

One of Joyce's proudest achievements in the Senate was successfully fighting for the establishment of the Standing Senate Committee on Aboriginal Peoples. She believed our chamber had:

> a real role to play in providing a forum for wide ranging discussions on aboriginal concerns and the fundamental position of the aboriginal people in Canada today . . .

She was one of the founding members of that committee in 1989, and continued to serve on it for many years.

When, for health reasons, Joyce chose early retirement from the Senate in 2013, she was welcomed home by the people of southwestern Alberta. In 2015, she was invested into the Order of Canada, and in 2018, the Senator Joyce Fairbairn Middle School opened in Lethbridge, honouring her work in literacy and in her community.

Despite all her accomplishments throughout her life, what I will remember most is Joyce's kindness because it is how we treat people that is remembered best.

Though we will all miss Joyce, she will be missed most by her niece, Patricia and her partner Martin, and her two great-nieces, Jessica and Natalie. They provided Joyce the safe refuge of family that all those in public life need, especially after her life partner died in 2002. To them I extend my sincerest condolences. Thank you.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise today also to pay tribute to former senator Joyce Fairbairn, who passed away on March 29. I never had the pleasure of meeting Senator Fairbairn, but I am told that her diminutive stature did not take away from her very large presence.

Joyce Fairbairn began her career as a journalist with the Parliamentary Press Gallery and was subsequently hired as a legislative assistant in the office of Prime Minister Pierre Trudeau and became the Prime Minister's communications coordinator.

[*Translation*]

She was appointed to the Senate in 1984 and later joined Prime Minister Chrétien's cabinet, serving as government leader in the Senate from 1993 to 1997. Former senator Joyce Fairbairn was the first woman to serve as government leader in the Senate and the first minister with special responsibility for literacy. She also chaired the Standing Senate Committee on Agriculture and Forestry and the Special Senate Committee on Anti-terrorism.

• (1410)

[*English*]

I will leave it to colleagues who knew her personally to convey their special memories of Senator Fairbairn, but there is one story told to me by our former colleague Hugh Segal that I would like to put on the record.

In 1979, former prime minister John Diefenbaker, still an MP, was living alone in Ottawa. Joyce was legislative assistant to Prime Minister Trudeau and the country was in the midst of an election campaign. Mr. Diefenbaker's health was failing and, while his housekeeper made sure his meals were ready, he complained to a staffer that he missed his regular lunch of "hot, hearty soup." Joyce heard about this and the next day, she personally delivered a container of hot, hearty soup to Mr. Diefenbaker at his home in Rockcliffe. From that day forward, she made sure that soup was delivered to him most days of the week, and she personally made the delivery as often as possible. And they became friends.

When asked why she would extend this kindness to a former prime minister of the opposing party, she stated, "I sure didn't vote for him, but he was still my prime minister." Prime Minister Diefenbaker died a few weeks later.

I never met Senator Fairbairn but I know I would have liked her. I offer my sincere condolences to all of her family and friends.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I also rise today to pay tribute to our friend and colleague the Honourable Joyce Fairbairn.

Over the years, our colleague wore many hats and she did so with grace and influence. I join many others in recognizing that Senator Fairbairn was an incredible woman and a true trailblazer for not only the people of Lethbridge, but for all Canadians.

Over the years, she had multiple careers. In each and every one of them, she demonstrated her drive and determination in advancing the issues that were near and dear to her heart. Her energy and passion captured everyone's attention, yet she remained grounded, regardless of the important leadership roles that she played.

Of note, she was the first woman journalist in the national press gallery, as well as the first woman to fill the position of government leader in the Senate. She was an effective communicator, one that understood politics. Her five decades on Parliament Hill stand as a testimony to the value of her significant contributions to public policy. Senator Fairbairn also held many positions in the Liberal Party of Canada. She wore her red-coloured blazer with confidence and loyalty to her political affiliation.

Beyond partisanship, she was an advocate for literacy amongst adults, a fundraising champion for the Canadian Paralympics team and a defender of Indigenous peoples. While awarding her the Order of Canada, the Governor General summarized Senator Fairbairn's life achievements by saying she was ". . . devoted to improving the lives of Canadians and helping individuals overcome obstacles."

Colleagues, there is probably no better tribute any of us could hope for at the conclusion of our public service.

I had the pleasure of sitting on the Standing Senate Committee on Agriculture and Forestry with Senator Fairbairn. I remember fondly travelling with her to New Brunswick. We attended a tree-planting ceremony. Senator Mercer was there as well. I enjoyed this event, but I must say that my favourite memory of that trip was when we both — Senator Fairbairn and I — crammed together on the seat of one of the huge pieces of equipment that cut down trees. It was a small seat, but we managed to find room for both of us sitting there. I cherish the photo of that still to this day.

In closing, although my loyalty is blue and hers was red, I wish to add my voice of gratitude for Senator Joyce Fairbairn's many accomplishments in public life. On behalf of myself personally, but also on behalf of the opposition in the Senate, I wish to convey our deepest sympathies to all of her friends and family members. May God bless all of you in these difficult times. Thank you.

Hon. Chantal Petitclerc: Honourable senators, I have always been very fond of the Honourable Joyce Fairbairn, who was a long-time passionate and dedicated supporter of the Paralympic movement in Canada.

In 1998, in her role as a senator, she attended the Nagano Paralympic Winter Games. After learning that there may not be enough funds to send a Canadian team to the 2000 Paralympic Games in Sydney, she founded a group called Friends of the Paralympics to make sure that the team would be able to go.

This group became a game changer for elevating the paralympic movement in Canada. Shortly after the 2000 Paralympic Games in Sydney, Senator Fairbairn was instrumental in founding and becoming chair of the Paralympic Foundation of Canada, the first official charitable foundation connected to the Canadian Paralympic Committee.

[*Translation*]

I spent a lot of time with the Honourable Joyce Fairbairn at the Sydney Paralympic Games. I have fond memories of her gentleness, her charisma and her great kindness toward the entire Canadian team.

[*English*]

Honourable senators, let me share this quote from the president of the Canadian Paralympic Committee, Marc-André Fabien, who introduced me to his dear friend Senator Fairbairn. He said:

> It is with extreme sadness that we have learned of the passing of Senator Joyce Fairbairn. She was a pillar of the Paralympic Movement in Canada for many years, including in critical years of growth, and her leadership, passion, and determination to strengthen Paralympic sport made a world of difference. . . . She will be greatly missed.

As I read this, I have images of myself warming up in a stadium somewhere in the world and spotting the biggest Canadian flag. Who was holding it? It was always her, looking great with a red Team Canada t-shirt, smiling and cheering very loudly in the stands. That is how I will remember Senator Joyce Fairbairn — an amazing woman who made a difference and a role model for the paralympic movement. May you rest in peace, dear Joyce. *Meegwetch*.

Hon. Larry W. Campbell: Honourable senators, four weeks to this day, my office received an email to say that after two glorious spring days, the snow came last night and whisked Joyce away.

I'm privileged to rise today to pay tribute to one of the most remarkable humans to grace this chamber, Senator Joyce Fairbairn, who, upon her death, was characterized by fellow Albertans as being inspiring, as being a powerful advocate, as being a builder and a trailblazer, as being a passionate, thoughtful and caring person.

The Canadian Paralympic Committee characterized her as "a pillar of the paralympic movement in Canada for many years." They said she was "a pillar." That is the perfect word to describe Joyce's presence in this world.

I won't reiterate the many accomplishments that she realized in her 50-year career. Instead, I want to celebrate and remember the kind and gentle person that she was. I only met her upon my appointment to the Senate and only had seven short years as a Senate colleague, but in that time I knew her to be tough, but fair, and always inclusive — a trusted colleague to every one of us, regardless of political affiliation.

I'm fortunate to have a member of my staff who was considered family by Joyce. As a result, I have had the privilege to see a side of her reserved to her closest circle. She had the biggest heart. Although she had no children of her own, she treated many as though they were hers. She loved animals and had an affinity for stray dogs and cats, as she couldn't bear the idea that a living being was alone or unloved.

She felt the same about plants, and her beloved husband Mike was usually in support.

• (1420)

She was an amazing cook and loved to bake. Her cookies were treasured by many of us on this Hill. It was quite amazing for a lady who was so dedicated to her work to also be able to devote so much time to caring and supporting anyone who needed it.

Joyce was a decent and kind leader whose actions were rooted in who she was at heart. Her best skill was putting the focus on others. She was always at ease, be it in a meeting with top-level executives or in a Grade 4 classroom. At every interaction, regardless of who they were, she made sure that people felt exceptional and that their voices were heard.

I was elated to hear that a new middle school was named after her in the SunRidge area of Lethbridge, Senator Joyce Fairbairn Middle School. For generations to come, Albertans will learn of the amazing things she accomplished and she will continue to inspire Canadians for decades.

Following her retirement from the Senate, Joyce returned home to her stomping ground, as she so fondly referred to southern Alberta, from where she and three generations of her family before her hailed.

In her care home in Lethbridge where she lived for over eight years, Joyce was known in the early years for accompanying the caregivers on their rounds and during their breaks and giving those famous speeches throughout, always dressed in red, of course.

Later, she would follow them around in her wheelchair, paddling feverishly with her feet. Ever the Energizer Bunny was Joyce.

Her niece Patricia recounted to me that, when visiting her aunt, she would play Joyce's favourite Frank Sinatra songs and that Joyce would sing or hum along happily. This connection to music continued throughout her last days.

Thank you, Senator Joyce, for your many years of public service and for the example you have set for those who follow in your footsteps. Canada is a better place thanks to you.

To paraphrase words of her glorious Frank Sinatra, she did it her way.

Thank you.

Hon. Terry M. Mercer: Honourable senators, I rise today to pay tribute to my dear friend and former colleague, Senator Joyce Fairbairn.

In thinking about what to say today, I first thought of the fact that Joyce was the first female Leader of the Government in the Senate. But she was so much more than that. She was a trailblazer for women in journalism and communications, culminating in a job in former prime minister Pierre Trudeau's office.

She was a guide to me and others as chair of the Agriculture Committee and others. She brought out the best of us — and especially our clerks — in her Senate work.

She loved to ride horses. She was passionate about literacy and the Paralympic movement in Canada. She was a proud defender of the West.

What struck me the most was that she called herself the girl from Lethbridge, and the people of Lethbridge called her "our senator." That's right — in southern Alberta, a Liberal. That was a remarkable testament to how much people loved her and how much she loved and supported them, and all her fellow Albertans and Canadians.

While her career may have ended early, she remained steadfast in her work for as long as possible and she continued to live her life to the fullest. Our sincere condolences to her family and the many friends she leaves behind.

I find it fitting that it was her wish that the celebration of her life be held in the warmth of summer because that is who she always was in everything she did, warm and bright.

We will miss you, Joyce.

Hon. Paula Simons: Honourable senators, I never knew Joyce Fairbairn but, as a fellow Albertan and a fellow journalist, I'm grateful for this opportunity to honour her memory.

Joyce Fairbairn was born on November 6, 1939, at the old Galt Hospital in Lethbridge. I mention that because the building is today the Galt Museum & Archives thanks, in part, to her vision and to the funding she secured for the project.

Her father, Lynden Eldon Fairbairn, was a pilot in the Royal Flying Corps during the First World War. He was later a Crown prosecutor, a judge and an active Liberal. Indeed, he sat as a Liberal candidate for Lethbridge in the 1935 and 1940 federal elections, which he lost to a Social Credit incumbent.

Lynden Fairbairn died in a riding accident in 1946, not long after Joyce's sixth birthday, so she was raised primarily by her widowed mother Mary.

She landed her first job in journalism while she was still a high school student, writing a column for the *Lethbridge Herald* called "Teen Chatter." She earned a BA in English literature at the University of Alberta in Edmonton and then headed to Ottawa to take a degree in journalism at Carleton University.

A true journalism pioneer, she was the first woman to be a member of the Ottawa press gallery where she worked until 1970 when she joined the staff of former prime minister Pierre Trudeau.

Others have spoken about her accomplishments as a political staffer and a senator, about her work as a champion of the Paralympic movement and of literacy charities.

Let me talk about the way Lethbridge will remember Morning Bird Woman as she was named by the Kainai First Nation when they inducted her as an honourary chief in 1990.

In Lethbridge, they remember Joyce Fairbairn as a politician who showed up to public events, parades and festivals, large and small; as someone who fiercely championed their city and region; as someone respected by politicians from across the political spectrum and from every order of government.

David Carpenter, who was mayor of Lethbridge from 1986 to 2001, spoke to the *Lethbridge Herald* after Joyce Fairbairn's death.

> I remember every year she used to do as many of the parades in the surrounding towns as humanly possible and then come back and smile all through the city's Canada Day ceremonies. A ferocious speaker, never using notes, she could capture your attention even if you were one of a thousand listening.

David Carpenter added, "My biggest nightmare was to find out that I was scheduled to speak after her."

In the end, Joyce Fairbairn's memory failed her in the most treacherous and tragic of ways. But in Lethbridge, her memory will endure as a blessing for generations to come.

The Hon. the Speaker: Honourable senators, I would ask that you rise and join me in a minute of silence.

(*Honourable senators then stood in silent tribute.*)

THE LATE GUY LAFLEUR, O.C.

Hon. Leo Housakos: Honourable senators, I rise today to express deep sadness as we mourn the passing of the iconic Guy Lafleur. In the days since the news of his passing, countless tributes have poured in from across the country affirming what we all know to be true about Mr. Lafleur: that he was a remarkable talent and a beloved individual.

Guy Lafleur was my favourite hockey player growing up and a childhood idol of mine, as he was for so many hockey fans. His distinct style, electrifying performance and prolific goal scoring were always a thrill to watch and made him a player like no other.

[*Translation*]

Lafleur's hockey career was truly outstanding. He won five Stanley Cups with the Montreal Canadiens, was inducted into the Hockey Hall of Fame in 1988, and was named one of the 100 greatest NHL players in 2017.

His many achievements solidified his legacy as a dominant figure in Montreal hockey history and one of the best players of all time.

[*English*]

Guy Lafleur's commitment and devotion to the beloved game of hockey was unwavering even in his post-playing days. For decades following his retirement in 1991, he continued to give back and make countless contributions to the sport, serving as an ambassador to the Montreal Canadiens and establishing the Guy

Lafleur Award of Excellence in an annual prize awarded to the top student athlete hockey player in my home province of Quebec.

[*Translation*]

His contributions went beyond hockey. In his later years, he helped advance cancer research through the Guy Lafleur Fund by supporting the CHUM Foundation, where he himself was a patient.

[*English*]

Mr. Lafleur leaves behind an immeasurable legacy, and his impact is felt throughout the world of hockey and far beyond. He remains deeply adored by millions of Canadians not only for his legendary talent but also for his humble nature off the ice, his generosity and accessibility toward his fan base and, most importantly, for the priceless memories he has given to hockey fans and Canadians, which they will undoubtedly cherish forever.

• (1430)

Guy Lafleur once spoke to a group of young hockey players, and he shared with them some sage advice. He told them to always work hard, always play passionately and play as if it's the last game of your life.

[*Translation*]

In closing, colleagues, I would like to offer my sincere condolences to the entire Lafleur family and to the millions of hockey fans with whom he forged unique bonds throughout his career.

[*English*]

The glorious chants of "Guy, Guy, Guy!" will be dearly missed and fondly remembered forever. Thank you.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I rise in the Senate today to pay tribute to hockey legend Guy Lafleur, who passed away last Friday.

It almost feels as though the earth stopped spinning last Friday, especially in Quebec. The news headlines are no longer about Ukraine, the 6% inflation rate or the next wave of the pandemic. There is only one subject that is getting all the attention, and that is the death of the Montreal Canadiens' number 10, Guy Lafleur, who died of lung cancer at the age of 70.

Since Friday, the country's television networks have been constantly running footage of the on-ice exploits of this gifted player, an extraordinary and spectacular goal-scorer who was nicknamed "The Flower" by anglophones and "Le Démon blond" by francophones.

Guy Lafleur was the last living superstar of the Montreal Canadiens, after Maurice Richard and Jean Béliveau. More than 35 years after hanging up his skates, Guy Lafleur was still the idol of Quebec hockey fans and revered by an entire nation. His personality, candour and great humility made him a larger-than-life character.

Tributes have been pouring in for the past five days and will probably continue until next week, when a state funeral will be held on May 3 at the Marie-Reine-du-Monde Cathedral in Montreal.

Looking back on Guy Lafleur's career, it is easy to see how incredibly talented he was. At 12, the young hockey player from Thurso was already dazzling fans at the Quebec City peewee tournament, where he scored 64 goals over three seasons.

In the junior ranks, in 1971, he had a season where he scored 130 goals in 62 games with the Quebec Remparts, in addition to winning the Memorial Cup.

As a Montreal Canadien, Guy Lafleur made history by scoring 50 goals or more for six straight seasons. He won all the individual trophies possible from the National Hockey League, and no less than five Stanley Cups, including four consecutive cups from 1976 to 1979.

By the way, he won his first Stanley Cup in 1973 with teammate Frank Mahovlich, whom several senators know since he sat here for 15 years.

Beyond hockey, Guy Lafleur was a major figure in Quebec pop culture. As far as I am concerned, he contributed as much as or more than Maurice Richard to motivating francophone Quebeckers to succeed in every aspect of society.

Since Friday, tributes have been pouring in for our hero, Guy Lafleur. I felt it was important to join in the accolades here in this chamber.

Thank you to Guy Lafleur for giving so much to hockey fans and to all Canadians. On behalf of the Senate, I would like to offer condolences to his wife, his children and his entire family.

Hon. Senators: Hear, hear.

Hon. Patrick Brazeau: Honourable senators, spring is usually the time when flowers bud and bloom. Unfortunately, last week, one flower was lost to us.

Guy Lafleur, known to fans as "The Flower," passed away on April 22 after a battle with lung cancer.

The "Thurso Turbo," as he was also known, played 15 seasons with the Montreal Canadiens, winning five Stanley Cups and topping 50 goals and 100 points for six consecutive seasons. He also won three Lester B. Pearson Awards, two Hart Memorial Trophies, the Conn Smythe Trophy, the Maurice Richard Trophy, and the Ted Lindsay Award. He played in six NHL All-Star Games, had his number retired and was inducted into the Hockey Hall of Fame.

Guy Lafleur touched the hearts of many people. All the kids talked about Guy Lafleur and wanted to be like him. Many Quebeckers of every age idolized him.

When fans saw his blond hair flowing behind him as he sped down the ice, they knew that something special was about to happen. Not only was Guy Lafleur one of the best players in the world, but he was and always will be a legend.

I had the opportunity to meet Guy Lafleur and to play against him. When the Canadiens Alumni team went to Maniwaki a few years ago, I had the honour of playing against my childhood idol for $1,000.

Fans lined up for the opportunity to shake Guy's hand or take a picture with him. As it got closer to game time, some fans started getting nervous because there was still a long line of people waiting to meet Guy. All of a sudden, Guy stood up and called, "Don't worry, the bus won't leave for the arena unless I'm in it!" That was a relief to everyone waiting to meet their idol.

I've met a lot of beloved public figures, in different lines of work, but when I met Guy Lafleur, I knew I was shaking hands with someone very special, a living legend. I had never seen someone as famous as Guy Lafleur treat fans with such class.

He treated every fan like an old friend. He would show interest in them, which you don't see too often. He would ask them as many questions as they asked him. Here was an athlete who was one of the best in his sport, who had won multiple trophies and Stanley Cups, but that day, he was just another guy. I was touched by this interaction and wanted to share it with you today.

Guy Lafleur inspired us throughout many springs, but this spring, we are asking him to rest in peace and thanking him for all of the memories.

I offer my condolences to the entire Lafleur family. Our hearts go out to them.

Thank you.

Hon. Senators: Hear, hear.

THE LATE NICOLE GLADU

Hon. Marie-Françoise Mégie: Honourable senators, today I rise to pay tribute to Nicole Gladu, who died of natural causes on March 27 at the age of 76. Her funeral was held last weekend in Montreal.

I didn't know her personally, but everyone knew of her, and her name will always be a part of the conversation about medical assistance in dying.

Together with Jean Truchon, she challenged the constitutionality of the reasonably foreseeable natural death criterion for eligibility for medical assistance in dying.

Ms. Gladu contracted poliomyelitis at the age of four back when there was no vaccine, but the incurable degenerative disease did not stop her from achieving her dreams. Despite post-polio syndrome, she had a very full career as a journalist, a union leader, a director of communications and more. She left her mark on Quebec and internationally.

Although her health was declining, she found the strength to fight with determination, and she won her case on September 11, 2019.

Despite her victory, Ms. Gladu did not avail herself of medical assistance in dying. She fought for the right to choose her end of life and to extend that choice to all people for whom existence would become intolerable, people like Mr. Truchon.

Ms. Gladu chose to live out every moment of her life. She left us peacefully and naturally.

In her obituary, Ms. Gladu paid tribute to her family and to all the friends and colleagues who remained by her side and supported her through the various stages of her life. I want to join Ms. Gladu in thanking them for their dedication, and I offer my deepest condolences.

I also want to take this opportunity to thank all the caregivers in Canada and recognize their courage, sacrifice and selflessness. I would point out that April 5 is National Caregiver Day.

I had the privilege of working alongside my patients' caregivers during my medical career. Their support is crucial for ensuring that sick people can remain at home safely and that those in palliative care can die with dignity.

I salute all the caregivers in Canada. May Ms. Gladu rest in peace.

Hon. Senators: Hear, hear.

• (1440)

[*English*]

ROUTINE PROCEEDINGS

BUDGET 2022

DOCUMENT TABLED

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the 2022 Budget entitled: *Budget 2022: A Plan to Grow Our Economy and Make Life More Affordable*.

