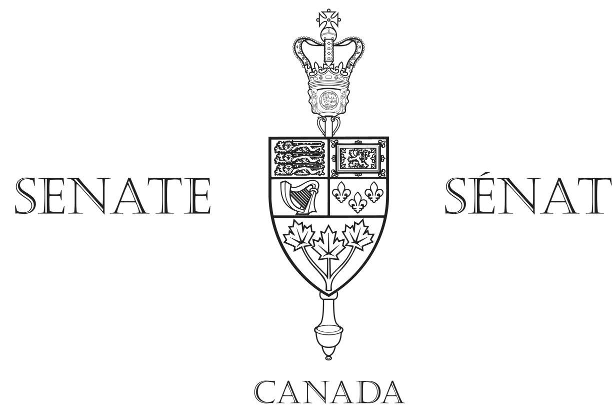

DEBATES OF THE SENATE

1st SESSION 44th PARLIAMENT VOLUME 153 NUMBER 37

OFFICIAL REPORT
(HANSARD)

Thursday, April 28, 2022

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, April 28, 2022

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

Prayers.

SENATORS' STATEMENTS

CANADIAN ARTISTS

Hon. Patricia Bovey: Honourable senators, today it is with pleasure that I thank all who have enabled this Senate to take steps in and outside this chamber to explore and hear voices of Canadian artists in all fields. This morning, in the foyer of the chamber, we installed works by two major Canadian artists, *Endangered Shadows* by Roberta Bondar and *Alberta Oil Sands #6* by Edward Burtynsky. These internationally acclaimed Canadian artists deal with environmental and climate change issues in their art, mirroring and enhancing our Senate debates regarding the health of our planet.

I thank them both for these loans, and I have spoken of these works before. Both