[*Translation*]

BILL RESPECTING REGULATORY MODERNIZATION

NOTICE OF MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER

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

That, notwithstanding any provision of the Rules, previous order or usual practice, and without affecting progress in relation to Bill S-6, An Act respecting regulatory modernization:

1. the following committees be separately authorized to examine the subject matter of the following elements contained in Bill S-6:

   (a) the Standing Senate Committee on Banking Trade and Commerce: those elements contained in Part 1;

   (b) the Standing Senate Committee on Energy, the Environment and Natural Resources: those elements contained in Parts 2 and 3;

   (c) the Standing Senate Committee on Agriculture and Forestry: those elements contained in Parts 4, 5 and 6;

   (d) the Standing Senate Committee on Fisheries and Oceans: those elements contained in Part 7;

   (e) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Part 8;

   (f) the Standing Senate Committee on Foreign Affairs and International Trade: those elements contained in Part 9; and

   (g) the Standing Senate Committee on Transport and Communications: those elements contained in Part 10;

2. each of the committees that are authorized to examine the subject matter of particular elements of Bill S-6 submit its final report to the Senate no later than May 30, 2022, and be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting; and

3. the committee to which Bill S-6 may be referred, if it is adopted at second reading, be authorized to take into consideration these reports during its study of the bill.

[*English*]

BUDGET 2022

NOTICE OF INQUIRY

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the budget entitled *Budget 2022: A Plan to Grow Our Economy and Make Life More Affordable*, tabled in the House of Commons on April 7, 2022, by the Minister of Finance, the Honourable Chrystia Freeland, P.C., M.P., and in the Senate on April 26, 2022.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO HOLD IN CAMERA MEETINGS FOR ITS STUDY ON ISSUES RELATING TO HUMAN RIGHTS GENERALLY

Hon. Nancy J. Hartling: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That, notwithstanding rule 12-15(2), the Standing Senate Committee on Human Rights be empowered to hold in camera meetings for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its study of human rights generally, specifically on the topic of forced and coerced sterilization of persons in Canada.

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.)

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

EMISSIONS REDUCTION TARGET

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question today is for the government leader in the Senate. It concerns the Trudeau government's plan to cut greenhouse gas emissions from fertilizer use on farms by 30% by 2030.

Last fall, Fertilizer Canada commissioned a report showing that the government's plan would cost farmers nearly $48 billion over the next eight years. Fertilizer Canada stated:

> When the federal government announced a 30 per cent emission reduction target for on-farm fertilizer use, it did so without consulting — the provinces, the agricultural sector or any key stakeholders — on the feasibility of such a target.

Leader, why didn't this NDP-Liberal government work with farmers on its 2030 Emissions Reduction Plan before imposing a target that would devastate this entire sector?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I am not aware of the extent of the discussions that took place or continue to take place with various stakeholders, but I can assure this chamber that the government's emissions targets are taken in the spirit and on the basis of advice and reflect Canada's commitment to do its part to reduce greenhouse gases and climate change.

Senator Plett: The reason you're not aware of the consultation is because, as I said, there was none. That's the problem.

Farmers are having a difficult time with their input costs, including fertilizer. Statistics Canada recently reported that prices for ammonia and chemical fertilizers have increased for 10 months in a row and are up year over year by over 88%. Fertilizer is not only expensive but very hard to find. Ongoing supply chain problems and Russia's illegal war in Ukraine have led to fertilizer shortages around the world and there are growing fears about global food insecurity.

Leader, given all of this, why does this NDP-Liberal government think that now is a good time to put more restrictions on fertilizer use by Canadian farmers?

Senator Gold: Thank you for your question. The government's plan to combat climate change touches every aspect of our lives and our economy and is a necessary and welcome initiative in order to address this existential threat to our planet. Thank you.

[*Translation*]

NATIONAL DEFENCE

MILITARY EQUIPMENT PROVIDED TO UKRAINE

Hon. Claude Carignan: Honourable senators, my question is for the Leader of the Government in the Senate. Leader, our Ukrainian friends are currently being invaded by their Russian neighbours, and Russia has one of the most powerful armies in the world. I was pleased when Canada committed to sending equipment to help Ukraine defend its territory. However, I was extremely surprised when I learned a few hours ago that Canada was sending four howitzers and eight armoured vehicles. My question is this: Are you serious?

Hon. Marc Gold (Government Representative in the Senate): The answer is yes. As you know, Ministers Anand and Joly have travelled to Europe to talk to our allies. They went there to find out what more we can do to help the Ukrainians and the Ukrainian forces fight the illegal invasion. We have also learned more about how we can continue to work with our allies to do our part and provide the equipment and essential supplies that the Ukrainian forces need in order to successfully fight off the Russian invasion.

• (1450)

Senator Carignan: Aren't you embarrassed?

Senator Gold: No.

[*English*]

HEALTH

COVID-19 PANDEMIC—LONG-TERM EFFECTS

Hon. Stan Kutcher: Honourable senators, my question is for Senator Gold.

As this pandemic has unfolded, we are coming to understand that the COVID virus has both immediate and long-term negative impacts on health. "Long COVID" is a phrase that has now entered our vocabulary. Early studies suggest that substantive numbers of those who contract COVID can develop long COVID, even those who had mild cases. Recently, I spoke with Nobel Prize nominee Dr. Peter Hotez about the need to better understand the emerging impacts of the neurodegenerative effects of long COVID, including higher rates of dementia, Parkinson's disease and mental illnesses, to name a few. Others have raised similar concerns about negative long-term cardiac and vascular impacts.

Simply put, we are facing an anticipated deluge of serious and expensive health impacts of long COVID, including in children, and we have limited knowledge about its epidemiology, pathoetiology and potential treatment.

What is the Canadian government doing right now to ensure that we have a comprehensive, integrated national strategy to improve our understanding and treatment of long COVID?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question and for underlining this important issue.

The government recognizes that we are faced with a situation where some who have contracted COVID-19 are facing a very long recovery. I'm advised that the government is actively working with national and international experts to build the evidence base on post-COVID-19 condition, to support Canadians who are experiencing those longer-term effects. Increasing our understanding of COVID, of course, is key to addressing and recovering from the pandemic.

To that end, since March 2020 the Government of Canada has invested more than $250 million in critical areas of COVID-19 research. It's also investing an additional $119 million in COVID-19 research, including funding further studies to better understand post-COVID-19 condition.

Earlier this week, colleagues, the government announced it is launching a second cycle of the Canadian COVID-19 Antibody and Health Survey led by Statistics Canada, the Public Health Agency of Canada and the COVID-19 Immunity Task Force, which aims to better understand the impacts of the pandemic on the health and well-being of Canadians.

Senator Kutcher: That's all good news, Senator Gold, and we're very pleased that those things have started, but long COVID is probably going to be a multi-generational problem. Our country is taking steps forward, but we can't do it alone. We really need to partner with other countries that have substantial research components, such as the United States of America, the United Kingdom and Australia.

What is the government doing to ensure that those partnerships can happen?

Senator Gold: As I said, senator, the Government of Canada is working with national and international experts.

With regard to your specific question, I'll certainly make inquiries and I would be happy to report back.

[*Translation*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

CANADA DISABILITY BENEFIT

Hon. Chantal Petitclerc: Senator Gold, my question once again concerns the Canada disability benefit bill, which died on the Order Paper and has yet to be reintroduced.

On April 12, 73 members of Parliament from all parties published an open letter asking that the bill be immediately reintroduced and fast-tracked. Several senators recently made a similar request. In addition, a petition signed by 18,000 people was tabled last month in the House of Commons calling on the government to fast-track the design and implementation of this new benefit.

Despite the urgent needs of people with disabilities and the fact that nine in ten Canadians support this direct financial assistance, there is no mention of this measure in December's fiscal update or in the April budget.

Senator Gold, why has the government failed to reintroduce this bill and take steps to fast-track it?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for your commitment to this important issue.

I don't have a specific answer about time frames, but I will inquire with the government and try to get an answer for you as soon as possible.

Senator Petitclerc: Senator Gold, the written response I received last time I asked this question mentioned ongoing consultations that are taking time. However, this is a bill that was already introduced with no prior consultation. Once again, isn't it time the government listened to Canadians and started by reintroducing this bill? I don't see any reason not to do both at the same time.

Senator Gold: Thank you for your supplementary question. As I said, I will follow up and get back to you with an answer.

PRIVY COUNCIL OFFICE

APPOINTMENT OF LIEUTENANT-GOVERNORS

Hon. Pierre J. Dalphond: My question is for the Government Representative in the Senate. On April 14, Chief Justice DeWare, of the Court of Queen's Bench of New Brunswick, handed down a ruling that made headlines not only in New Brunswick, but across the country. She found that the Prime Minister's recommendation of a unilingual person to fill the position of lieutenant-governor was unconstitutional. Does the government intend to appeal this decision or comply with it?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The Government of Canada is committed to ensuring the equality of English and French in Canada and to strengthening the Official Languages Act. As we know, many criteria are taken into account when these appointments are being made in order to ensure that the best person is selected to serve Canadians. Although the government is taking time to review this decision and consider next steps, it remains committed to protecting and promoting French across the country and advancing our linguistic duality.

Senator Dalphond: I thank the Government Representative for reaffirming the government's commitment to linguistic equality, and I welcome that. However, am I to understand that no decision has been made at this time, and that we won't know until the end of the 30-day period whether the government will appeal the decision or not?

Senator Gold: That's correct. The government is considering next steps.

[*English*]

FINANCE

ADVISORY COUNCIL ON ECONOMIC GROWTH

Hon. Robert Black: Honourable senators, my question is for the Government Representative in the Senate.

In 2017, the government's Advisory Council on Economic Growth, chaired by Dominic Barton, identified agriculture as a key sector for growth. The advisory council's report set a target to grow Canada's agri-food exports from $55 billion to at least $75 billion by 2025.

When the first report was released, the then-finance minister thanked the members of the council for their advice and said:

> I look forward to continuing to work with the Council as we continue to strengthen our middle class and grow Canada's economy . . . .

• (1500)

While these targets were headline news a few years ago, they seem to have fallen off the government's radar as of late. However, I was pleased to see that agriculture was highlighted in this year's federal budget to receive support for stable supply chains and economic growth, in addition to efforts to make the industry more sustainable.

The targets have not fallen off the industry's radar. The Ontario Federation of Agriculture brought forward a resolution at the Canadian Federation of Agriculture's annual general meeting last month regarding the need to support the implementation of initiatives outlined in the Barton report.

Honourable colleagues, as I have said time and time again, it is evident that agriculture can truly be a driver of the Canadian economy and can help us recover after the pandemic. In order to meet the ambitious Barton targets, we need to do a better job of promoting Canadian agriculture on the world stage and at home.

My question is this, Senator Gold: With only three years left to reach the 2025 targets set out in the Barton report, can you confirm whether we are on track to reach them?

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

As highlighted, the Barton report identified agriculture as one of the six sectors with growth potential, and the government agrees. I'm advised that the recommendation to reach $75 billion in agricultural exports by 2025 is a target that the government is striving towards and, indeed, has internalized. I note, colleagues, that from the Farm Income Forecast results report for 2020 and 2021, we know that in 2020 the government managed to have $74 billion of agricultural exports in total. That's just $1 billion short of reaching the 2025 objective — and five years in advance. With the growth in the industry, the government foresees no difficulties in reaching the target.

Senator Black: As I mentioned earlier, I was pleased to see agriculture and its related terms mentioned 36 times in this year's budget. I look forward to learning more about the government's plans to support this critical industry. Given that agriculture is indeed one of Canada's most important industries, Senator Gold, can you commit to providing an update to this chamber on what the government is doing to help agriculture reach the targets set out in the Barton report? Thank you.

Senator Gold: Thank you, senator, for the question. As I just mentioned, the government believes it is on track to reach the recommended target as set out in the Barton report. In the last budget, as you pointed out, the government has put in place many measures to support the agricultural sector, and that can be found in *Budget 2022*, which I tabled in this chamber today.

Of course, I want to remind colleagues that the minister's mandate letter includes an obligation and mandate to help foster and strengthen the agriculture industry generally.

[*Translation*]

JUSTICE

JUDICIAL APPOINTMENTS

Hon. Pierre-Hugues Boisvenu: My question is for Senator Gold. In 2019-20, a number of newspapers reported on serious revelations about partisan judicial appointments by the Liberal government.

The Liberals were accused of vetting judges using the Liberalist, a database containing confidential information on candidates' interactions with the Liberal Party of Canada over the years, such as supporting the Prime Minister, participating in federal campaigns and, most importantly, donating to the Liberal Party.

It was also revealed that François Landry, an adviser to the Minister of Justice at the time, wrote emails to his chief of staff saying that he and other aides were being pressured by the PMO about judicial appointments. He said, and I quote:

> What we are doing is similar to what led to the Inquiry Commission on the Process for Appointing Judges back in 2010 in Quebec.

We have now learned that Paul Rouleau, the judge presiding over the independent public inquiry into the invocation of the Emergencies Act, had previous involvement with the Liberal Party.

Do you agree with the Prime Minister's decision to appoint one of his friends to head an investigation that Canadians have been waiting for and that is specifically meant to be independent?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government has full confidence in Justice Rouleau. For everyone's benefit, I remind senators that he was appointed in 2002 and has since been subject to rules of professional conduct that bar him from participating in any sort of partisan activities. What is currently circulating on social media is fake news.

The fact of the matter is that Justice Rouleau is highly respected both in Ontario and across the country for his work as a judge and also as a lawyer who defended the rights of Franco-Ontarians in such cases as *Montfort*.

The fact that the government has called a public inquiry led by a highly experienced, highly qualified and renowned judge demonstrates that the government is committed not only to shedding light on its decision to invoke the Emergencies Act, but also to ensuring that we draw lessons for the future.

That is a long answer to a short question. The government firmly believes in Justice Rouleau's integrity and impartiality and has full confidence in the inquiry he will conduct.

Senator Boisvenu: Senator Gold, you and I both know that, in justice matters, the appearance of a conflict of interest is just as damaging as an actual conflict. The revelations I mentioned earlier raised legitimate concerns in the court of public opinion in June 2020.

The Trudeau government responded to the criticism by stating that it would no longer use the Liberalist, but recent partisan appointments show that it did keep using that list. In fact, a friend of Minister Lametti's who made a campaign contribution was appointed to the bench.

In order to allay any suspicion that politics might play a part in the judicial system, and to enable the Senate to get involved in the process, would you agree to the Standing Senate Committee on Legal and Constitutional Affairs conducting a study to uncover the truth about the Liberal government's appointment of partisan judges?

Senator Gold: Thank you for the question. It's not up to me to decide what a committee should do or not do. Ultimately, it is up to the Senate to decide. However, I can say that the premise of your question is false. I say that with all due respect, dear colleague.

The Government of Canada implemented a judicial appointment process to ensure that every individual the federal government appoints to the bench is the best candidate to serve the cause of justice and Canadians.

[*English*]

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

Hon. Leo Housakos: Honourable senators, my question is for the government leader, Senator Gold. Earlier this year Public Safety Minister, Marco Mendicino, stated that he would issue a clear directive to Canada Border Services Agency, or CBSA, that Canadians returning home would have the option to present in person to border agents, including any required documentation, in hard copy rather than being penalized for not using the ArriveCAN app.

Senator Gold, Canadians who are arriving by air are still being refused boarding by airlines unless they have used the app, and Canadians still face financial penalties if they arrive at land crossings without having used the app.

My question, Senator Gold, is simple: Why has this still not been communicated to CBSA agents?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. I have to make inquiries as to your question and get back to you quickly as I can. I don't have the answer at the moment.

Senator Housakos: Senator Gold, I appreciate that, but it has been a while since the government has made that commitment with regard to the app. I appreciate that the ArriveCAN app can be a useful tool for some, and I have no doubt that Canadians of certain generations appreciate it more than others but, the truth is, it should be optional. We have agents at entry points for a reason. Their responsibilities shouldn't be entirely relegated to an app, especially one that has been prone to technical issues. Moreover, Canadians should not be turned away from entering their own country under any circumstances. I remind honourable senators that the Prime Minister, once upon a time, said that a Canadian is a Canadian is a Canadian.

• (1510)

Can we get a commitment that this will be rectified? It has been a while now. I have asked this question in the past, and the minister has publicly given directives to CBSA. Canadians are still being penalized at the border, especially elderly Canadians who don't have access to this app.

Senator Gold: Thank you for bringing this to my attention, senator. I will certainly make inquiries and report back.

CANADIAN HERITAGE

NATIONAL FLAG OF CANADA

Hon. Marty Deacon: Honourable senators, this question is for the government representative. In February, not too long ago, it was National Flag of Canada Day. This, of course, coincided with the convoy occupation in Ottawa and similar protests across the country, where the flag was utilized in ways that many found unsettling. The Royal Canadian Legion, for instance, condemned the way it was being used. To this day, there are a number of Canadians who have reached out to tell us that they have removed their flag from prominence in and about their homes.

As you will also recall, Canada Day celebrations last year were subdued by choice in some communities. With Canada Day again just around the corner, I worry that too many Canadians are also now looking at our flag in a different way.

Today I ask what is being done by the government to reclaim the symbolism of the Canadian flag and Canada Day that respects the history and past of all Canadians. We want the flag and Canada Day to be a symbol of peace, order, inclusion and good government for all Canadians.

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for raising this issue. As stated in the National Flag of Canada Act, all Canadians are encouraged to proudly display the national flag of Canada in accordance with flag protocol.

Our democracy is facing serious and unprecedented attacks that are fuelling extremism, eroding trust in government and undermining the social fabric of our society. To combat the misinformation and disinformation on social media, the government has launched programs such as the Digital Citizen Initiative to equip Canadians with the tools they need to think critically about information they see online. We all have a collective duty to try to rebuild the trust in our institutions, including our flag. All of us have a role to play in reclaiming this important symbol for all Canadians.

Senator M. Deacon: Thank you for that response. I would say that, on behalf of all Canadians, we're looking forward to seeing the collective work and tangible progress made so that we have Canada Day celebrations and a flag that we can all hold our heads high about. Thank you.

ENVIRONMENT AND CLIMATE CHANGE

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Hon. Mary Jane McCallum: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, I would like to ask a question about Bill S-5, An Act to amend the Canadian Environmental Protection Act, 1999. My question is specifically with regard to tailings ponds in the Athabasca oil sands region where the dams have reached holding capacity.

The oil sands operators have accumulated very large volumes of tailings water with no proposal for their effective treatment or management. I recently had a meeting with Minister Guilbeault's staff on this matter, and they were unable to directly answer my question on this issue.

Would you please clarify whether the harmful chemicals in the tailings ponds are considered and listed on the schedule in Bill S-5, and under what part? If these chemicals are not currently being considered under CEPA, what legislation would be most appropriate to address the issue of tailings ponds?

I will also say that I do not believe the answer is the Fisheries Act, as that would not consider the harmful and cumulative health impacts of tailings ponds on the land, the animals and on the people who have had to deal with this issue since 1995, the Athabasca region First Nations. Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for the faith you have in me to actually be able to answer this better than the minister with whom you have had a meeting, as I understand. I'll do my best to at least provide some context to the issue.

The government is working collectively with Indigenous peoples, industry, the provinces and stakeholders to ensure that we protect the environment as we consider strict regulations on anything released from the oil sands tailings ponds. I am advised that the government is working to develop strict requirements for treated water to be clean, just as the government has for sectors like mining and the pulp and paper industry. This collaborative work continues, or aims to continue, throughout the regulation process, which is estimated to continue to 2025 and will support a healthy economy and a healthy environment for decades and generations to come.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Karina Gould, P.C., M.P., Minister of Families, Children and Social Development, will take place on Wednesday, April 27, 2022, at the later of the end of Routine Proceedings or 2:30 p.m.

PANDEMIC OBSERVANCE DAY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Marie-Françoise Mégie moved third reading of Bill S-209, An Act respecting Pandemic Observance Day, as amended.

She said: Honourable senators, I was saving my speech for the next sitting of the Senate. I thought that Senator Duncan could move the adjournment.

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

FIGHTING AGAINST FORCED LABOUR AND CHILD LABOUR IN SUPPLY CHAINS BILL

THIRD READING—DEBATE ADJOURNED

Hon. Julie Miville-Dechêne moved third 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, as amended.

She said: Honourable senators, I rise to speak at third reading of Bill S-211, which seeks to fight against forced labour and child labour in supply chains.

I am relieved that this bill has finally reached an important stage in the Senate, given that its progress has been interrupted four times since 2018, first in the House of Commons and then in the Senate, due to elections and prorogations. In short, it followed the usual difficult path of any private member's bill.

We must not forget that careful consideration of this issue started out in a House of Commons committee, which four years ago called for the elimination of child labour in the supply chains of Canadian-based companies.

[*English*]

I first want to thank Senator Salma Ataullahjan, who was not only the critic of the bill but the Chair of the Senate Standing Committee on Human Rights that devoted five meetings to the diligent study of this bill.

• (1520)

I was impressed by the diversity of opinions and the witnesses called. The committee heard supporters of the bill but also critical and articulate voices who wanted Canada to go further in the defence of human beings subjected to forced labour, including exploited children.

Here are some of the voices we heard during the committee study of Bill S-211.

The Canadian Chamber of Commerce supports the objectives of this bill but feels it is too harsh in some respects and would like it to apply to fewer businesses.

Taking the opposing view, the committee also heard from Surya Deva, a United Nations expert who believes the bill should go further — in particular, to cover all human rights, to impose an obligation of due diligence on businesses and to give victims direct access to Canadian courts to obtain compensation from companies.

From a pragmatic perspective, lawyer and expert Stephen Pike said that he believes Bill S-211:

> . . . is a reasonable, appropriate and evolutionary first step forward, using supply chain transparency reporting to . . . catalyze actions to address these human rights abuses.

I also note that World Vision Canada, an NGO promoting children's rights with special expertise in child labour, also stated that supply chain legislation could begin paving our constructive path toward tackling the issue of child labour.

There was a clash of ideas, and the committee heard both the perspective of business and that of more committed activists. The comments received suggest that Bill S-211 embodies a certain compromise between the expectations of one and the other. By using the tool of transparency, the law aims to encourage companies to make the necessary efforts to prevent and reduce the risk of forced labour and child labour in their supply chains.

Members of the Human Rights Committee are well aware of the limitations of Bill S-211, but they supported this bill because it goes in the right direction. This is truly a first step, designed to raise awareness for all those who participate in the race to have goods manufactured at the lowest possible price all over the world. For companies that do not report or that provide false or misleading information, there will be penalties.

[*Translation*]

I thank Senator Gerba for introducing an amendment that clarifies and strengthens one of the most difficult issues related to implementing this transparency bill. What happens after the company removes the children from the production chains?

Several senators rightly repeated that a child who works can support an entire family. There is a risk that Bill S-211 will indirectly impoverish families, or that it will push children into lower-paying or more dangerous jobs in the informal economy. The amendment that was adopted adds a requirement for a company to report on the following:

> **(d.1)** any measures taken to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced labour or child labour in its activities and supply chains.

For example, this might take the form of compensation for the affected family, including to allow a child to attend school.

Transparency legislation such as Bill S-211 requires companies to report on what it is doing or not doing to eliminate forced labour and compensate the victims. These reports are made public and become tools for human rights advocacy groups and consumers, so they can report offenders or simply switch suppliers.

The good news is that the movement has already begun. The committee was pleased to hear from Jennie Coleman, president of Equifruit, which trades in fair trade bananas. She explained that paying just a few pennies more per pound of bananas can have a direct impact on the working conditions of the children and adults who harvest them. I hope that I can count on the support of my colleagues in the Senate today in order to send this bill to the other place so it may continue through the legislative process and, who knows, maybe even get the government's attention.

The Minister of Labour, Seamus O'Reagan, has just reiterated that legislation against forced labour is a priority for his government. He promised to review private members' bills on this issue, including mine, before deciding whether to amend one of them or introduce his own bill. Whichever avenue is chosen, the most important thing for me is that there is a law and that it is passed as soon as possible. Private members' bills are useful not only if they are passed as they stand, but also because of the pressure they put on the government to legislate without delay.

In my case, it was the first time I had ever sponsored a Senate bill. I learned a lot from Bill S-211. Over the two years that I have been on this journey, I have received valuable support from concerned citizens, advocacy groups, independent and Conservative senators, MPs of all parties as well as the All-Party Parliamentary Group to End Modern Slavery and Human Trafficking. This demonstrates the non-partisan consensus that exists regarding the need to combat these appalling human rights violations. Thank you to everyone.

Hon. Amina Gerba: Honourable senators, third reading of Bill S-211 marks both another step towards its passage and an opportunity for some of us to clarify our position on this bill. My position is clear. I enthusiastically support this bill.

Once passed, this bill will require Canadian businesses with revenues of more than $40 million to file an annual public report concerning their activities and the measures taken to fight against forced labour and child labour in their supply chains.

Dear colleagues, this bill fills a void in our legislation. A number of Western countries have passed laws to address modern slavery, but Canada has not done so until now.

According to UNICEF, 160 million children — yes, 160 million children — or almost five times the population of Canada, are currently being forced to work. According to the data, the majority of these children live in the global south, in areas of the world where poverty dictates disastrous imperatives such as child labour.

Honourable senators, I myself worked as a child. I come from a big family, as is common in the global south. I was born in a small village in Cameroon called Bafia, located about 200 kilometres from the capital Yaoundé. I am the 18th of 19 children. As a child, I had to fight to get anything, and it was so difficult that by the age of eight, I was already required to contribute to our household. I did chores, fetched water, collected wood for cooking in forests that were sometimes far away, and sold produce or other goods in small, makeshift shops.

Esteemed colleagues, most kids my age were required to do this kind of work. On top of that, girls had to be meticulous so that they would be ready for marriage as soon as they hit puberty, at around age 13 or 14.

I am sharing this to illustrate how in Africa, children were and often still are used for labour and as income-earners for the family. That is one partial explanation, at least, for the heavy demographic burden holding back the development of the continent, which is why additional measures are needed to strengthen child labour laws.

Colleagues, according to the World Bank, nearly half of the world's population lives on less than $5.50 a day. In low-income countries, the extreme poverty level is $1.90 a day.

Many families in the global south have no choice but to put their children to work, no matter what risks these children may face. Bill S-211 must take these realities into account in order to be effective.

• (1530)

During discussions with experts at the Standing Committee on Human Rights, two interventions in particular stood out to me.

Equifruit President Jennie Coleman, who Senator Miville-Dechêne just mentioned, talked about the need for fair trade certification for businesses' activities. This certification would make products traceable, from harvest to manufacture.

This certification would also help identify and verify the working conditions of the employees involved in a business' activities and supply chains. If implemented properly, this measure could help detect and sanction businesses that still employ children and promote those that pay producers a fair price and take measures to remediate the loss of income to families. Such a certification requirement could not be part of Bill S-211, unfortunately, but I think businesses should voluntarily submit to it and the government should think of a way to create this type of requirement.

As an entrepreneur and business leader, I often applied for certifications, and I can tell you that it works.

During his testimony, Professor Surya Deva, a member of the United Nations Working Group on Business and Human Rights, told us that because Bill S-211 focuses on the end result, namely transparency in the form of reports, its ability to prevent child labour will be limited. He believes the bill should also include preventive measures that will do more to fight forced labour and child labour.

That is the goal of my proposed amendment. As I mentioned, most of the children in the target countries work to help their families or to survive. This amendment acts on the first of the United Nations' 17 sustainable development goals, which is to end poverty.

This amendment also touches on corporate social responsibility, not only in normative documents, but in verifiable policies, particularly in identifying any measures taken to remediate the loss of income to the most vulnerable families that results from any measure taken to eliminate the use of forced labour or child labour in its activities and supply chains.

Effectively combatting child labour requires that resources be made available to support victims and their families. An income equivalent to at least the income generated by child labour must be available. Otherwise, the phenomenon will continue in other forms or through other companies that are not subject to the law on forced labour and child labour.

I decided to support this bill for two main reasons: to reinforce the transparency that companies need to maintain in their activities, and to get them to identify the specific measures they have taken to prevent child labour in a concrete and public way.

I also wanted to support this initiative to strengthen the mechanisms that contribute to the tangible and effective respect of human dignity everywhere and for everyone. In 2022, the thought of an eight-year-old girl working herself to death in a textile factory or a ten-year-old boy going down a mine is unbearable. It absolutely flies in the face of our understanding of human dignity.

Honourable senators, we are a country that stands for human rights, a country that stands for fairness and social justice. We are a country that is concerned with the well-being of children. Many Western countries, such as Australia, France and Germany, have passed similar legislation. It is urgent that we catch up to them. I therefore urge you to support this bill to fill the legal void in this regard in our country.

I thank Senator Miville-Dechêne for her initiative and her leadership on this bill.

Thank you.

(On motion of Senator Martin, debate adjourned.)

[*English*]

FROZEN ASSETS REPURPOSING BILL

THIRD READING—DEBATE ADJOURNED

Hon. Ratna Omidvar moved third reading of Bill S-217, An Act respecting the repurposing of certain seized, frozen or sequestrated assets, as amended.

She said: I understand that other senators would like to weigh in before me. I would like to speak last and close the debate, if I may.

Hon. Stan Kutcher: Honourable senators, I rise today to state my unreserved support of Senator Omidvar's Bill S-217, An Act respecting the repurposing of certain seized, frozen or sequestrated assets, with the short title "Frozen Assets Repurposing Act," or FARA. I will vote in favour of it, and I hope you will, too.

I applaud Senator Omidvar's perseverance in bringing this important piece of legislation back for a third time and for proficiently shepherding it through this chamber with the aim of seeing it move through the other place in a timely manner. This bill has great potential to help displaced and harmed people globally. It can also help countries impacted by state and non-state aggressors alike.

In my life prior to the Senate, I worked in some places where I was forced to face some of the horrible impacts of war and see its immediate and long-lasting effect on the health and mental health of those who were impacted by it. I have been changed by those experiences and, because of them, I have come to realize that it is our collective moral imperative to do whatever we can to actively support those who suffer during the fighting and after the combat has ended.

Today I also speak as a son of Ukrainian refugees who fled to Canada after World War II, where they met and raised their family. They left their beloved homes separately, each facing horrific circumstances and a number of near-death experiences. Both lost numerous family members, all their property and most of their friends and neighbours. They, however, were the lucky ones: They were able to escape and rebuild.

Today we are seeing yet another mass exodus of Ukrainians due to the genocidal war of aggression waged by Russia against Ukraine, against people who were living their lives in peace, who were going to work, having children, planting crops, falling in love — dealing with the everyday joys and tribulations of their lives, much like those of us in this chamber were also doing at the same time.

Now, many have died, have watched family and friends violated and executed, have had their homes turned into piles of rubble and have been pirated away against their will to be imprisoned in a foreign land.

Since Russia's invasion of Ukraine, over 12 million Ukrainians have fled their homes. That is over one quarter of the total population. Over 7 million people are internally displaced, and 5 million have left the country. Some of my family members have left. The women left with their children, and their husbands remained behind to fight.

Ukraine is suffering immense human and economic losses because of Russia's brutal, barbaric and unprovoked invasion. We have seen many countries come together in condemnation of this terror. We have seen many countries provide much-needed military and humanitarian aid. Canada has contributed, and personally I am very appreciative of that and keep urging us to do more.

• (1540)

When this war is over, and the Russian invasion has been beaten back, Ukraine will need to rebuild. As we know, the cost of defending against terror and the cost of rebuilding of homes, infrastructure and the lives that have been shattered is immense. If quickly passed here and in the other place to permit rapid and effective implementation, the frozen assets repurposing act can be an important tool that Canada can use to help secure funds that are needed to support Ukraine now as it defends itself, and in the future as it repairs itself.

Currently, millions of people across Ukraine or who have sought refuge in neighbouring countries are in urgent need of humanitarian assistance. We are all aware that Russia uses terror, torture and murder as part of its military tactics directed against women, children and those unlucky enough to be in the wrong place at the wrong time. The immediate and long-term impacts of these horrors will need additional supports to heal.

According to the Embassy of Ukraine in Canada, Ukraine's economic losses since the Russian onslaught are about US $600 billion. The cost of rebuilding cities — such as Mariupol, which has been largely reduced to rubble — has not yet been calculated.

To help with these realities, Ukraine needs massive influxes of capital. Funds are needed now and will be required post conflict. When this war is over, Russia will need to make reparations, but it is unlikely to do so of its own accord. NATO and other western countries will need to take steps to ensure that these reparations will be made. Through the frozen assets repurposing act, Canada can be of help.

I and many members of this chamber have heard this call for assistance from courageous Ukrainian MPs who have talked to us directly and electronically and from the Ukrainian Ambassador-Designate to Canada, Yulia Kovaliv. They see the value this legislation.

Honourable senators, Canadians across this land have opened up their hearts, homes and wallets to personally help. Many of us have taken part in that support. Recently, speaking in this chamber, Senator Batters identified a specific need and encouraged us to give personally.

Similarly, by passing the frozen assets repurposing act, we in this chamber can additionally respond to these needs and help the Government of Canada provide support.

There are frozen Russian assets worldwide that could help address the needs of Ukraine and the needs of many harmed persons globally.

Governments require the tools to access these funds. This is where the frozen assets repurposing act fills a gap. The World Bank has reported that there is more than $20 billion worth of frozen assets sitting in limbo annually. Imagine the good this money could be doing if accessible for those who could benefit the most.

Canada and its global partners have taken the steps in freezing funds of the Russian regime and oligarchs in order to apply pressure to end the aggression. Now we must turn our thinking to how these funds can be lawfully used, through judicial oversight, to pay for the damage inflicted.

I believe the process of freezing, seizing and distributing these assets will be well served by the measures laid out in the frozen assets repurposing act. Senators, I am cognizant that this is just one conflict currently raging in the world and that there are millions of displaced persons globally. Our colleague Senator Omidvar presented the plight of globally displaced persons well in her second reading speech. She also educated us about monies that are appropriated by various global bad actors through embezzlement, tax dodging, bribes and payoffs. Canada should not be sitting by anymore when some of these funds find their way to our shores. We must move forward in finding just, legal and transparent ways to seize and repurpose these funds to improve the lives of those most impacted.

Ukraine and Ukrainians are simply one country and one people that would benefit from our global leadership in the passage of Bill S-217. Once law, it will provide help where help is so pressingly needed and signal that Canada is a champion for those who are negatively impacted by unjust events and evil people, and that Canada is no longer a safe haven for ill-gotten gains.

I encourage us to vote unanimously in favour of Bill S-217.

D'akuju, thank you.

Hon. Yuen Pau Woo: Honourable senators, we are giving our consideration to Bill S-217 at a time of great stress in the international system and, more importantly, great human suffering in Ukraine due to Russia's invasion of that country. It is no surprise that many commentaries on this bill start with the deplorable war in Ukraine and use the fact of Russian aggression as the reasoning — indeed, as a kind of slam dunk — for approving this bill.

There is a case for supporting this bill and you have heard different versions of the slam dunk, including from our honourable colleague and my friend Senator Kutcher just a few minutes ago. But this is not a basketball game, and I have reservations about the rush to the net. I believe this bill is an opportunity for us to think more broadly about the role of sanctions and how we should make laws that stand the test of time.

I will start with a heterodox view. It is that the Ukraine war should not be the reason for adopting this bill. One could in fact argue that with Russia continuing to wage war in Ukraine, this is possibly the wrong time to be thinking about repurposing seized Russian assets.

Let me explain. This bill allows for the seizure and repurposing of assets frozen under our sanctions regime, namely, the Special Economic Measures Act, or SEMA, and the Sergei Magnitsky Law as well as the Freezing Assets of Corrupt Foreign Officials Act, also known as FACFOA, which is not strictly part of the sanctions regime but closely related to it.

There is nothing in Bill S-217 that increases our power to sanction Russia. Every sanction that we have imposed on Russia since the start of the war has been imposed under existing authorities, including a raft of additional sanctions that were imposed while we were on recess the last two weeks. That is why we have hundreds of Russian individuals and entities on the SEMA. Any Canadian assets of these sanctioned persons and entities are now frozen. They cannot be spent, sold, traded, pledged or transferred. They are in effect rendered useless to the Russian owners of the assets. If there are any additional assets in Canada that we want to render useless to the Russian owner, we can do so without this bill.

What Bill S-217 does is to give the Governor-in-Council the power to take the next step by seizing and repurposing the assets for ends to be proposed by the Governor-in-Council and approved by the courts. The goal of Bill S-217, in other words, is not to increase sanctions as such; it is to provide for justice, restitution and a measure of retribution. Some will argue that repurposing assets adds to the deterrent effect of sanctions, but it doesn't. Any deterrent effect on the sanctioned individual or to a would-be corrupt oligarch has already taken place through the primary action of freezing the asset.

Colleagues, justice and restitution are important objectives, but so is the objective of inducing a change in behaviour. The latter is in effect the classical motivation for imposing a sanction. A sanctioned asset that is frozen has the potential for the asset to be returned to the owner if that person changes his or her behaviour

in accordance with the objective of the sanction. On the other hand, a sanctioned asset that is repurposed removes any incentive for the owner to change.

Which brings us to Russia and why we should not be thinking about Bill S-217 as immediately applicable to Moscow's ongoing aggression.

If it came down to a choice between (a), the current sanctions on Russian oligarchs having a positive effect in changing the course of war and reducing human suffering in Ukraine or, (b), removing the incentive for Russian oligarchs to influence a change of direction in Moscow, I would choose (a) in a nanosecond. We might chafe at the thought that the oligarchs are getting back their assets that they likely obtained through massive corruption and, possibly, human rights violations, but we should be clear that the recent sanctions on these oligarchs were specifically for the purpose of inducing them to put pressure on President Putin to stop the war, not for their previous activities.

I don't know how oligarchs think, but I have to imagine that Roman Abramovich's feverish efforts at informal diplomacy with Ukrainian interlocutors have something to do with the sanctions on his fancy homes, boats, clubs, companies and cash. Would he cease such efforts if there were no longer any prospect of retrieving his frozen wealth?

• (1550)

That is why I believe we should be thinking about Bill S-217 not in terms of how it is going to be useful in the Ukraine crisis, but in the broader terms of what we want from a sanctions regime.

As I intimated earlier, sanctions are imposed for a mixture of reasons, including domestic politics, to punish bad acts, as an inducement to change behaviour and as a deterrent to would-be bad actors.

Bill S-217 is consistent with the first two objectives, but it runs counter to the third and fourth.

For this reason, I proposed in committee a set of amendments that would have limited the scope of Bill S-217 to only one of the three acts referenced in the bill. The amendment was defeated, and I am not going to reintroduce it at third reading. However, I will state for the record that in our zeal to connect Bill S-217 with the Ukraine war, we risk muddying some important principles in the use of sanctions and in diplomacy more generally.

For example, Bill S-217 will apply to the Freezing Assets of Corrupt Foreign Officials Act, or FACFOA, even though FACFOA is not actually part of the sanctions regime. It is, rather, a tool for mutual legal assistance and cooperation between Canada and a requesting country to repatriate improperly obtained assets from that requesting country through negotiation. It is inappropriate to impose a unilateral asset repurposing function on FACFOA, which should be about Canada working cooperatively with the requesting country.

In situations where the affected country is run by a regime that Canada simply cannot work with, it is preferable, in my opinion, to sequester the assets until such time as an acceptable regime is returned to power than to repurpose the assets unilaterally.

Bill S-217 will also apply to the Special Economic Measures Act, or SEMA, which covers sanctions that Canada has chosen to impose on foreign states, persons or entities outside of a UN Security Council resolution. SEMA is very much a tool of Canadian foreign policy and is typically used in conjunction with diplomacy and other tools of statecraft. In this sense, a major but not exclusive objective of SEMA sanctions is to try and induce behaviour change, which is why it explicitly leaves open the possibility of reversing the sanction.

Did you know that a SEMA sanction can be amended or revoked by a motion signed by at least 50 members of the House of Commons and at least 20 members of the Senate? A SEMA sanctioned asset that is repurposed under Bill S-217 would render useless the behaviour change objective and, I believe, reduce the number of tools in our diplomatic tool kit.

On the other hand, Bill S-217 is well suited for the Justice for Victims of Corrupt Foreign Officials Act, or Sergei Magnitsky Law, since this act is very much about punishing bad actors. As the formal title of the act suggests, the goal of this legislation is to restore "justice for victims of corrupt officials." Behaviour change does not appear to be an objective of Magnitsky. Hence, Bill S-217 is not only appropriate for assets frozen under Magnitsky, it is in fact the logical extension of that bill.

To the extent that you agree with my reasoning, we can take some comfort that the inclusion of FACFOA and SEMA in Bill S-217 — assuming it passes — does not compel the Governor-in-Council to repurpose any frozen assets, but only gives them the option of doing so. In other words, Bill S-217 is permissive, not obligatory.

Supporters of this approach would argue that we should trust the government of the day to not be imprudent in seizing and repurposing assets that may be better left frozen in the hope of inducing behaviour change. Perhaps. But already we see the near unanimous sentiment among politicos, opinion leaders and chattering classes that Bill S-217 is needed now because of Russian aggression. That would suggest to me that, at the very least, there will be public pressure to quickly sell off the assets of Russian oligarchs that are currently frozen under our sanctions regime — never mind that those assets are already rendered useless to the owners — and that the stated intention of the sanctions in the first place was to induce the oligarchs to persuade Putin to stop the war.

There is a deeper problem, which gets at the question of how we as senators should think about legislation and how we craft bills that can stand the test of time rather than responding to the emotions of the moment. It is that we should not be giving powers to the government that don't properly belong in a piece of legislation, even if those powers are permissive as opposed to obligatory. It is possible that the Governor-in-Council will use the permissiveness we grant it through Bill S-217 in a judicious and beneficial way. It is also possible that the Governor-in-Council will use it poorly, swayed by public emotion rather than by broader and longer-term objectives. The proper question is whether a measure such as the power to repurpose assets is consistent with the purposes of the bills to which that power applies. A permissive approach simply means things could go right or they could go very wrong. That is why I believe that while Bill S-217 is consistent with the Justice for Victims of Corrupt Foreign Officials Act, the fit with SEMA and FACFOA is too awkward to even allow for permissiveness.

Some of you will be thinking about the repurposing of sanctioned assets in a different way, which is the question of how to pay for the costs imposed on victims of corruption and human rights abuses and on forcibly displaced persons, which is a special focus of Bill S-217. Regardless of the deterrent or compellence objectives of a sanctions regime, somebody has to pony up the costs of rebuilding cities that have been levelled; food, clothing and medical supplies for a war-ravaged population; resettlement of displaced persons in new communities and compensation for survivors of war. Why should we not seize the assets of perpetrators to pay for these very real and very substantial costs?

Recently in the United States, President Biden issued an executive order to seize Afghanistan's $7 billion-plus foreign reserves that are held in America. Half the amount will be distributed as compensation for the American victims of 9/11 and the other half will be put towards humanitarian efforts in Afghanistan directed by the United States. None of the money will be returned to the Taliban government with whom the United States negotiated a withdrawal from Afghanistan.

This action provides a form of justice, restitution and retribution and is consistent with the public mood in the United States after 20 years of a failed war in Afghanistan and the lingering effects of the 9/11 terrorist attacks. It is, however, rough justice at best and will surely mean more misery for the people of Afghanistan whose economy has effectively collapsed because of ongoing sanctions.

It is important to state that Bill S-217 would not allow Canada to do something similar with Russian central bank assets held in our country. The reason is not because the Russian central bank is not sanctioned under SEMA — it is — but rather because Bill S-217 only allows for the repurposing of assets owned by individuals and not by entities. The exclusion of entities is curious since it means that Bill S-217 will not apply to the vast majority of sanctioned assets under SEMA. I am actually happy to leave it that way, but I'm also certain that it will not take long before there is pressure to also include entities under Bill S-217 because of the immense desire to punish all of Russia and not just its leaders and oligarchs. Mark my words.

Proponents of the bill will counter that the rule-of-law process under Bill S-217 guards against wanton acts of asset repurposing because the court has a role in approving any orders issued by the Governor-in-Council. I think, however, that a court would be hard pressed to disagree with an order by government to seize assets on grounds that have to do with international peace and security and which will surely be couched in all manner of privileged and classified information. In such situations, I fear the court will be largely a rubber stamp dressed up as the rule of law.

If we truly believe in the importance of international law, the proper forum for compensation claims arising from Russia's invasion of Ukraine is a war crimes and reparations commission, not unlike the aftermath of the two world wars — of course drawing on the lessons learned from those experiences. Russia must pay for the carnage wreaked on Ukraine, but that should be done in a way which makes a meaningful difference to reconstruction and resettlement while allowing for a durable peace.

Does the above mean we do nothing? No. If you agree that a seized asset is rendered useless to the owner even without repurposing, then we should focus on seizing more assets rather than on how to repurpose the assets. In that way, we continue to add pressure on the belligerent without giving up on the compellence objective of the sanction and without compromising the deterrent effect. That is, in fact, what is happening as the war drags on — without the necessity of Bill S-217.

• (1600)

The bigger question, of course, is whether sanctions even work. Scholarship on this question suggests the success rate is in the range of 20% and that success is more likely for sanctions that are very targeted and modest in scope.

The Hon. the Speaker pro tempore: Honourable Senator Woo, your time has expired.

Senator Woo: May I have a minute to finish?

The Hon. the Speaker pro tempore: Senator Woo is asking for a minute to finish his speech.

Hon. Senators: Agreed.

Senator Woo: Broad-ranging sanctions and sanctions that have very ambitious goals, such as changing the fundamental policy direction of a country or regime change, rarely succeed. What is very clear, however, is that broad-ranging sanctions have devastating effects on ordinary citizens and lead to long-term immiserising effects on the population. They can also produce boomerang effects where resentment against the sanctions, combined with domestic repression, create popular animosity against the sanctioning states. If sanctions don't really work, should we bother with them? The reality is that governments are not likely to give up on their use, if for no other reason than a need to play to a domestic audience.

But if sanctions don't work, and we continue to use them, they will no longer be part of the diplomatic tool kit, but will rather have turned into a form of economic warfare. And if we are in a

world where sanctions are used unabashedly as economic warfare, this bill, for all its good intentions, will become a lethal weapon in that arsenal.

Senator Omidvar: Your Honour, I know that Senator Woo's time has expired. However, with leave of the Senate, could I ask a question?

Senator Plett: No.

(On motion of Senator MacDonald, debate adjourned.)

NATIONAL RIBBON SKIRT DAY BILL

THIRD READING—DEBATE CONTINUED

On the Order:

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

Hon. Nancy J. Hartling: Honourable senators, I am speaking to you today from the unceded territory of the Mi'kmaq people at my home in Riverview, New Brunswick. I rise today to speak to third reading of Bill S-219, An Act respecting a National Ribbon Skirt Day.

My sincere thanks to Senator Mary Jane McCallum for her leadership on this bill and for always educating and reminding us of the needs for acts of reconciliation.

The purpose of my brief speech is to offer support and endorsement of this important bill. I have discovered how very little many of us know about the historical events and the culture of Indigenous, Métis and Inuit peoples in Canada. I am truly grateful to be in this place and to have ongoing opportunities to expand my knowledge.

As a woman, I recognize the need to honour women through rituals and celebrations that speak to them in various ways. I believe Bill S-219 encourages and clearly provides opportunities for women and girls to wear their ribbon skirts to celebrate their culture. It also provides an opportunity for education, decolonization and reconciliation. The preamble of this bill states that:

> Whereas Indigenous women are life-givers and are entrusted with traditional knowledge to care for their families, their communities and the environment;
>
> Whereas the ribbon skirt is a centuries-old spiritual symbol of womanhood, identity, adaptation and survival and is a way for women to honour themselves and their culture . . .

But first, I want to share with you that I was especially touched by the testimony of one of our committee witnesses, Isabella Kulak, an 11-year-old girl from Cote First Nation, Saskatchewan, who shared her story about her experience of wearing her ribbon skirt for school for her formal day.

She told us that when she woke up she was so proud and excited to wear her skirt that day; she couldn't wait to get to school. However, when she got to school, she was ridiculed by an educational assistant who told her that her outfit wasn't formal wear.

Of course, this was deeply upsetting for Isabella. However, with encouragement from her parents, Isabella turned this experience into a positive outcome. She began speaking out publicly and gained a lot of support and recognition on the importance of honouring and wearing a ribbon skirt.

Her compelling story was heartbreaking as I thought about how many young girls like Isabella may have their self-esteem quickly diminished by a single act. Anouk Bella, my 11-year-old granddaughter, reminded me of Isabella. These are precious young girls with big hearts and passionate ideas. Isabella used her voice and became a young leader, speaking out about her experience, and helped many to understand the value of wearing a ribbon skirt.

What could have been a devastating event was turned into a positive result by Isabella. I do believe that Bill S-219 will provide opportunities to honour these women and girls who have been so often silenced. This could be even more difficult for marginalized First Nations girls and women who were affected by intergenerational trauma and their voices have not been heard.

As I researched more about ribbon skirts, I found interesting articles from across Canada and I will share a few of the highlights with you.

Indigenous ribbon skirts have become a permanent fixture in many parts of Canadian society. The resurgence of Indigenous ribbon skirts have different meanings for the women who wear them. For example, in Western Canada, Suzanne Life-Yeomans, Chair of the First Nations Women's Council on Economic Security and a member of the Alberta Joint Working Group on Missing and Murdered Indigenous Women and Girls stated that her mother lost her Indigenous culture due to residential schools and the Sixties Scoop:

> . . . when I wear my ribbon skirt it is healing my spirit and connecting me to Mother Earth. I hope to help other Indigenous people to be proud of their culture and to embrace the teachings around making and wearing ribbon skirts

Georgina Lightning, a First Nations film director, screenwriter and actress, stated:

> . . . wearing a ribbon skirt symbolizes great strength, pride and hope in a better tomorrow as we stand united to speak out for the sake of our children, grandchildren, and all future generations to come.

I was so pleased to find some examples in Eastern Canada as well.

Annie Bernard-Daisley, the first female chief of We'koqma'q First Nation in Nova Scotia, spoke about how:

> . . . a ribbon skirt makes you feel empowered, and you're not just wearing a skirt, you're wearing your culture and your traditional beliefs and what we are as Mi'kmaq women. It's an expression of our history, our resilience, and especially . . . what you stand for . . . .

Before becoming chief, she worked with the Nova Scotia Native Women's Association around advocacy work. Her ribbon skirt was created by Candia Flynn from Healing Stitches to reflect the things the chief holds dearest: her role as a mother of three daughters; her advocacy work for missing and murdered Indigenous women and girls; and her family roots.

On March 6, 2022, the CBC reported a story from Fort Folly First Nation, just 30 kilometres from my home here in New Brunswick. The report spoke at a new regalia-lending library in Fort Folly First Nation, New Brunswick that is providing access to cultural attire for anyone who needs to borrow it, or they can teach them how to make their own.

Nicole Porter, who works as a cultural coordinator and is the project lead, explained how it works. The idea of the lending library seemed important as her community was seeing a resurgence of cultural interest and the need to access regalia for ancestral ceremonies or sweat lodges, where women may be required to wear ribbon skirts.

Not only does Nicole have skirts to lend, she also teaches women how to make them. She said reducing, reusing and recycling is a big part of the project.

Laura Lymburner learned how to make her own ribbon skirt from Nicole and she said that it:

> . . . really helped provide me with a sense of my role as a woman in my community, that we are sacred, that we are powerful and it's really tying the culture back to me, through this skirt.

In closing, I want to share an inspiring story about Agnes Woodward, a Plains Cree seamstress from Kawacatoose First Nation in Saskatchewan who now lives in North Dakota.

Through her business, ReeCreeations, she designs and sells ribbon skirts. Woodward says:

> The skirt is mostly about representation, and how Indigenous women choose to represent ourselves. That's why they're so important today, because their voice has been taken away.

Agnes had the great honour to make a ribbon skirt for the first Indigenous cabinet Secretary of the Interior, Deb Haaland of the United States, for her swearing-in ceremony. That moment was historic by so many standards, because the first female U.S. Vice President, Kamala Harris, was swearing in the first Indigenous Secretary of the Interior, Deb Haaland. Deb's beautiful royal blue skirt, wrapped in a rainbow of satin ribbons overlaid with an artful corn stalk, deep blue butterflies and stars, had been carefully crafted by Agnes Woodward from Canada.

• (1610)

Back in Canada, that ceremony was deeply appreciated by many, including Chief Annie Bernard-Daisley, who watched the swearing-in with a group of women from Nova Scotia. There wasn't a dry eye in the house.

Those kinds of events and connections are so important, especially to show young girls the role models that are possible. There are so many stories that I found so interesting on this subject.

Dear colleagues, the ribbon skirt has great power and agency in moving toward reconciliation and greater equality for Indigenous women and girls. Let it be a beginning by offering support to this important bill. *Welalioq*.

Hon. Elizabeth Marshall: Honourable senators, I am speaking today at third reading of Bill S-219, an Act Respecting a National Ribbon Skirt Day.

I am going to begin by describing the origins of the ribbon skirt, which is the subject of the bill. The ribbon skirt appears to date back to the 18th century when relationships between Great Lake tribes and French settlers expanded. The practice of incorporating ribbons into Indigenous clothing seems to have become widespread after silk fell out of fashion following the French Revolution. At that time, more goods, including ribbons, were exchanged. Indigenous clothing makers in the Great Lakes and Prairie regions began to use the colourful silk ribbons in their work.

However, there is evidence that ribbons were used in Indigenous art work much earlier. In the east, 17th century Mi'kmaq women began replacing hides and furs that made up their clothing with cloth that they occasionally decorated with glass beads and silk ribbon appliqué.

According to the Milwaukee Public Museum:

> The first recorded instance of ribbonwork appliqué was on a Menominee wedding dress made in 1802. Ribbonwork reached its peak in the last quarter of the 19th century, having moved out from its epicenter in the Great Lakes to several tribes in the Prairies, Plains, and Northeast.

Although the materials used to make ribbon skirts are not native in origin, the method of appliqué used to make the folded look of the ribbon has become a visual marker of identity for centuries.

Senator McCallum, in testifying at the Standing Senate Committee on Aboriginal Peoples, referred to a Métis elder who spoke about the significance of the shape of the skirt:

> She says it's like a teepee you wear as you're walking, because it tapers at your waist. As you're walking over the earth and wearing the skirt, it signifies protecting the Earth and connecting with her at the same time. It's those kinds of teachings people will seek out as they move towards this conversation about the origin of the ribbon skirt.

It is important to recognize that the ribbon skirt holds a great significance to Indigenous communities and to the women who wear them. The ribbon skirt represents strength, resilience, cultural identity and womanhood. That background is necessary to understand the significance of an incident that occurred in Saskatchewan on December 18, 2020. While you have heard the story a number of times previously — and in addition to Senator Hartling a few minutes ago — it's a story of inspiration that deserves retelling.

It is the story of Isabella Kulak, a 10-year-old First Nation's girl from the Cote First Nation in Saskatchewan. On December 18, 2020, Isabella's school sponsored a formal day. Isabella proudly wore a traditional ribbon skirt. Unfortunately, Isabella was shamed by an educational assistant who was unaware of the significance of the ribbon skirt. Sadly, Isabella removed her ribbon skirt, placing it in her backpack. When she returned home, she told her parents what had happened.

As details of the incident became known, Isabella received support from her community and from around the world. As Isabella said at the Aboriginal People's Committee: "It's like the world woke up."

The following month, on January 4, 2021, Isabella returned to her school for the first time since the incident, accompanied by her nation's leadership and many women in her community, all of whom walked her to school wearing their own ribbon skirts, hence the significance of establishing January 4 as national ribbon skirt day.

On January 4, 2022, Isabella's school celebrated their first Ribbon Skirt Day as an act of reconciliation and education, and encouraged other students from other nationalities to wear something that represented who they are. As Isabella said, "It turned out to be the best day ever."

Last month on March 21, the Standing Senate Committee on Aboriginal Peoples met to study Bill S-219, an Act Respecting a National Ribbon Skirt Day. Bill S-219 conveys to us the importance of ribbon skirts, educates us and provides us with the opportunity to learn more about Indigenous cultures and heritage.

Lisa J. Smith, a senior director at the Native Women's Association of Canada, said during a committee meeting studying the bill that:

> Indigenous culture must be celebrated in the way that Isabella demonstrated. . . . there are currently no federally recognized days of celebration of Indigenous culture during winter. NWAC submits that recognizing January 4 as national ribbon skirt day will be a welcome means to advance reconciliation.
>
> . . . this is truth and reconciliation in action. . . .

As Senator McCallum said during her testimony at a committee meeting:

> . . . having January 4 of each year set aside to recognize the ribbon skirt is fundamentally both an action of reconciliation and conciliation. It not only upholds and honours a highly important cultural item for many Indigenous people in Canada but simultaneously acknowledges and values our self-determination.

Before I conclude, I would like to reference the Pope's historic apology of April 1, which received much media coverage. There were a number of videos on media sites showing women wearing ribbon skirts, while another site had a photo gallery that also included photos of women wearing ribbon skirts. I would not have recognized the ribbon skirt had it not been for this bill.

Bill S-219 proposes to establish January 4 as national ribbon skirt day. I encourage my colleagues to support the bill.

(On motion of Senator Martin, debate adjourned.)

FOOD DAY IN CANADA BILL

THIRD READING—DEBATE ADJOURNED

Hon. Robert Black moved third reading of Bill S-227, An Act to establish Food Day in Canada.

He said: Honourable senators, I rise today to speak to Bill S-227, which seeks to designate the Saturday of the August long weekend as food day in Canada.

At the outset, I would like to thank Senator Simons for taking my place as Chair of the Agriculture and Forestry Committee in order to allow me to act as a witness for Bill S-227. I would like to thank Senators Poirier and McCallum for speaking to this important bill, and I look forward to hearing from them in the near future. Finally, I would like to thank the agricultural industry for their widespread support of this bill and to the witnesses who appeared before the Agriculture and Forestry Committee to share their thoughts on the establishment of a national food day in Canada.

Colleagues, you have heard me time and again highlight the importance of the agriculture and agri-food industry in Canada. Food is at the heart of our homes, our communities and our economy, and one positive thing that has emerged from this pandemic is that many Canadians, especially those outside of rural and agricultural communities, have become far more interested in learning about where and how their food is grown.

In terms of access to food, we are so very lucky here in Canada. In fact, Canada is one of the largest producers and exporters of agriculture and agri-food products in the world. I

and many others, including industry stakeholders, believe it is high time we acknowledge the important role that agriculture and local food play in Canada with a cross-country celebration.

The establishment of food day in Canada will raise the pride and confidence that many of us have, and that many more of us need to have, in the food we produce in Canada, not only for our own domestic use but for international folks abroad as well. It will promote discussions around food sovereignty and food security.

• (1620)

While I mentioned that we are extremely lucky to have access to such a bountiful agri-food sector, there are still Canadians who struggle to access affordable and nutritious foods. This is something that must be addressed going forward. No Canadian should go hungry.

During the Agriculture and Forestry Committee's meeting on this bill, we heard how important it is for our future generations to understand that our farmers, producers, processors and agri-food retailers work hard to produce good food. Canadians young and old need to see for themselves that their agriculture communities care about the land, the commodities they grow and the animals they raise.

We have some of the very best natural resources, countless talented leaders in the industry and highly innovative technology and equipment to feed our country and the world.

It is clear that having a nationally recognized food day in Canada can help our friends, neighbours and future generations understand that there is so much to learn about agriculture and food production in our country.

At the Agriculture and Forestry Committee, we also heard from witnesses about the value of such a tribute to Canadian ingredients and the good people in the food system, as well as the immeasurable value of positive support and trust in Canadian food and farming, especially in light of how much we have learned about our domestic food system over the course of the pandemic.

If established, this annual celebration would not only see Canadians join together in a celebration of our food — and the people who make it happen, from our farms to our forks — but also encourage Canadians to continue learning about our agriculture and agri-food industries. It's a chance to highlight and appreciate the diverse and nutritious food products we have access to.

Agriculture and agri-food are critical industries that contribute not only to the whole of our nation but also to countries around this world, not to mention that increasing the awareness around the world of food produced in Canada and the good food that we grow is absolutely critical as we increase our reach and work to achieve the targets that were outlined in the Barton report a number of years ago.

Honourable colleagues, when we talk about local food, we are also talking about people in our everyday lives. We are talking about the farmers who grow the crops we drive by as we travel Canada, the agri-businesses that produce the food we see on the shelves, the restaurateurs and chefs who feed us and the vintners and brewers who brew the wine, beer and spirits we enjoy.

Local food is about much more than just what we eat; it is about Canadians. If passed, Bill S-227 would give Canadians a reason to celebrate not only agriculture and agri-food but also everyone who makes up the vast food supply chain coast to coast to coast together every summer.

At this time, I'm pleased to share that the bill has had resounding support from all parties in the other place. I'm hopeful that we can pass this expeditiously here in the Red Chamber to ensure that a nationally recognized food day in Canada will take place this summer.

However, regardless of the outcome of my bill, I would like to thank all of you in advance for your support in celebrating Canadian food from coast to coast to coast all year-round.

Thank you, *meegwetch*.

Hon. Terry M. Mercer: Would Senator Black take a question?

Senator Black: Absolutely.

Senator Mercer: Senator, it seems to me that this is an opportunity for us to continue to engage Canadians in defence of our very important agricultural sector.

Would this not be an opportunity to educate Canadians to ask their grocers why they have products on the shelves that are from elsewhere when there are products available being grown here in Canada?

I am the grocery shopper in my house, so excuse me if I get too detailed. I go in to buy cherry tomatoes for my recipes at home. I always read the label; I see Mexico and the southern parts of the United States. In this country, there are some huge greenhouses, for example just north of Trois-Rivières in Quebec; there is a huge greenhouse there that is about the size of five Canadian football fields. All they grow is cherry tomatoes.

When I go to the Sobeys store in Nova Scotia and I pick up cherry tomatoes, I seek out the produce manager and ask, "Why are you selling me Mexican cherry tomatoes when they are available from Quebec or Prince Edward Island, where a lot of cherry tomatoes grow?"

Isn't this an opportunity, having a food day in Canada, to call our fellow citizens to the battle in making sure that our grocers are not taking the lazy way out and buying food from other places when there is a product being grown right here?

Senator Black: Senator Mercer, thank you for that question. The short answer is absolutely, yes.

I'm hopeful that a food day in Canada celebration would encourage people to ask those very questions of grocers across this country, that day and all year. I know that there are times in the cold parts of our year when we can't access produce grown in Canada.

We certainly do need to ask those questions more often than not. I am delighted that, as the food shopper in your family, you do that. I do the same thing. Sometimes they get very annoyed with me, but I think it's so very important.

Hon. Mary Jane McCallum: Food as reconciliation.

Harry S. Truman said, "In the long view, no nation is any healthier than its children or more prosperous than its farmers . . . ."

Honourable senators, I rise today in support of Bill S-227, which seeks to establish food day in Canada.

I would like to thank Senator Black for his continued and committed advocacy toward the land, soil safety and the agriculture community on Turtle Island.

Farming has always been and continues to be a key part in the solution toward producing nutritious and free-range food for Canadians. My interest in farming has a personal connection. My mentor and surrogate father, Dr. Robert Glenn, was a farmer around the Russell area in the Interlake region of Manitoba.

One day, when he was in his late seventies, he was talking to me about his farm while we were in the dental clinic. I asked him:

> Dr. Glenn, why do you continue to do this hard work that starts at four or five in the morning and continues late into the night without so much as a guaranteed income when the season is over?

He answered, "It's in the blood, my girl." At that moment, my profound respect for farmers and the hard, tireless — and many times unappreciated and thankless — work that they do was born.

Farming, as I understand it now, is land-based education. Like Indigenous knowledge, there is knowledge and wisdom garnered in this setting that you will never learn from a textbook while sitting in a classroom.

Honourable senators, it is a little-known fact that one of the most significant contributions that America's Indigenous peoples have made is in agricultural farming. Many foods, such as chocolate, potatoes, corn and tomatoes, are native to the Americas, and were initially cultivated or domesticated by Indigenous farmers.

The three sisters — corn, beans and squash — were typically grown together by Indigenous farmers. Going back to the earliest days of first contact, settlers frequently relied on Indigenous people's knowledge of food and the land to survive in this foreign terrain.

As is stated in *The Canadian Encyclopedia*'s submission on First Nations, it says, in part, that during the 1600s Indigenous technology and knowledge of hunting, trapping, guiding, food and disease proved crucial to the survival of Europeans and early colonial economy and society.

Without the sharing of their knowledge and bounty, including Indigenous food preparation techniques such as harvesting wild rice in the fall and maple syrup in the spring, Europeans would not have survived, let alone thrived.

Dr. Diana Bizecki Robson at the Manitoba Museum, in her book *A Brief History of Indigenous Agriculture*, stated:

> After Europeans arrived in the Americas, crops from the "Old World" (e.g. wheat, barley, oats) were brought here while American crop plants were transported to Africa, Asia and Europe; this process was known as the Columbian Exchange.

However, colleagues, it should be acknowledged that despite their contributions in this field, Indigenous peoples have a complicated and misunderstood history regarding farming in Canada.

• (1630)

In the book entitled, *Lost Harvests, Prairie Indian Reserve Farmers and Government Policy*, well-known author Sarah Carter stated:

> The Indian farmer has been accorded an insignificant role in Canadian prairie history. Although the Plains Indians were among the earliest and largest of groups to attempt farming west of the Red River Settlement, immigrants from Europe and the older provinces of Canada are routinely credited with the pioneering efforts to farm the prairies. Not only were the Indians excluded from histories of the sodbusters, but they were not even recognized as having the capability to farm.

She continues:

> . . . the Plains Cree were anxious to acquire the skills and tools that would allow them to farm but that eventually they gave up agriculture because of restrictive government regulations including the permit system, the subdivision of reserves, and the ban on the use of machinery.

Colleagues, the reason Indigenous farmers were not as successful as their settler counterparts was, as Sarah Carter states:

> . . . not that the Indians' culture limited their capacity for farming, but that along with environmental setbacks, Indian farmers were subject to regulations that denied them the technological and financial opportunities to form a strong agricultural base.

The author frames this issue concisely when she writes:

> The prevailing view that the Indians of western Canada failed to adapt to agriculture because of their cultural traditions is in need of revision . . . .
>
> Those who stress that the fundamental problem was that Indians were culturally or temperamentally resistant to becoming farmers have ignored or downplayed economic, legal, social, and climatic factors. Reserve agriculturalists were subject to the same adversities and misfortunes as their white neighbours were, but they were also subject to government policies that tended to aggravate rather than ameliorate a situation that was dismal for all farmers.

Honourable senators, I have given a very brief history on food and agriculture as it relates to Indigenous peoples. This includes their willingness to share their food production insights and provide sustenance to earlier settlers, Indigenous people's capability, ingenuity and willingness to thrive in the farming arena, and the many barriers that existed beginning in those early days, which were insurmountable forces working against Indigenous success in this realm.

Colleagues, I would now like to touch on the issue of food security and its reliance on a healthy environment and biodiversity.

In the book *Saving Farmland: The Fight for Real Food*, the author quotes Vandana Shiva when she describes the rights of nature:

> The Earth's living systems and human communities face multiple crises of climate change, mass species extinction, rampant deforestation, desertification, collapse of fisheries, toxic contamination with tragic consequences for all life. Under the current system of law, Nature is considered an object, a property, giving the property owner the right to destroy ecosystems for financial gain. The Rights of Nature legal doctrine recognizes that ecosystems and plant and animal species cannot simply be objects of property but entities that have the inherent right to exist. People, communities and authorities have the responsibility to guarantee those rights on behalf of Nature. These laws are consistent with indigenous people's concepts of natural law and original instructions as well as the understanding that humans are a part of Nature and only one strand in the web of life.

Colleagues, it is understood and accepted now that the health of our surrounding natural environment has direct and profound impacts on our own health. The loss of diversity, whether culturally, biologically or environmentally that continues to occur in Canada, has been detrimental to our food supply and production.

When these fundamental supply chains become compromised, we suffer a severance in our connection to the land as well as to the animals that are integral to a healthy and thriving biodiversity.

It should also be noted that food security can often take different forms for different segments of our population. Considering the traditional, land-based lifestyle that many Indigenous peoples still live and strive to uphold, it will come as no surprise that Indigenous peoples face a greater threat of food insecurity. This is explained in an article entitled *The History of Food in Canada Is the History of Colonialism* from the online publication *The Walrus*, which states:

> In a large city, food choices are horizontal, like a buffet, each option available independently of the others. In many Indigenous food systems, the menu is much more vertical, like a Jenga tower, in which many pieces support the entire structure; removing one element can topple everything. Within this food system, an animal like seal is not just a source of protein but also of fuel, clothing, tools, and commerce — all of it devastated in 2009, when the European Union, prompted by environmental activists, banned the import of seal products.

Colleagues, the reality and importance of the seal is but one example to show the intricacies and the intersectionality that biodiversity has on the overall well-being of countless Indigenous peoples across Canada.

Senators, many Canadians feel that our food systems are secure so long as the grocery stores are full, often showing indifference as to where and how these stores come by their product. However, it is critical that we ask ourselves: What is our relationship with food? It is to our benefit that we question things such as how has the wheat been grown or the meat been raised? Is it organic or free-range? Is it local? Is there genetic engineering involved?

To best support our local businesses and especially our local farmers, it is important to ask such questions. Supporting and understanding local businesses helps us to appreciate and respect that nutritious food is not to be taken for granted. It is the result of the marriage between a healthy biodiversity and those individuals who nurture and cultivate it.

Colleagues, the preamble to Bill S-227 states:

> . . . the people of Canada will benefit from a food day in Canada to celebrate local food as one of the most elemental characteristics of all of the cultures that populate this nation . . . .

This is an important feature of this bill. Celebrating with and through food is an inherent act shared by First Nations and other Canadians. We often do this through feasts, which have always been a time of gathering, celebrating, sharing, laughter and joy.

With food at its heart, people come together to share stories, to listen, to learn and to heal. In this way, the celebration of food contributes to building relationships and bridging differences. It also underscores the importance of working together, whether it is harvesting, hunting or gathering. Food is always a conduit to find time to bring us together and to share our humanness.

Honourable senators, the importance of food is obvious, but the concept of celebrating and commemorating its past, present and future in Canada is a valuable initiative. I want to

acknowledge all farmers across Canada for the massive undertaking of their work, all small local businesses across the country who make available local produce, goods and food and all chefs across the country, whether they are in our homes or restaurants for the part they play in resourcing local foods.

In closing, colleagues, I would like to quote Frances Moore Lappé when she wrote:

> The point of commons care is to prevent harm before it occurs. And means learning to "think like an eco-system" . . . .
>
> We come to see natural treasures no longer as merely divisible property but as gifts protected by boundaries we create and honor, knowing that all life depends on their integrity.

Kinanâskomitin. Thank you.

• (1640)

Hon. Robert Black: Senator McCallum, thank you for your important words. Would you comment on how you see the passing of the food day in Canada bill as a means of helping to support a healthy environment?

Senator McCallum: Many Canadians feel that our food systems are secure as long as the grocery stores are full, no matter where we got it from. We just have to look at the flooding that occurred in B.C., which cut off the city of Vancouver, to understand how precarious our food supply is.

In the book by Ms. Chambers entitled *Saving Farmland*, she states:

> In fact, on Vancouver Island, we have only enough food collectivity for about three days, should it stop being delivered from other places, and even now, many people are not getting enough to eat. There is a crisis looming, and it is, in fact, already upon us as we continually appropriate the best farmland for development and erode and damage already restricted food-production areas.

Supporting local businesses helps us to appreciate and respect that food is not indispensable. Eating locally reduces the carbon footprint because the food doesn't have to travel as far.

According to a study by the Leopold Center for Sustainable Agriculture at the Iowa State University, a local carrot has to travel only 27 miles, while a conventionally sourced carrot has to travel 1,838 miles to get to your plate. Eating local means that money stays in the local economy, and local businesses thrive instead of a corporation.

Farmlands contain whole parts of ecosystems —

The Hon. the Speaker pro tempore: Senator McCallum, I'm sorry, your time has expired.

Senator McCallum: Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Poirier, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Plett, for the second reading of Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders).

Hon. Kim Pate: Honourable senators, I rise to speak as critic of this bill. I agree that this is of the utmost importance and that we not resile from tackling the issue of violence against women. As underscored by Senator Dasko's recent survey and by the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, violence against women, especially violence against Indigenous women, is dire and requires immediate and systematic actions by all levels of government.

Bill S-205 places an emphasis on the use of electronic monitoring devices for men who have committed violence against women. It's a plan to use these devices when people are not in custody and is prescribed as a method of keeping women safe. Bill S-205 does not do the necessary work, however, of unweaving the fabric of misogyny, racism and class bias which fuels violence against women and which is perpetuated in and by the criminal justice and penal systems. Bill S-205 does not address the economic, social, racial and gender inequality which abandons women to violence, poverty and racism. Nor does it deconstruct the values and attitudes that reinforce it. Building services and approaches that enable safety and support must instead be prioritized.

Physical violence is only one aspect of a wider net of coercive and controlling conduct. The tactics used against women include intimidation, isolation and control, and these factors are more predictive of intimate homicide than the severity or frequency of physical violence.

Social and cultural messages that privilege patriarchal ideas and attitudes, the hyper-responsibilization of women from childhood to consider themselves responsible for preventing their own victimization, combined with behaviours that control, isolate or intimidate via emotional, physical, social or financial means, abuse of inequities, or a combination of these, contribute to gross underreporting of violence against women.

As studies of the use of electronic monitoring to address male violence against women in other jurisdictions reveal, one of the fundamental challenges of using this approach is the reality that:

> Victims of domestic violence typically do not report to the police or leave abusive relationships as they recognize that it generally places them at a higher risk of assault.

The myth that women would leave if the abuse were really dangerous is debunked by the evidence. In a study that underscores the inability of electronic monitoring to prevent violence against women, data revealed that, in the year before they died, 75% of homicide victims and 85% of women who experienced severe but non-fatal violence had left or tried to leave their batterers.

Violence is of particular concern for women who are disadvantaged in intersectional ways, whether that is race, class, poverty, language, ability, sexual orientation or other forms of discrimination. Indigenous women are particularly at a high risk. In order to stem violence against women, we must disrupt and address the deeply rooted inequalities that are foundational to their oppression. Bill S-205 does not.

We put an enormous burden on women who experience violence. Too often their cries for help are not met with an adequate response from the criminal justice system. Victims describe how the violence and harassment they experience are minimized and even discounted. Research from Western University revealed a mere 25% of women who called police to report violence experienced "positive" interactions with police, whereas 45% indicated their experience was "negative."

The Canadian Association of Elizabeth Fry Societies and the Native Women's Association of Canada have documented that women — particularly those who are poor, racialized or have a disability, including a disabling mental health issue — are hyper-responsibilized by the legal system.

The Canadian legal system fails to adequately protect women. For example, if women report violence, there is a constant fear that it will be used against them in determining the safety and custody of their children. A report from 2008 found that being the victim of domestic abuse was used 46% of the time as a risk factor to legitimize child welfare interventions. Mental health issues, including those related to domestic violence, accounted for 27%.

Worse yet, police continue to charge women after effectively deputizing them to protect themselves and their children. When they respond to violence with physical resistance, they face the very "zero tolerance to violence policies" introduced under the guise of providing battered women with protection.

Bill S-205 calls for increased police intervention while doing nothing to address the issue of hyper-responsibilization for women or to improve their experiences with the legal system.

Senator Boisvenu indicates that women were the ones who requested — even wrote — Bill S-205. When women are only offered a criminal legal enforcement model, particularly in the face of millennia of inadequate responses, it should not surprise us that they may agree to grasp for the only option provided rather than effective and comprehensive approaches to addressing violence against women. This is a case where the inadequacy of options makes the illusion of choice and safety just that — illusory illusions.

There are a multitude of other approaches — evidence-based approaches — that could actually address and prevent violence against women far better than what is proposed by Bill S-205.

• (1650)

For example, Senator Boisvenu quoted expert Dr. Elizabeth Sheehy in his second reading speech but failed to include her perspective that:

> Criminal law alone cannot prevent domestic violence: it is an after-the-fact response to violence that has already damaged, and sometimes ended, the lives of women and their children . . . .
>
> What women urgently need are resources, such as safe housing, social welfare and legal advice to escape violence and navigate the criminal justice system. They need the family court and child protection systems to "see" the violence and coercive control that places them at risk and they need the police to respond effectively to keep violent men away from them.

The call from Dr. Sheehy is not simply for criminal law changes but for systemic change to prevent violence against women instead of inadequate after-the-fact efforts. We can prevent violence against women by transforming attitudes, beliefs and norms. We need change so that women who seek help from the police don't have their complaints of violence minimized — change that does not require heavy sanctions but allows for prevention to keep women safe.

Women's groups have long demanded that responses address root causes of violence against women. The legislative framework required to prevent and respond to violence against women must be framed to also recognize and redress women's poverty and economic insecurity, which structures and shapes women's experiences of violence, especially those of groups of women who are particularly vulnerable to violence against women in many forms. Ensuring that the historic and current context is well understood is essential to informing this analysis, particularly in relation to colonialism and the ongoing impacts of colonization, including how they impact violence against Indigenous women. Women's groups have also noted that all

violence against women law reform in Canada must respect and reflect intersectional feminist analyses and be grounded in human rights, specifically women's human rights.

Any meaningful change must address the underlying cognitive and behavioural issues that lead to violence. Strapping an electronic monitor to a person's ankle does nothing to stop a person from continually committing violence, both while the electronic monitor is attached to their ankle and after it is removed. Experts urge that we should not confuse technological aid with meaningful treatment. Meaningful treatment must address why a person commits violence in order to truly stamp out the root causes and break the cycle.

Addressing economic inequality of women is a critical aspect of reducing violence against women. As UN Women and the World Health Organization have noted, "The links between poverty and violence against women (VAW) are well established . . . ." According to research from the group Surviving Economic Abuse, 95% of British domestic abuse victims experience economic abuse. This is not a number that should be taken lightly. This means that nearly all victims of violence have had the common experience of economic abuse. In order to address the root of this issue, it is paramount that women have economic alternatives to remaining in dangerous family situations, economic alternatives and supports that, unlike current programs, are not threatened with removal should they seek help, and that meet the needs of themselves and their families.

The role of economic resources in facilitating access to physical safety is clear, underscoring the need for things like guaranteed livable basic income, which would reduce the financial burden on women and allow them to make decisions about how best to care for themselves and their families and look further than short-term safety. We need to first do everything possible to prevent violence instead of routinely focusing on inadequate after-attack interventions such as electronic monitoring. Access to meaningful choice afforded by things like guaranteed livable income is not only a matter of dignity and equality; for women who are trying to escape violence it is a matter of safety as well.

For decades, multiple recommendations have been tabled in efforts to empower women and provide supports to enhance independence and end relationships of violence. These include increasing resources and funding to established battered women's shelters and other supports that enable women to safely extricate themselves from situations of violence.

In Quebec, a similar bill to Bill S-205 was recently tabled. During committee meetings on that bill, a representative from *L'Alliance des maisons d'hébergement de 2e étape pour femmes et enfants victimes de violence conjugale* advised that in Montréal alone, 75% of requests for shelter are refused due to lack of space. This means that three out of every four women who need safe and secure housing to escape violence have no access. A recent *Globe and Mail* article states that in Quebec:

> . . . amid a surge in hotline calls and texts from victims seeking support this year, women are being turned away from shelters that are stretched beyond capacity.

This illustrates that even in Quebec, which Senator Boisvenu states supports Bill S-205, there is a drastic need for proper supports to truly end violence against women.

For those who can access these short-term shelters, a snapshot from April 18, 2018, provided by Statistics Canada shows that for 36% of women, either the facility or the women did not know where they were going upon departure from the facility. For 21% of women, returning to the residence where their abuser continued to live was the only option for them and their families. It has only worsened since then. Being in the same location as your abuser regardless of electronic monitoring will not make those women any safer.

Violence against women has further been defined to extend from being a violation of women's rights to a public health issue. The World Health Organization clearly states the negative impact of violence on women is manifold. It affects women's physical, mental, sexual and reproductive health. There are not the resources to help women deal with these health-related issues. It is essential that women have the resources to leave violent relationships, not that we merely attach inadequate band-aids after the fact. Chronic underfunding of services to women keeps women at increased risk and pushes them back into situations that are dangerous — too often lethally so — for themselves and their children. Again, Bill S-205 does not address this.

Electronic monitoring does not work. It most definitely does not protect women from violence when it is being used as a stand-alone solution, as proposed in this bill. Legislating increased statutory authority for imposing electronic monitoring is not the missing piece in preventing violence, nor is it effective. Electronic monitoring and other measures impact people differently. The negative impact of surveillance and control is particularly acute for individuals, their families and communities who are already marginalized, and particularly if they are racialized. Studies from the U.S. show the disproportionate use of electronic monitoring on racialized and poor people. This leads to increased incarceration and harm for those groups.

Indigenous peoples are overrepresented in the criminal legal system. The same issues that the National Inquiry into Missing and Murdered Indigenous Women and Girls documented, giving rise to Indigenous women being disappeared, murdered or rendered homeless at a much higher rate than the average person, are the same that led to Indigenous women being the fastest growing prison population, such that they now represent one in

two women serving federal terms of imprisonment. Women, particularly Indigenous, Black and other racialized women, are less likely to experience state protection when they experience violence. Paradoxically, although they are essentially deputized to protect themselves and their children from violence perpetrated against them, they are also more like to be criminalized when they do so. Many end up being the ones charged with violent offences when they are trying to defend themselves. The Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission and the Missing and Murdered Indigenous Women and Girls inquiry have all revealed the multi-generational systemic impacts of colonial racism, socio-economic marginalization and gender bias.

In the *Systemic Racism in Policing in Canada* report by the House of Commons Standing Committee on Public Safety and National Security, witnesses that represent various Indigenous groups identified racist policing, abuse of authority, failure to assist victims or inaction in cases of sexual violence, and much more. Chief Doris Bill of the Kwanlin Dün First Nation explains that citizens in the community experience strong distrust of police based on ongoing events.

The lack of support for Indigenous women in the criminal legal system persists. Their credibility and their worth as victims are often questioned. The Public Safety and National Security Committee report also noted how in some cases Indigenous women feel unsafe reporting their own victimization. This is well documented in the National Inquiry into Missing and Murdered Indigenous Women and Girls.

• (1700)

As the former president of the Canadian Advisory Council on the Status of Women, the late Dr. Glenda Simms, warned us:

> Violence against women is the single most serious issue of our time. Do you realize that some Black women choose not to report the men who batter them because they know that Black men are victimized by racism and violence at all levels of the justice system? Who do you turn to when you don't trust those entrusted with justice?

Bill S-205 will do nothing to address these issues for Indigenous, Black and other racialized women in Canada. Instead, it puts increased use on a system that is already distrusted, already failing many groups and asks that they simply trust this system.

At face value, the use of electronic monitoring to monitor violent men and protect women from abusive partners may sound appealing. It is vital to recognize, however, that electronic monitoring is far less effective than community-based supervision offered by such interventions as bail supervision or probation.

Some argue that other countries have made use of electronic monitoring devices with favourable results. It is imperative to recognize that in such instances, electronic monitoring devices were not used in isolation; rather, electronic monitoring was but one component of a multi-pronged approach to a complex issue. Studies actually demonstrate that electronic monitoring alone is not effective.

In a report on the use, challenges and successes of electronic monitoring, the Scottish government found that it was not an effective strategy to reduce reoffending but that it definitely contributed to net widening. In other words, it increases the numbers of those who are criminalized — usually those who are also most marginalized — but does not reduce violence against women.

A recent study out of Norway found that those released with electronic monitoring who received supervised community integration supports were less likely to recidivate. Unfortunately, however, it is impossible to say whether electronic monitoring was actually a factor, or if the success was due to the earlier release and the attendant advantages of supportive and supervised community integration.

There is also a presumption that electronic monitoring will somehow deter violence against women. This presumes that a man who has ignored all other social and legal norms will suddenly become compliant due to strapping a band around their ankle. A study in France concluded that electronic monitoring is mostly effective for individuals who know what is at stake should they reoffend. There is nothing in Bill S-205 that provides for such community value changes, much less individualized, enhanced rehabilitative resources or accountability mechanisms.

In 2012, the Standing Committee on Public Safety and National Security in the other place conducted a study on electronic monitoring and its usefulness.

After hearing the testimony of all 29 witnesses, including government representatives and multiple manufacturers of electronic monitoring devices used in Canada, the committee recommended that it never be used as a stand-alone measure and that, if used at all, it only be used when paired with adequate programming and as part of a more fulsome plan for community supervision and reintegration — not used as a stand-alone measure.

This is not a recommendation that should be ignored.

Bill S-205 ignores this recommendation and proposes stand-alone measures — the implementation of which, as we are already hearing, creates a false sense of security that it will result in the protection of women. The potential for inadequate and even horrific results is, quite frankly, terrifying.

Let us also examine the many technological issues with electronic monitoring devices.

A study in California found that the electronic monitoring devices used in half the state, ostensibly to monitor thousands of men convicted of sex offences, were so inaccurate and unreliable that they placed the public "in imminent danger."

They found that batteries died early, cases cracked and that reported locations were off by as much as three miles. Officials also found that tampering alerts failed, and individuals were able to disappear by covering the devices with foil, deploying illegal GPS jammers or ducking into cars or buildings.

These alarming findings are made all the more so by the fact that in a lawsuit, corrections attorneys persuaded a judge to seal information about the failures, arguing that test results could show criminals how to avoid being tracked and give parole violators grounds to appeal convictions. They also argued that it would "erode public trust" in electronic monitoring programs and mitigate any deterrent effect on those wearing them if they knew how ineffective they were. So much for the focus being on the well-being and safety of women or addressing violence against women.

"Well, that's the U.S.," you might well say. But the company involved with that study, 3M, operates in Canada. Indeed, they were witnesses at the inquiry of the Standing Committee on Public Safety and National Security. In addition, they are not the sole providers, but they do provide services for electronic monitoring and they share the same issues.

Electronic monitoring devices use geolocation services in order to function. Many communities across Canada have limited or no access to the technology needed. While speaking to the Quebec national assembly about the bill, Quebec Native Women raised issues regarding the impact of poor access to geolocation technology in many remote locations, particularly for Indigenous women in Indigenous communities. They also pointed out that many Indigenous victims and perpetrators of violence live in the same community. Police responses and response times are already significant issues in those communities.

There are also connectivity issues and false alarms at the heart of these complications. When a person loses connectivity, a false alarm can be triggered that can be a danger to the wearer as well as to others. False alarms can lead to false arrests for breach of parole, officers arriving at the place of work of a wearer, or even dangerous or fatal incidents. There is also the well-documented history of false positive alerts leading to further decreases in police responses.

Studies out of Tennessee, Colorado and New York show that false alerts led to repeated missed or ignored alerts of device failures and no intervention in breaches of the law by those supposedly being electronically monitored. In the case of Florida, police and correctional authorities were so overwhelmed with alerts that one man not only broke his curfew 53 times without any intervention in one month but also then killed three people.

The issue of false positives is so problematic that in a 2019 review of such approaches, the Scottish government quoted findings from Germany where, on average, there were false alarms every three days for each person supposedly being supervised via electronic monitoring.

Moreover, persistent delays in responses by police and/or correctional authorities were found to nullify any suggestion of a deterrent effect of electronic monitoring. Most significantly, the research revealed that such persistent delays create risks for victims — most particularly when they fail to respond at all.

It is clear from these examples that Bill S-205's encouragement of increased use of electronic monitoring is likely to have the opposite effect of what is intended — a very laudable intention — and may, however unintentionally, further overburden the system and consequently risk the further endangerment of women.

Senator Yussuff brought up the issue of the false sense of security that electronic monitoring can create. Having worked and advocated with and for countless victims of violence, I must underscore the very real and profound dangers of trusting in electronic monitoring to protect women and children from violence.

Passing Bill S-205 could risk endorsing the use of electronic monitoring. I cannot in good conscience do so, as it is tantamount to telling women to trust in this system. At best, it could bring false hope and risk endorsing an approach that, as the evidence reveals, fails more often than it succeeds. I consider this approach irresponsible and dangerous for those women.

Finally, let's talk about another horrific paradox. In some jurisdictions, it is the victimized women who are then electronically monitored. In Spain, women were understandably hesitant to use the device because it further traumatized and harmed them — frequently triggering traumatic stress in abused women.

One of the largest shortcomings of electronic monitoring is the effect it has on the device wearer, their family and the ability of those parties to rehabilitate or reintegrate into the community in a positive way. To lower recidivism, it is crucial that a person have these types of supports. However, the use of electronic monitoring stigmatizes and impacts entire households, which inhibits this.

• (1710)

In Scotland, co-residents of those subject to electronic monitoring were made to feel they were responsible for ensuring that the monitored person complied with their conditions. The sense of responsibility caused anxiety, guilt and stress.

Research conducted in Winnipeg revealed that young people experienced isolation because their acquaintances refused to associate with them — not because of their actions, but because they feared the electronic monitoring device would mean they, too, may be subject to police surveillance and breaches of their privacy.

The importance of family to the re-entry to society and the decrease in recidivism is well documented. The removal or decrease of these support mechanisms during the police intervention, judicial interim release or bail, or the re-entry process can push people further to the margins and may consequently render them greater risks to public safety.

Electronic monitoring can also interfere with employment. A study conducted by the National Institute of Justice in 2011 noted that many individuals on electronic monitoring had to take breaks from work to reconnect lost signals; and 22% were fired or asked to leave their job due to ankle monitors.

Honourable colleagues, allow me to summarize the five main reasons why this bill will fail to achieve its sponsor's and supporters' worthy objectives.

First, as ineffective as it is as a tool to prevent violence against women, electronic monitoring is already available and used in some jurisdictions. This bill is not necessary and, in any event, adding statutory authority for imposing electronic monitoring is not the missing element or key to preventing violence against women.

Second, the bill ignores the continuing technological problems with electronic monitoring and thus runs the clear and predictable risk of promoting a false sense of security for those believing it might protect them.

Third, it ignores the inability of police to respond immediately — no matter how well-intentioned and how good the police force — when an alarm is triggered, be it due to geographical remoteness, insufficient police resources, competing emergencies and/or sometimes stereotypes, biases or conclusions regarding the efficacy of responding to situations where they may have had repeated calls, for instance, including some judged by authorities to be false alarms.

Fourth, it assumes that a man who has ignored all other social and legal norms will suddenly become compliant because we put a bracelet around their ankle or wrist.

Last, it does nothing to address the central systemic issues that give rise to and perpetuate misogynist violence, much less ensure modification of management of the rage and other factors that fuel individual men when they perpetrate acts of violence against women.

To conclude, thank you, Senator Boisvenu and colleagues, for your commitment to ending violence against women. There are several ways we could tackle the issue in ways that address the concerns raised here today. Regrettably, as I have already detailed, the approach proposed by this bill is not one best to pursue. Instead, let's ensure that we address the issues, attitudes and ideas that fuel misogynist violence in society and our criminal, legal and penal systems, while simultaneously implementing the sorts of robust social, health and economic support systems that can truly assist women to avoid and escape violence. *Meegwetch*, thank you.

The Hon. the Speaker pro tempore: Senator McCallum, do you have a question?

Hon. Mary Jane McCallum: Yes, I do.

The Hon. the Speaker pro tempore: Senator Pate, will you answer a question?

Senator Pate: Yes.

Senator McCallum: Senator Pate, my question is around the violence that occurs in the communities. Stemming that violence has many origins and they require different interventions, and some of those interventions go beyond legislation. They cannot be legislated. Those are societal responses. The communities need to play a part in what is happening in their communities. For that reason, I arranged a meeting with Senator Boisvenu and Indigenous groups in Winnipeg that are addressing this violence, and they are working hand in hand with Senator Boisvenu now.

I think that, like you said, it is not a stand-alone. I have seen this happen time and time again with legislation and there was no community involvement. The work that's being done by the communities in Winnipeg is successful, and they are willing to work with Senator Boisvenu. Wouldn't it be good for this to go to committee so that people can hear about what is happening at the community level?

Senator Pate: I absolutely agree with going to committee. I think you know that in Manitoba alone, there are some incredible examples of where Indigenous communities have stepped in precisely because of what I have just spoken about and have taken the position that they will remove the men from homes and provide supports in the home for women and children. That impact, that approach has had hugely positive success, but it requires resourcing and requires supports for communities to do that. Looking at those sorts of approaches would absolutely be a fantastic opportunity, so thank you for suggesting that.

Senator McCallum: When they talk to Senator Boisvenu and myself about the programs they have, they work with the men who have committed the violence. They have a very high success rate. They also work individually with women. They work with youth. And there is so much potential.

One of the reasons we met with her was to look at what resources were needed. I think that if we do more work like this, working with the community, with the legislation that we're working with, that there is much more success, our legislation will have fewer gaps, and that we will see if these interventions will work. They are willing to go through this and work with the system. So I think it's a great step ahead.

Senator Pate: I'm not sure there was a question, but I'm happy to add that I think it's true. The challenge is, as you have already experienced in talking to those women, when the only response you provide is a criminal law response, women who have had a history of not having any kind of avenues to get support often will leap to that and cling to that, when in fact as you have already experienced, when you go and speak to them, that's the last thing they want. They want a whole host of other supports and services to prevent them from ending up before the courts in the first place.

My concern is offering electronic monitoring as though it will solve the problem creates that false sense of security, and creates a sense that it actually will be effective when, as I hoped to lay out, in fact, there is ample evidence that is not true. If at the committee we take the opportunity to say, what should we be doing instead of this, I think that would be a fabulous opportunity, so thank you very much.

[*Translation*]

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

Senator Pate, thank you very much for your speech on the social revolution surrounding violence against women. However, that is not what my bill is about. That is not my goal.

I heard Senator McCallum's questions. I had the pleasure of speaking to her about the treatments offered to violent men in Indigenous communities, which are very successful.

You seem opposed to the monitoring measure set out in Bill S-205. Are you also opposed to mandatory treatment for abusers?

[*English*]

Senator Pate: My understanding is that they are not talking about mandatory treatment. They are talking about offering treatment as an alternative to the mechanisms that are currently used.

In my experience working with men convicted of sex offences, almost inevitably they will choose those options when they are available. The challenge is they are rarely available. We tend to go to a more so-called "law and order" response.

With respect, I don't think we need a revolution. But I do think we need to have an honest assessment of what is being offered with this bill, and to identify that there are significant gaps when we say we are going to use electronic monitoring, and hope that will stop this.

• (1720)

In my discussions with women's groups about your bill and about this approach, it's very clear that some are looking at it as one of the only options being offered, and I agree that is an indictment of all of us if that's all that is being offered to them. I am not in any way questioning your support or your desire to see an end to violence against women. I think, though, we need to be honest about how best we can achieve that. It is clear that one of the downsides of this bill is it will look as though something is being done and it may stop one or two men, but is unlikely to stop many, if any.

[*Translation*]

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 Boisvenu, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Forest, for the second reading of Bill S-213, An Act to amend the Criminal Code (independence of the judiciary).

Hon. Pierre-Hugues Boisvenu: Honourable senators, I rise today as the critic for the Honourable Mobina Jaffer's Bill S-213.

As you know, dear colleagues, because I have said it many times in this chamber, I believe that mandatory minimum sentences are important to ensure balanced sentencing and to make sure victims have access to a rigorous and credible justice system.

I oppose this bill because it would have us believe that judges will still have the option to use mandatory minimum sentences, whereas victims' groups see it as a veiled attempt to abolish them.

Under Bill S-213, mandatory minimum sentences will be neither "mandatory" nor "minimum." They will become a sort of category of sentences that judges can use as they see fit, and they will be added to a range of sentences that already exist. They will lose all meaning, which just happens to undo the work of all previous governments, both Liberal and Conservative, in the name of pseudo-progressive moral standards backed by a government whose primary concern is making the justice system as lenient as possible for criminals. As usual, the government's excuse is that the Charter of Rights and Freedoms justifies criminals' right to such leniency.

That is not my idea of fair and equitable justice, and it is not the system of justice that the Fathers of Confederation built in this place, which has always recognized the sacred principle that a sentence must be fair, just and proportionate to the gravity of the crime committed. In my view, victims must be recognized and protected, while criminals must be convicted and rehabilitated.

Honourable senators, I would first like to comment on one of the passages in the preamble, which I see as rather disturbing, and I quote:

> Whereas judicial discretion to depart from a minimum punishment is necessary to prevent a miscarriage of justice — including, but not limited to a wrongful guilty plea — and to ensure a just and appropriate sentence;

Colleagues, a plea is entered before sentencing. At that stage, the court is obliged to ensure the validity of the guilty plea, in particular that the person admits to the elements of the offence. A person must therefore admit to committing the acts of which they are accused and having the requisite state of mind to do so, and they must be informed that the court is not bound by any suggestion or agreement as to the sentence to be imposed upon conviction, before a court can accept the plea and find the person guilty of the offence that they admitted to having committed. This is set out in section 606 of the Criminal Code.

That is the first inaccurate statement.

It is inaccurate to say that a court's discretion to depart from a minimum punishment could have an impact on guilty pleas validated before sentencing and, moreover, prevent wrongful pleas.

During her speech on Bill S-207, which is identical to Bill S-213, Senator Pate tried to justify this bill using the example of the Supreme Court of Canada's recommendation in *R. v. Lloyd*, which was to enact:

> . . . "a safety valve that would allow judges to exempt" from the application of minimum penalties "outliers for whom the mandatory minimum will constitute cruel and unusual punishment."

It would seem that the purpose of this bill is to be a legislative response to this Supreme Court of Canada decision. However, I refute the idea that this bill responds to the recommendation I just cited. It develops no mechanism, because abolishing mandatory minimum sentences is not its only purpose. It provides no new solutions, and it does not respond to the recommendation from the Supreme Court, which clearly stated that this should apply only to "outliers."

I remind senators that Canadian legislators established objectives in the Criminal Code that must guide the courts in sentencing. These objectives are set out in section 718 of the Criminal Code. It has been accepted that the courts must show deference to the will of the legislator regarding the principles of sentencing and the restrictions on sentencing. The minimum sentences established by the legislator indicate the strong social disapproval of certain morally unacceptable behaviours in our society and reflect the values of society. In certain cases, the objectives of deterrence and punishment must override other objectives.

R. v. Lloyd provides some guidance to the legislator to prevent minimum mandatory sentences from being struck down as unconstitutional. I would like to quote a few passages.

> Another option to preserve the constitutionality of offences that cast a wide net is to provide for residual judicial discretion to impose a fit and constitutional sentence in exceptional cases. This approach, widely adopted in other countries, provides a way of resolving the tension between Parliament's right to choose the appropriate range of sentences for an offence, and the constitutional right to be free from cruel and unusual punishment.

Furthermore:

> If Parliament hopes to sustain mandatory minimum penalties for offences that cast a wide net, it should consider narrowing their reach so that they only catch offenders that merit the mandatory minimum sentences.

Courts that are seized with the constitutionality of a mandatory minimum sentence take a prudent and rigorous approach to the work of Parliament. In that same ruling, the Supreme Court was clear about the scope of the courts' judicial discretion. The Supreme Court stated:

> The residual judicial discretion is usually confined to exceptional cases and may require the judge to give reasons justifying departing from the mandatory minimum sentence prescribed by the law. It is for the legislature to determine the parameters of the residual judicial discretion.

However, Bill S-213 clearly has a much broader scope than is needed to prevent a provision from being declared unconstitutional, and it disproportionately deviates from the Supreme Court's objective as established in *Lloyd*. The courts recognize that they must show great deference to Parliament and to the legislative intent behind its decision to impose mandatory minimum sentences for various offences. The minimum sentences will be proportionate and appropriate in most cases.

• (1730)

Under Bill S-213, the courts will be required to consider all possible alternatives to avoid imposing a minimum prison sentence. The combined effect of these new provisions will force the courts to ignore the restrictions already set out in the Criminal Code, especially as regards the types of sentences associated with a given offence, in order to consider any sentence but imprisonment. Courts will have to be convinced that there is no option other than a minimum prison sentence and that the minimum sentence is a fair and reasonable punishment. In such cases, they will have to provide written reasons.

This bill promotes an approach that is dangerous for all serious crimes, such as first or second degree murder, because it gives the most lenient judges the freedom to eschew minimum sentences in favour of sentences of less than 10 years or 25 years.

That is what is surprising about this bill, because in *R. v. Luxton*, the Supreme Court of Canada ruled on sentencing for first degree murder as follows:

> These sections provide for punishment of the most serious crime in our criminal law, that of first degree murder. This is a crime that carries with it the most serious level of moral blameworthiness, namely subjective foresight of death. The penalty is severe and deservedly so. The minimum 25 years to be served before eligibility for parole reflects society's condemnation of a person who has exploited a position of power and dominance to the gravest extent possible by murdering the person that he or she is forcibly confining. The punishment is not excessive and clearly does not outrage our standards of decency.

Take the case of Marylène Levesque, which shocked Quebec in 2020. The murderer, who had originally been sentenced for murdering his wife, Chantale Deschênes, escaped the supervision of the Correctional Service of Canada and murdered a second woman, Marylène Levesque.

The murderer, who had stabbed his first wife to death, had managed to trick the court into convicting him of second degree murder by claiming that the killing was unintentional and that the whole thing was his wife's fault because she had come after him first with a hammer. A minimum sentence would have kept this murderer off our streets for many years.

Unfortunately, as a result of the CSC's negligence, which had already been condemned in the Auditor General's 2018 report, the murderer was let out on day parole and killed a 22-year-old woman, Marylène Levesque, by stabbing her 30 times. In this sordid case, investigator Guy Carrier managed to get the murderer to admit that the killing was premeditated. A minimum sentence of 25 years will ensure that this monster is kept out of society for a long time.

The question I obviously ask myself is the following: Had this legislation been in force at that time, what would have been the verdict in cases involving a man as manipulative as Eustachio Gallese?

The bill requires that the judge consider all other possible options before handing down a minimum sentence. This turns mandatory minimum sentences into sentences of last resort.

This bill puts Canadians in terrible danger because it makes it possible for offenders to get out of jail much more quickly. Men like Gallese cannot be rehabilitated as easily as you think.

According to the Parliamentary Budget Officer's report on the previous version of this bill, Bill S-207, 3% of persons convicted of murder will receive determinate sentences rather than life sentences and, in the long term, this means 100 fewer offenders in prison. As members know, offenders who receive determinate sentences receive statutory release after serving two thirds of their sentence, in accordance with section 127 of the Corrections and Conditional Release Act. The report also said that 87 offenders convicted of murder will serve their sentences in the community.

For example, in 2017, in Lanaudière, Quebec, a 78-year-old man murdered his spouse. He locked her in the trunk of his car and deliberately crashed into a truck. The car caught on fire, and his spouse died of asphyxiation. He was sentenced to six years and nine months in prison, which was far too lenient. He is now out on day parole, having served half of his sentence, and the parole board members believe he is at low risk of reoffending.

One of the parole board members, however, had the following to say about this man's actions. I quote:

> You have not shown an ability to fully acknowledge your responsibility. You focused quite a bit on the victim's alcohol consumption, which is not relevant.

The victim's son told *La Presse*, and I quote:

> What do we want correctional services to do? Actually rehabilitate people, or just release them as soon as possible?

This is a serious matter, colleagues, because this man took someone's life, and yet he was released without really acknowledging his responsibility.

I believe that Bill S-213 will result in more of these types of injustices and sentences that do not make sense. That is not what we want to do to keep Canadians safe, and it is not what we want to do to show respect for the victims.

I would like to come back to the Auditor General's 2018 report entitled *Community Supervision*. According to his findings, there is a real problem with regard to accommodation options when offenders are reintegrating into society. CSC does not have a long-term program to deal with the growing demand for parole. Parole officers across Canada already have workload issues, as the Gallese case showed. I am very concerned about all this, because Bill S-213 may accelerate the release process, which would only aggravate the situation. Clogging up our release process will inevitably lead to more risks in terms of assessment, reintegration and supervision. This bill seeks to make the system more lenient without accounting for these realities.

A penitentiary or prison may not be the best solution depending on your perception of justice. However, these institutions still allow society to protect its members by sequestering dangerous individuals. In many cases, imprisonment prevents further tragedy. Better still, the correctional system enables offenders to take a break from their criminal trajectory and work on their deviant behaviour.

The job of the courts is to administer justice. They apply the rules of justice in accordance with the legal and constitutional structure. The judicial branch is independent, but it is responsible for interpreting laws passed by the legislative branch. We are the legislative branch, and we represent Canadians as a whole. As such, our responsibility is not to find ways to give judges more discretion, but to ensure that Canadians are adequately protected

from criminals. Minimum sentences are important because they meet that objective. I would like to quote the Department of Justice on that:

> Politicians may implement these MMPs as a response to public perception that these types of crimes (or offenders) are especially egregious or irredeemable.

Judges alone cannot determine the sentence. It is up to us as legislators to set guidelines and establish rules to better equip them. The Criminal Code cannot disregard public opinion, which is that certain crimes should be punished more harshly.

Senator, your philosophy runs up against the reality that judges have some power, but they do not have absolute power.

In the words of the Department of Justice:

> Discretion is not unfettered or whimsical; it is exercised, constrained and guided by jurisprudence, the facts of a case, and existing sentencing legislation.

In your quest to eliminate mandatory minimum sentences, you run into another problem. By conferring more power on judges, you will increase sentencing inequality between offenders who committed the same crime in similar circumstances.

• (1740)

You should consider that without minimum sentences, the decision may differ from one judge to the next, and this difference could be influenced by external factors or considerations other than the arguments in the courtroom. This will bring the administration of justice into disrepute in the eyes of the victims' families and the public.

Judges must always navigate carefully between independence and impartiality. There is a delicate balance between those two elements. Judges cannot be seen as individuals who hold the absolute truth. They are human beings who, like everyone else, have their own contradictions. The debate on the impartiality of judges is not new. Finding answers to these questions is no easy task. We would have to analyze every decision a judge has taken in their career to know how impartial they are.

In a 1997 article, Luc Bégin of Laval University acknowledged that judges provide a moral reading of rights. However, structural restrictions other than those described by the philosopher Dworkin may help ensure the impartiality of judges.

With your bill to condemn systemic racism and discrimination against communities, the opposite could occur. There are always risks that the ruling could be biased by considerations other than the legal arguments, potentially opening the door to discrimination against the very people you are defending.

That is the second contradiction that I see in Bill S-213. Ever since *Gladue* in 1999, judges have had all the leeway required in sentencing a member of an Indigenous community. As you know, that ruling requires the justice to consider the culture of origin of the accused.

In her speech, Senator Jaffer gave the impression that her bill responds to a request from the Indigenous, Black and disabled communities.

I believe that there are families from Indigenous, Black and disabled communities that are the victims of serious crimes and that want the offenders to be sentenced by the courts and removed from their communities.

Minimum sentences are necessary because they put everyone on an equal footing and they prevent discrimination. If people are found guilty of murder when it was a legitimate case of self-defence, it is the legal process that must be reformed, not the sentence. Mandatory minimum sentences provide the legal system with a guideline for the type of sentence that should apply depending on the type of crime committed.

I completely agree that society needs to find both economic and social solutions to prevent potential offenders from committing offences or crimes. I am well aware that our society is not perfect and that there are certain circumstances that can lead to criminality, such as disadvantaged neighbourhoods, street gangs, drug addiction or a difficult upbringing.

Honourable senators, this bill does not take victims' perspectives into account. Rather, it again takes the perspective of offenders and criminals into account. It treats inmates like victims and faults our justice system.

I heard a lot of arguments about the difficulties that offenders and their families face in the speeches that have been made in support of this bill. I often hear that most offenders convicted of murder would give their lives to bring back the person who died.

No one will bring back my daughter. No one can erase her suffering. Like many other families, I must live every day with the image of her brutal death. My mission now is to ensure that when her murderer is released from prison he will never do to another victim what he did to my Julie and he will never put another family through what my family went through.

For Senator Pate, who is constantly working to make our Criminal Code softer on crime, does an equitable justice system mean allowing repeat offenders who commit crimes against children, women or seniors to be given sentences that are less harsh than minimum sentences?

What is more, I am appalled that none of her speeches have alluded to victims of crime.

Senator Wetston provided a perfect illustration when he shared Professor Kent Roach's comments on minimum sentences, and I quote:

> . . . they are blind to whether offenders live in abject poverty, have intellectual disabilities or mental-health issues, have experienced racism and abuse in the past or have children who rely on them.

I would like to remind you that in the case of murder, victims' families are destroyed forever. Far too often, we ignore the collateral damage among loved ones. On television, no one ever talks about job losses, depression, high suicide rates among fathers, school dropout, and divorce, but most of all, no one talks about how many families never recover.

Survivors of attempted murder or sexual assault can be scarred for life and can develop serious health problems.

Statistics show that the scourge of intimate partner violence accounts for one third of violent crimes committed and reported by police. The numbers don't quite reflect reality, because many women don't dare report their partner for fear of reprisals. According to data collected in 2021, during the pandemic, for every woman killed, another 3,000 lived in fear of reporting their abuser. I believe that one of the problems with our justice system is that victims of intimate partner violence don't have the protection guarantees they need to report their abuser. This bill will exacerbate that feeling, because it does not guarantee minimum sentences for attempted murder, sexual assault and homicide.

Victims will be even more alienated from the justice system, and many will be deterred from reporting. These women take huge risks to report their abuser. For many, it amounts to signing their own death warrant. To take that step, they need assurances that they will be safe and protected and that their abuser will not be allowed to get near them. Yet here we are sending them a signal that we, as lawmakers, have decided to relax sentencing, and that will cause them to lose faith in us. The upshot is that the lives of many women will be in jeopardy.

This bill seeks to discredit and even demonize mandatory minimum sentences. Yet mandatory minimum sentences are not an ideological issue. Previous governments, both Liberal and Conservative, chose to increase them because they felt they were effective and well suited to the reality of crime. This debate is not always initiated by the Conservatives. It is a debate that the Liberals and Conservatives have been having for a very long time. In fact, I repudiate the so-called polls or studies that suggest that Canadians are against mandatory minimum sentences and think they are unfair. The scenarios proposed in those studies gave extreme examples that are not representative of crimes committed in Canada.

Senator Pate's 2018 speech on the importance of minimum sentences cited several examples. I would like to quote a few of them now:

> For example, in 1988, Gordon Stuckless, a former Maple Leaf Gardens equipment manager, pled guilty to 24 counts of indecent and sexual assault. He had been sexually abusing young boys at the Gardens for years. His sentence? Two years less a day.
>
> Four days after Gordon Stuckless was sentenced, one of his victims, Martin Kruze, killed himself. How ironic that not only did the original offence create a victim, but the sentence itself created another victim. While Stuckless's sentence was later increased to five years by the Ontario Court of Appeal, this is still ridiculously low.
>
> Then there was Graham James in 1997. James pled guilty to two counts of sexual assault which involved [more] than 350 incidents with two underage players over a span of 10 years. He was sentenced to only three and a half years in jail.
>
> In 2010, James faced new charges for sexually assaulting two other players. He pled guilty and was sentenced to two years for each charge but was able to serve them concurrently.
>
> At the time, legal experts noted that light sentences like these were not unusual. They pointed to a Newfoundland man who was given a three-year sentence in 2012 for raping and sexually assaulting his 11-year-old niece over a six-year period of time. That same year, a Saskatchewan man was sentenced to 18 months for raping his stepdaughter.

Dear colleagues, of course I am not indifferent to the arguments concerning the incarceration of Indigenous women. I am well aware that it is a major and worrisome issue. I am prepared to sit down with Senator Pate or Senator Jaffer to find constructive solutions to this problem.

• (1750)

I am open to dialogue and solutions. I believe that Senator Pate raises a legitimate problem, but I do not believe that the solution her bill proposes is appropriate. However, it is inconceivable to me that this bill could pass through all the stages of the parliamentary process. Abolishing minimum sentences outright is a danger to public safety and an affront to victims of crime.

Colleagues, in all honesty, I strongly oppose sending this bill to committee. On behalf of victims, I urge this chamber to reject this bill. Thank you.

[*English*]

Hon. Kim Pate: Would Senator Boisvenu take a question?

Senator Boisvenu: Of course.

Senator Pate: Thank you, Senator Boisvenu, for both your speech and your ideas. I would love to work with you on that kind of initiative and I would welcome that opportunity. I am troubled, however, by your suggestion. Given that you know that there are many of us in this chamber who similarly have family members who have been murdered, sexually assaulted and victimized, as well as the fact that we know police organizations, women's groups and victims' groups do call into question the issue of mandatory minimum penalties, especially when it comes to the issues you ended your speech with, namely, Indigenous women — that is partly why it is one of the recommendations of the Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls.

I am troubled by your suggestion that the bill would actually repeal mandatory minimum penalties. In fact, it is quite the opposite. You stress the importance of section 718.2(e) especially for racialized prisoners and, in particular, for Indigenous women. Yet, that is precisely what the impact, the import and the role of the bill would be. It would be to allow, in exceptional cases, those mandatory minimum penalties that the courts have already challenged, including the Supreme Court of Canada, when they said in *R. v. Luxton* that when considering the life sentence for murder, the only thing that saved it from being unconstitutional was the fact that there was a "faint hope clause," and we now no longer have it.

Would you agree that you have perhaps overstated a bit the fact that this bill will repeal mandatory minimum penalties? In fact, it won't do anything of the sort. In exceptional cases such as the ones discussed by a number of us in this chamber, it might provide judges an opportunity to give reasons as to why they would not utilize the mandatory minimum penalty.

[*Translation*]

Senator Boisvenu: Thank you very much for your question, Senator Pate. Regarding the whole Indigenous issue, I've reviewed some court decisions, and a number of judges referred to the Supreme Court's direction to take cultural factors into account during sentencing or to issue rulings that are more favourable to Indigenous communities. These are people who live under very specific circumstances. For my bill, I had the opportunity to talk to many members of Indigenous communities, both in Quebec and elsewhere in Canada. Poverty and violence among Indigenous people is much more of a social issue than a criminal one.

We obviously do not have the same perspective on your bill. I disagree with the approach you're taking to achieve your goal of ensuring that judges all have the freedom to decide on sentencing, rather than being restricted to minimum sentences in some cases. The Supreme Court already authorizes judges to depart from minimum sentences in exceptional cases if they can justify their decision.

Unfortunately, when I spoke to Crown attorneys this week, I learned that even judges are not fully informed on decisions made by the Supreme Court. If you go back 5, 10 or 15 years, you might be surprised to learn that some Supreme Court directives have not been followed.

What I am saying is that the approach your bill takes shifts the debate, in my opinion, because currently, judges can, in some exceptional cases, choose not to impose minimum sentences. Why abolish those sentences or change the system? If you're telling me that this bill does not abolish minimum sentences, then why introduce it, if judges already have the ability, in accordance with the Supreme Court directive, to decide whether or not to apply them, provided they can justify their decision?

[*English*]

Senator Pate: Perhaps you could point me to where, exactly, that provision is. I know you read out part of a decision, but that was regarding one mandatory minimum penalty saying the judges did not have to apply it. One of the challenges is there have now been at least 43 court decisions striking down mandatory minimum provisions. We now have a patchwork across the country of where the law applies, and where it doesn't. In fact, there is no ruling that says judges do not have to not impose mandatory minimum penalties, hence the reason for Senator Jaffer's bill. Would you not agree?

[*Translation*]

Senator Boisvenu: I will make a comment. Go back and look at my speech, more specifically the case I quoted, the Supreme Court ruling that allows a judge not to apply the minimum sentence provided the judge can justify his decision.

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 Duncan, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

POST-SECONDARY INSTITUTIONS BANKRUPTCY PROTECTION BILL

SECOND READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Dean, for the second reading of Bill S-215, An Act respecting measures in relation to the financial stability of post-secondary institutions.

Hon. Bernadette Clement: Honourable senators, several decades ago, I was able to make a choice that would have an impact on the rest of my life: I chose to study in French at the University of Ottawa. Having grown up in Montreal and being fluent in both official languages, I was able to study law in French, which allowed me to serve vulnerable clients in both languages. All of this enabled me to put down roots in the lively town of Cornwall, cementing my identity as a bilingual legal aid lawyer and a proud Franco-Ontarian.

I rise today to speak in favour of Bill S-215, but beyond that, I want to note the importance of post-secondary education in French. Institutions in this sector have to be funded equitably, given the vital service they provide. In times of crisis, they ought to be supported by every level of government, which should collaborate to find solutions and a way forward.

I support Bill S-215 because I want generations of Canadian students to have the same opportunity that I did, to choose a top-quality education, provided by a financially stable institution that inspires confidence, in the official language of their choice.

• (1800)

[*English*]

The linguistic history of our country is rich and complex, with more than 70 Indigenous languages spoken across Canada. There are eight Calls to Action from the Truth and Reconciliation Commission report that address Indigenous languages. The Government of Canada must prioritize its commitment to fulfilling these promises.

Post-secondary education can play a leading role in preserving Indigenous languages, but those institutions must —

The Hon. the Speaker: I'm sorry, Senator Clement, but I must interrupt.

It is now six o'clock and pursuant to rule 3-3(1), I'm required to leave the chair and suspend for one hour, unless it's the wish of the Senate to not see the clock.

If honourable senators wish to suspend, please say "suspend."

Senator Plett: Suspend.

The Hon. the Speaker: We will suspend for one hour.

Senator Clement, when we return, you will have the balance of your time. Thank you.

(The sitting of the Senate was suspended.)

[*Translation*]

(The sitting of the Senate was resumed.)

• (1900)

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Dean, for the second reading of Bill S-215, An Act respecting measures in relation to the financial stability of post-secondary institutions.

Hon. Bernadette Clement: As I grew up in Montreal and was fluent in our two official languages, I was able to study law in French, which made it possible for me to serve vulnerable clients in both languages.

This skill also allowed me to become established in the vibrant city of Cornwall, which solidified my identity as a bilingual legal aid lawyer and proud Franco-Ontarian.

I rise today to support Bill S-215 and also to highlight the importance of French-language post-secondary education. The institutions in this sector must receive equitable funding given the importance of the service they provide. In times of crisis, they must be supported by all levels of government, which must collaborate to find solutions and the way forward.

I support Bill S-215 because I want many generations of Canadian students to have the same opportunity I had, namely to be able to choose quality education in the language of their choice provided by a financially stable institution that inspires confidence.

[*English*]

The linguistic history of our country is rich and complex with more than 70 Indigenous languages spoken across Canada. There are eight Calls to Action from the Truth and Reconciliation Commission that address Indigenous languages. The Government of Canada must prioritize its commitment to fulfilling these promises.

Post-secondary education can play a leading role in preserving Indigenous languages, but these institutions must be financially supported and viable. Laurentian University's financial crisis and ensuing restructuring weakened its tricultural mandate. This has had a negative impact on Indigenous students and languages.

In the spirit of reconciliation, we must keep Canada's linguistic commitments in mind when considering this bill. Bill S-215, An Act respecting measures in relation to the financial stability of post-secondary institutions, aims to do two things.

First, it removes publicly funded universities from the list of those companies that can make use of the Companies' Creditors Arrangement Act, and from the list of those corporations that can make use of the Bankruptcy and Insolvency Act.

Second, it puts a federal minister in charge of finding solutions. Namely, they are to consult and report back to Parliament with a proposal for federal initiatives that would reduce the risk of post-secondary institutions becoming bankrupt or insolvent. This proposal would aim to protect students, staff and faculty from the effects of bankruptcy or insolvency. It would also seek to support the communities that would be impacted by such a dire situation.

[*Translation*]

I congratulate my colleague, Senator Moncion, on introducing this bill. We agree that post-secondary institutions play an essential role in maintaining the economic, cultural and social health of a region. Francophone communities, and indeed, all communities, benefit from the presence of these institutions, which contribute energy, development and inspiration. A thriving university can help a community thrive, and the federal government seems to understand that. Bill C-13, which would amend the Official Languages Act, was introduced in the other place and states quite clearly that the Government of Canada:

> . . . is committed to protecting and promoting the French language, recognizing that French is in a minority situation in Canada and North America due to the predominant use of English;

[*English*]

Bill C-13 also states:

> The Government of Canada is committed to advancing opportunities for members of English and French linguistic minority communities to pursue quality learning in their own language throughout their lives, including from early childhood to post-secondary education.

So this is the first question that I faced when reviewing Bill S-215: What is the federal government's role in this provincial jurisdiction? The answer: In addition to official languages obligations, the federal government also contributes via transfer payments to the provinces.

The second question is more complicated. How could the federal government help? One Ontario college official suggested that when post-secondary institutions run into trouble, it's up to both the province and the federal government to collaboratively find solutions.

[*Translation*]

Another official I spoke with, Lise Bourgeois, the innovative and dynamic president and CEO of La Cité college, explained that colleges may be less likely to experience a financial crisis because they have to comply with strict provincial requirements for financial reporting and compliance. Even though they have less independence, colleges are still agile and are essential to the development of a workforce that reflects Canada's needs.

[*English*]

Yet, funding for francophone colleges and universities isn't as secure as we need it to be. Base funding from the Official Languages in Education Program hasn't increased in years, despite growing enrolment.

Instructing in French tends to be more expensive as there are fewer colleges in the French sector to collaborate on curriculum development and to capitalize on economies of scale. Francophone colleges also fund intense recruitment programs to compete for students who have the choice to study in either language.

[*Translation*]

Bill S-215 calls on the federal government to ensure the financial stability of all post-secondary institutions in Canada.

The bill is an attempt to respond not only to the recent crisis at Laurentian University, but to the very real possibility that other institutions will face a financial crisis of their own. Once again, the aim is to protect students, faculty, staff and communities.

On April 13, the Auditor General of Ontario released a preliminary perspective on Laurentian University. The province's Standing Committee on Public Accounts has requested a special audit to determine what led the institution to resort to the Companies' Creditors Arrangement Act, or CCAA. The report notes that Laurentian was the first public university in Canada to use a legal process designed as a last resort for private sector entities, and the impact could be significant. The report reads as follows:

> The use of CCAA proceedings might make it more difficult for other universities to acquire debt, or to hire and retain faculty.

If we decide to ignore how Bill S-215 can help resolve this problem, consider the alternative. If another institution faces a crisis, it will cut programs, fewer Canadian and international students will attend, and the community will be deprived of the potential that institution brings.

[*English*]

I want to zero in on international students as an example.

In 2021, StatCan published a projected financial impact of the pandemic on Canadian universities. With costs rising, universities are relying more and more on tuition fees. The report says that international student fees are higher and increase at a faster rate.

COVID-19 impacted the number of international students enrolling in Canadian universities.

StatCan assessed enrolment numbers and research funding amounts and estimated the possible revenue loss for Canadian Universities in 2020–21 at anywhere between $438 million and $2.5 billion.

• (1910)

Let's not forget that international students aren't simply a source of revenue. If they choose to stay, and are able to, they contribute to the renewal and vitality of our country, of course, but they also contribute to minority language communities. We are having that conversation right now at the Official Languages Committee, especially as we study francophone immigration to these communities.

More important, we can't rely on tuition fees alone to fund universities. They must be resilient when enrolment levels change or when there is an international crisis like the COVID-19 pandemic. Students, both those enrolled and potential students, should be able to trust the stability of these institutions. Can they currently do so? Is the status quo sustainable? Is this the best we can do?

[*Translation*]

The French Language Services Unit of the Ontario Ombudsman's office investigated complaints about cuts to French programs at Laurentian University. In March, the office released its findings and recommendations. The report indicates the following.

> Several of the complainants were students at the Sudbury-based university who were left with no other option but to relocate or continue their studies in English. Some, like those in the midwifery program, pointed out that the loss of their programs would also impact the Franco-Ontarian community at large — for example, no other school in the province trains midwives to provide services in French.

It is clear that stable access to post-secondary education in French deserves our immediate attention and decisive action. Bill S-215 should be referred to the Standing Senate Committee on Official Languages, where we will be able to study how the federal government can support universities such as Laurentian University.

As my colleague Senator Moncion stated, and I quote:

> Transparency and accountability are part of the solutions that can significantly help the financial viability of post-secondary institutions, and the federal government is fully aware of this. There is a way for the government to respect provincial jurisdictions while ensuring that its investments on behalf of the francophonie get to the right place, in accordance with its constitutional obligations.

[*English*]

There is a way forward, there is a role for the federal government and there are solutions to ensure that Canadian universities and colleges are sustainable. Like Senator Moncion, I have benefitted from a quality, stable education in the language of my choice — a language that has been vital to my daily life and that has supported me in some of my most vulnerable moments.

Education in French is the gateway to a life fully lived in French. It needs our care and attention, and not just on the part of francophones; la Francophonie is an asset to all Canadians, and we must all take responsibility for it to not only survive but thrive. Thank you.

Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

CONSTITUTION ACT, 1867
PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On Other Business, Senate Public Bills, Second Reading, Order No. 12, by the Honourable Terry M. Mercer:

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

Hon. Terry M. Mercer: Honourable senators, I note that this item is at day 15, and I do intend to speak to it. Therefore, with leave of the Senate, I ask that consideration of this item be postponed until the next sitting of the Senate.

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

Hon Senators: Agreed.

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

NATIONAL FRAMEWORK FOR A GUARANTEED LIVABLE BASIC INCOME BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Dean, for the second reading of Bill S-233, An Act to develop a national framework for a guaranteed livable basic income.

Hon. Diane Bellemare: Honourable senators, before I begin my speech on Bill S-233, allow me to express my great admiration for Senator Pate's work on the penal system and her tenacity in promoting an unconditional guaranteed livable basic income program. I share her desire to see an end to poverty. I recognize, as she and others have pointed out, that receiving a stable basic income has positive effects on the physical and mental health of each person.

However, it is possible to achieve the same results with public policies that are less costly and more equitable and socially acceptable than the policy proposed in Bill S-233.

Even though I hold Senator Pate in great esteem, the socio-economic problems raised by Bill S-233 are so important to me that I cannot support the bill.

[*Translation*]

Bill S-233 would require the Minister of Finance to develop a national framework to provide all persons over the age of 17 in Canada, as well as permanent residents, refugees and temporary workers, with access to an unconditional guaranteed livable basic income.

Throughout history, a few philosophers and some economists have promoted the idea of an unconditional guaranteed basic income, or GBI. More often than not, they were described by their peers as utopians.

In the early 1960s, right-wing economist Milton Friedman gave new life to the idea of GBI when he proposed a negative income tax in his famous work, *Capitalism and Freedom*. He sought to reduce the role of the state and to privatize social programs. Certain right-wing and left-wing groups have praised him since.

In most industrialized countries, the social safety net we know was developed around concepts of mutualization, reciprocity and social inclusion. It relies on participation in the workforce, social insurance, targeted income-based benefits and social assistance for those in need. This system can be improved. Unfortunately, it is incompatible with a system based on an unconditional guaranteed livable basic income, as provided for in Bill S-233.

Several studies have shown that this idea is not economically realistic and is questionable in terms of fairness and social acceptability.

Why is a GBI is economically unrealistic? The answer is simple: its cost is prohibitive. A GBI would help just over 11% of those living under the poverty line by giving 100% of all adults a basic income. To fund such a GBI, we would have to completely overhaul the income tax system.

The Parliamentary Budget Officer recently calculated that it would cost $87.8 billion in 2022-23 to implement a GBI program similar to the pilot project that Ontario launched in 2017 for adults aged 18 to 64. These estimates are based on a basic income of $17,000 for a single person and $24,000 for a couple, reduced at a rate of $0.50 for every dollar earned on top of the basic income. The cost of a basic income increases rapidly as the clawback rate goes down, as was pointed out in another PBO report released in 2020.

In 2019, the Basic Income Canada Network estimated the cost of providing a guaranteed annual income of $22,000 for Canadians aged 18 and over at $187 billion a year if the government clawed back $0.40 per dollar earned. Bill S-233 takes a similar approach. That is the equivalent of all federal personal income taxes in 2021-22, which totalled $189.4 billion.

• (1920)

A universal benefit is even more costly. A guaranteed income of something like $22,000 for every Canadian adult would cost $637 billion according to the Basic Income Canada Network. That is almost twice the federal government's total revenue. Even after taxes, that kind of basic income would absorb all federal revenue. In short, the cost of a guaranteed basic income is prohibitive.

That is the issue. To finance this kind of program, governments would have to overhaul the income tax system. The tax changes it would take to fund such a program would have a negative effect on labour market participation, not because people are lazy, but just because they are rational. In essence, the number of people supported by the program would exceed the number of people the government set out to help initially. Fewer hours worked means fewer hours taxed, and that means less revenue for the government. In short, paying for guaranteed basic income is unsustainable.

As you know, not long ago, the Government of Quebec struck a committee to come up with a plan for implementing a GBI, and the Government of British Columbia created a panel to set up a pilot project. Both groups rejected the feasibility of such a program. The British Columbia panel rejected the very idea. Why? Because no pilot project could capture all the macroeconomic consequences of financing a GBI system.

[*English*]

I quote from the B.C. panel:

> Many Canadian basic income proposals suggest eliminating most or all tax credits, including the basic personal amount, to create a "self-financing" RTC basic income. This would be a fundamental reform of the tax system that would mean tax becomes payable with the first dollar earned, increasing disincentives to work for low-income earners not on Income Assistance.

The report adds that these taxes would generate insufficient funds.

The panel continues:

> Eliminating programs could be another alternative, but we believe that the many services provided by the existing programs aimed at meeting basic needs—in combination with cash transfers—are essential to a just society.

The report concludes:

> . . . as we have emphasized a basic income must be considered in the context of how it is financed and how the changes made to taxes and programs to cover its costs combine with the incentive effects of the basic income itself. Impacts of the financing aspects of a major basic income could exceed the incentive and economic effects posed by the benefits alone.

[*Translation*]

My second point has to do with fairness and social justice. The two provincial expert panels analyzed the impact of a guaranteed basic income from the perspective of social fairness through the philosophical principles of social justice that have been outlined by the well-known philosopher John Rawls. According to these principles and that philosopher, a guaranteed basic income can cause major social fairness problems. The short explanation is easy to understand. An equal basic income for all is not necessarily fair, because it does not guarantee equal opportunities for all. Let's not forget that everyone has different needs. Conversely, a targeted approach can better ensure the principle of equal opportunities.

As the British Columbia expert panel pointed out, and I quote:

[*English*]

> Moving to a system constructed around a basic income is not the most just policy change we can consider. The needs of people in this society are too diverse to be effectively answered simply with a cheque from the government.

The report further reads:

> We are also concerned about the implications of a basic income for the society we will share in the future. A basic income emphasizes individual autonomy—an important characteristic of a just society. However, in doing so it de-emphasizes other crucial characteristics of justice that must be, in our view, balanced: community, social interactions, reciprocity, and dignity. The basic income approach seems to us to be more individualistic than the way we believe British Columbians see themselves.

[*Translation*]

The work of American philosopher Elizabeth Anderson reached similar conclusions.

Our current system provides support to all people in need through a variety of different programs, which, I repeat, could be improved at both the federal and provincial levels. These programs are more responsive to the diverse needs of all those who experience hardship under different circumstances and at different times in their lives than an equal basic income for all at all times would be.

Because the guaranteed basic income is a one-size-fits-all solution, implementing this approach could have unintended and undesirable consequences.

Here is an example to illustrate my point. According to the latest report by the Parliamentary Budget Officer, which discusses the income distribution effects of GBI, a low-income single-parent family could lose $5,315 per year as a result of the implementation of GBI. However, it is precisely these families, which are usually headed by women, that we want to help.

Esteemed colleagues, I join Senator Simons in encouraging you to reflect on how Bill S-233 will affect young people. How will society be able to provide roots and wings for its children if they are handed a basic income as of the age of 18 without any corresponding requirement for education, training or participation in society? Would a parent, even a wealthy one, agree to finance their 18-year-old who decided to drop out of school or a training program and refused to work? To ask the question is to answer it. Should these be the principles on which our society is based?

I now want to talk about political issues. Colleagues, Bill S-233 raises issues of social acceptability and constitutional problems. In March 2022, I conducted a poll with Angus Reid on work ethic and GBI. The results will soon be available on my website.

I'll give an overview of the findings.

Firstly, Canadians have a work ethic that has remained consistent through similar polls that I conducted in 1981 and 2014. Roughly 79% of Canadians think that every adult who is able to work should work to earn a living. However, 54% of Canadians would like to be able to live without working. That is why the idea of a guaranteed basic income polarizes Canadians. While 46% of Canadians support this idea, 37% are against it. When we ask Canadians if they are prepared to pay for this program through their taxes and reduced services, only 19% of Canadians are prepared to do so, while 62% are not. What is more, only 5% of Canadians strongly support the idea of funding a guaranteed basic income through increased taxes and reduced services, while 43% of Canadians are strongly opposed.

GBI is an attractive idea, but Canadians are not prepared to cover the cost. Who would pay for it then?

Bill S-233 also raises real constitutional issues. It involves eliminating many social transfers to the provinces. The federal government could unilaterally decide to do so. It goes without saying that the provinces would react vigorously. The provinces are not ready to accept this, nor are they prepared to hand over their social assistance responsibilities to the federal government. The discussions would be endless.

In conclusion, there are solutions we can work on to reduce poverty in Canada. The Poverty Reduction Act, which we passed in 2019, seeks to reduce poverty and sets targets linked to the United Nations 2030 Agenda. The British Columbia and Quebec reports describe many inspiring opportunities for action. For example, the two reports recommend the implementation of a guaranteed basic income, similar to what already exists for seniors and persons with living with disabilities, and it is quite feasible.

Recommendation No. 5 of the Quebec report proposes the implementation of a program to facilitate transitions in the labour market and training. It provides several realistic proposals for reducing and preventing poverty.

The current system, which is preferred by industrialized nations and promoted by the OECD, the International Labour Organization and the United Nations, has proven to be successful. It reduces poverty and, above all, it helps prevent it.

• (1930)

[*English*]

There are many solutions we can work on to eliminate poverty and inequality in Canada, but a GBI should not be one of them. It's time we abandon this utopian dream for pragmatic, rigorously tested, targeted programs that will reduce and prevent poverty, provide skills and training and create an inclusive labour market. Thank you, *meegwetch*.

The Hon. the Speaker: My apologies, but Senator Bellemare's time has expired. She will have to ask for time to answer questions.

[*Translation*]

Are you asking for five more minutes to answer questions?

[*English*]

An Hon. Senator: No.

The Hon. the Speaker: I hear a "no."

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Use of displays, exhibits and props in Senate proceedings*, tabled in the Senate on April 5, 2022.

Hon. Diane Bellemare: I'll be quick. This report does not require a vote. I tabled the report, but it is about an important issue. It is short, so I will share it with you and read it quickly so you're aware of it:

> The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to table its
>
> SECOND REPORT
>
> Your committee, which is authorized pursuant to rule 12-7(2)(c), to consider the orders and practices of the Senate and the privileges of Parliament, has considered practices of the Senate relating to the use of displays, exhibits, and props in Senate proceedings.

[*English*]

> On June 10, 2021, a point of order was raised and subsequently withdrawn in the Senate respecting a senator holding an eagle fan during debate. On June 15, 2021, the Speaker invited this committee to review this issue and consider how the Senate should adapt and modernize its rules and practices to respect the importance of cultural and religious beliefs. This request was formalized by letter the following day. On March 21, 2022, your committee heard testimony from the Honourable Senator McCallum, who explained the significance of the eagle fan to Canada's Indigenous peoples.
>
> As noted in *Senate Procedure in Practice*, "Parliamentary usage does not allow the use of exhibits – physical objects used with the goal of reinforcing a point." This was emphasized in a ruling from the Speaker on November 6, 2012, where the Speaker cited *House of Commons Procedure and Practice*, "Speakers have consistently ruled out of order displays or demonstrations of any kind used by Members to illustrate their remarks or emphasize their positions. Similarly, props of any kind, used as a way of making a silent comment on issues, have always been found unacceptable in the Chamber."

[*Translation*]

> Your committee notes that this prohibition relates to items used "as a way of making a silent comment" or in "reinforcing a point." After Senator McCallum's testimony, it is clear that this was not the case with respect to the eagle fan, and as such would not have been subject to that prohibition. Items of cultural and religious significance are not tools of debate, but an outward reflection of the identity of the holder, and should be welcome within an inclusive Senate.

[*English*]

> Your committee further notes that this prohibition is not codified in the *Rules of the Senate*, and that its application relies on the application of precedent. This means that practices on this point are inherently flexible and subject to evolution. In practice, the Speaker would only rarely, if ever, proactively raise the issue; senators would instead have to raise a specific concern as a point of order. This is in keeping with the fact that the Senate remains a chamber in which senators themselves are largely responsible for order in proceedings.

[*Translation*]

> Your committee is of the view that this approach provides the necessary flexibility to allow the practices of the Senate to adapt and reflect cultural norms of the day. Your committee does not favour developing an exhaustive list of items, or amending the Rules in relation to this point, since such prescriptive approaches would introduce undue rigidities into the operations of the Senate.

[*English*]

> Finally, your committee notes that should any senators have any questions or doubts, as to whether an item they intend to hold or wear in debate may be perceived as a display, exhibit or prop, they are encouraged to contact the Speaker's office or the Table in advance in relation to their intervention to ensure the Speaker is aware of the significance of the item, and can provide guidance accordingly.

Respectfully submitted . . .

Thank you.

(On motion of Senator Martin, debate adjourned.)

THIRD REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report (interim) of the Standing Committee on Rules, Procedures and the Rights of Parliament, entitled *Amendments to the Rules — Committee mandates*, presented in the Senate on April 6, 2022.

Hon. Diane Bellemare moved the adoption of the report.

She said: This report has been unanimously adopted by the Rules Committee. It has been subjected to consultation with every group and is in relation to amending rule 12-7(2)(a) with a stylistic change and to have uniform presentation of the mandate of committees, and it amends the presentation. It's very simple. If it is adopted, it would be in force in July or the beginning of September.

(On motion of Senator Martin, debate adjourned.)

CONTRIBUTIONS AND IMPACTS OF MÉTIS, INUIT, AND FIRST NATIONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Boyer, calling the attention of the Senate to the positive contributions and impacts that Métis, Inuit, and First Nations have made to Canada, and the world.

Hon. Patricia Bovey: Honourable Senators, I speak from the unceded territory and traditional lands of the Algonquin and Anishinaabe.

It is an honour to speak tonight to Senator Boyer's inquiry drawing attention to the positive contributions and impacts that the Métis, Inuit and First Nations have made to Canada and the world, especially after the visit of Indigenous leaders to the Vatican. Seeing the Indigenous treasures in the Vatican Museums was truly moving.

• (1940)

Colleagues, the contributions and impacts of Canada's Indigenous people are huge and impossible to overstate. I will keep my remarks to what I know best — First Nations, Métis and Inuit visual artists, the North and the West, contributions not adequately known, celebrated or even understood. I thank Senator Boyer for this opportunity to shine light on some of the world's truly significant creators.

Indigenous artists created important work long before contact with Europeans — carvings, stonework, petroglyphs, quillwork, birchbark biting — all with natural materials — porcupine quills, plants for dyes, stone, wood, hide, bone and cedar bark.

In the 1880s, the Winnipeg Women's Art Association made the presentation of First Nations art a key priority, a priority they honoured. It was not until 1967 when First Nations art was first presented in the National Gallery of Canada. Inuit art had primarily been considered as ethnographic and anthropological artifacts, but not art, until the early 1950s when the Winnipeg Art Gallery became Canada's first art gallery to seriously collect and exhibit Inuit art. It now has a major international collection of modern and contemporary Inuit art housed and presented in Quamajuq, its new Inuit art centre.

Inuit exhibitions have gone to Washington and Europe. Indeed, Inuit art for many years was the face of Canada abroad. Artists like Pitseolak Ashoona, Kenojuak Ashevak, and Shuvinai Ashoona have been proudly acclaimed in major international institutions. An exhibition from Cape Dorset is in Warsaw now, and receiving great headlines — "West Baffin Eskimo Cooperative art exhibition in Warsaw opens to great response amid political turmoil." I learned last night that this exhibition has been extended.

In 1972, the Indigenous Group of Seven was founded by famed artist Daphne Odjig, who passed away in 2016 at 97. Odjig, Norval Morrisseau, Jackson Beardy, Alex Janvier, Eddie Cobiness, Carl Ray and Joseph Sanchez developed the Woodland style of painting. That year, the Winnipeg Art Gallery presented their first major exhibition — the first totally devoted to Indigenous art in any art gallery. These artists' works were shown across Canada and overseas, and Jackson Beardy travelled to Paris with artists from Winnipeg's Grand Western Canadian Screen Shop for their exhibition in the mid-1970s.

Inuit, Métis and First Nations artists at home collectively and singly have drawn attention to key societal issues, to their and our histories, and they have developed innovative means of expression and ways of creating. The work of Indigenous artists is prescient, poignant, celebrated and leading edge.

I have spoken before about Indigenous artists and art, including Robert Houle, Joane Cardinal-Schubert, Arthur Vickers, Art Thompson, Faye Heavyshield and others. I won't repeat what I have said before. Many accomplished works are now being widely published and seen globally. Some international art history programs are now introducing courses in North American Indigenous art. This, colleagues, is recognition of the importance, substance and scope of work by Inuit, Métis and First Nations artists. Their work is changing the world in a good way.

Indigenous art embodies spirituality, lifestyles, history, place and contemporary issues enhancing past and present understandings and future hopes.

A major work by Michif artist Christi Belcourt is in Centre Block. Her multi-panelled residential school legacy window titled *Giniigaaniimenaaning (Looking Ahead)* was unveiled in November 2012. She describes it this way:

> It is a story of Aboriginal people, with our ceremonies, languages, and cultural knowledge intact; through the darkness of the residential school era; to an awakening sounded by a drum; an apology that spoke to the heart; hope for reconciliation; transformation and healing through dance, ceremony, language; and resilience into the present day.
>
> The broken glass also represents the shattered lives, shattered families and shattered communities . . . . The drum dancer sounds the beginning of the healing. The circles moving up . . . paving the way for an apology. . . . The dove with the olive branch brings an offering of hope for the beginning of reconciliation and the renewal of the relationship between Aboriginal peoples and the rest of Canada.

Métis artist Rosalie Favell explored her adoption into a White family in her poignant 1999 series "Longing and Not Belonging". She has also turned her visual attention to aspects of art history leading to the inclusion of Indigenous art and artists in art lexicons. Joseph Tisiga, originally from Yukon, visually voiced the family experience of his mother being scooped. Not afraid to cite their own experiences, they created work that is raw and deep, important contributions to the whole as to who we are as a nation.

The spiritual is within the work of many Indigenous artists. Haida artist Robert Davidson explores his spirituality in his two- and three-dimensional works. His sculpture "Supernatural Eye" in the National Gallery of Canada collection is a prime example. Fabricated from aluminum, he cut the graceful, linear contours using a waterjet process, evoking cut-outs in appliqué blankets — the blankets which spread smallpox, devastating the Haida nation. Davidson combines traditional visual iconography with his own contemporary aesthetic. Inspired by his Haida spiritual, supernatural and historical roots in Haida Gwaii, the eye, the dominant feature, forces us to look within and without.

Anishinaabe artist Scott Benesiinaabandan works in photography, video and printmaking and explores his interest in dreams and celebrates his sense of ancestral pride. Delving into his roots and futures, he maps his cultural history and the accomplishments of his First Nations ancestors. In his residency in Australia, he superimposed images from there and here.

Alberta's Terrance Houle's work is both humorous and direct. In his "Urban Indian Series", dressed in traditional powwow regalia, he goes about daily activities — grocery shopping, riding a bus, in a contemporary office — highlighting the changing ways of life of Canada's Indigenous peoples. More blatant, "Iiniiwahkiimah" was in Mass MoCA's Oh, Canada Exhibition in Massachusetts 10 years ago. A large decal of a bison dripping oil is on the wall. Four oil cans are on the floor below. He told me the First Nations had to learn how to get by without the bison, which for centuries had provided food, tools, housing and clothes. Now they will be able to teach the rest of society how to adapt without oil.

Internationally lauded, much honoured Cree artist Jane Ash Poitras also depicts Indigenous history, spiritual beliefs and personal lives of First Nations people. Her visual directness empowers Indigenous nations, while unsettling viewers who are ignorant of the history. Her work "Preservation Reservation 2020," commissioned by the Alberta government, refers to residential schools. Full of details elucidating decades of past difficult and often buried histories, she included ephemera, as she calls it: collage clippings, photographs, a 14-cent stamp of Parliament Hill, the alphabet, and the Hudson's Bay Company's characteristic blanket stripes. Divided into segments, her paintings tell multiple stories covering multiple time frames and situations. She emphasizes that the story has to be completely told.

Val Vint, Métis artist and knowledge keeper, unveiled her "Education is the New Bison" at Winnipeg's The Forks in 2020. Tying the past, present and future together, as Poitras's art does, it is made of steel books and films, by Indigenous authors and artists and, as she says, allies of Indigenous people.

The titles on the spines show past and recent books, demonstrating the depth and extent of intellectual pursuits, ideas and accomplishments of Indigenous writers. Vint quotes Louis Riel, former senator Murray Sinclair and artist Robert Davidson in the three polished, open volumes. The bison faces across the river to the gravesite of her grandfather and looks forward.

This is what Vint told me about her work:

> People begin meaningful conversations around the bison. Conversation is critical in any healing work. When people talk to each other usually they see each other's eyes and are no longer 'the other.' When there is no other it changes how we see each other, how we think of each other. We soon discover that nobody is the 'other'; we are all the same; we are all related.

This powerful message impacts all of us.

• (1950)

Robert Boyer, Saskatchewan Cree and Métis artist, and founder of the Society of Canadian Artists of Native Ancestry, or SCANA, holds a significant role in Canadian art. A leader through his art and SCANA, he did much to foster an awareness of Indigenous art and challenged its paradigm in Canadian art galleries, collections, exhibitions and research. His vivid and visceral paintings address colonialism, environmental destruction

and Indigenous culture. Boyer overlays and intersects Indigenous and non-Indigenous visual traditions, an approach that highlights the depth and poignancy of his message. In his compelling blankets series, part of an important touring exhibition, he says he used "geometric design to reflect personal experiences, social issues, and spirituality."

Rebecca Belmore has likewise played a truly significant role in leadership in the visual arts, expanding the awareness, rights and representation of First Nations artists' work. She was the first female Indigenous artist to represent Canada at the Venice Biennale, which she did in 2005. She has had residencies, teaching positions and many solo exhibitions over her career. Her multi-storey clay installation, "trace," was at the Canadian Museum for Human Rights.

Coast Salish artist Lawrence Paul Yuxweluptun's exhibition in Canada House, London, received great acclaim. Modern art, surrealism, pop art, abstract expressionism and his native Coast Salish imagery combine to portray the stark reality of the subjugation of First Nations. He simultaneously underlines the power and strength of Indigenous people. He frequently portrays suited businessmen wearing West Coast First Nations' masks, suggestive of boardroom and corporate confrontations and meetings. He marks the importance of the environment and the spirituality and heritage of West Coast trees. He dubs his approach as "visionist." His painting style, strong colour and symbolic imagery are gripping and transformative to the viewer.

Winnipeg-born First Nations artist Kent Monkman has had significant national and international acclaim with recent exhibitions and installations at New York's Metropolitan Museum of Art and Washington's Hirshhorn.

Dana Claxton, recipient of the 2020 Governor General's Award in Visual and Media Arts, is a University of British Columbia visual arts professor. Her spiritual roots are core:

> My work has been about spirit-ancestors-NDN ways of knowing—Lakota teachings—generosity / wisdom / fortitude / courage / and more spirit / celebrating and honouring ourselves / and never surrendering / showing our NDN beauty.

Multi-sensorial and using mixed multimedia, her videos, installations and performances overlap the visual and audio, bringing the viewer into her art. She writes:

> I'm influenced by my own experience as a Lakota woman, a Canadian, a mixed-blood Canadian, and my own relationship to the natural and supernatural world.

KC Adams, recipient of our Senate 150 Medal, meaningfully addressed Winnipeg's racism with her series of dual, black and white, side-by-side portrait photographs of Indigenous people, done after the Idle No More movement. They were presented outside, on Winnipeg's streets, on bus shelters, billboards, walls and posters. They were fully accessible. The positive engagement was significant.

Just yesterday, the *Victoria Times Colonist* showed Coast Salish artist Maynard Johnny Jr.'s design of a Salish heron on the side of a B.C. ferry.

Colleagues, I won't go on. You get my point. The art of Canada's Metis, Inuit and First Nations artists is indeed powerful, important and has — and is — making a positive difference. Their unique visual vocabularies convey deeply felt messages. I hope society listens. Their talent and innovations are groundbreaking. The results at home and abroad emphasize cultural goals, understandings and actions. They all have had significant roles in moving the needle towards reconciliation.

I honour and respect them. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

HUMAN RIGHTS

STUDY ON ISSUES RELATING TO HUMAN RIGHTS GENERALLY— MOTION TO REFER PAPERS AND EVIDENCE FROM THE FIRST SESSION OF THE FORTY-SECOND PARLIAMENT AND THE SECOND SESSION OF THE FORTY-THIRD PARLIAMENT ADOPTED

Hon. Nancy J. Hartling, pursuant to notice of March 30, 2022, moved:

> That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on Human Rights during the First Session of the Forty-second Parliament and the Second Session of the Forty-third Parliament as part of its study of issues related to human rights be referred to the committee.

She said: Honourable senators, I move the motion standing in Senator Ataullahjan's name.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO STUDY THE STATUS OF SOIL HEALTH

Hon. Robert Black, pursuant to notice of April 7, 2022, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine and report on the status of soil health in Canada with the purpose of identifying ways to improve soil health, enable Canadian forest product and agricultural producers to become sustainability leaders, and improve their economic prosperity;

That in particular, the committee should examine:

(a) current soil conditions in Canada;

(b) possible federal measures that would support and enhance agricultural and forest soil health, including in relation to conservation, carbon sequestration and efforts to address the effects of climate change;

(c) the implications of soil health for human health, food security, forest and agricultural productivity and prosperity, water quality and air quality; and

(d) the role of new technologies in managing and improving soil health; and

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

He said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(*At 7:59 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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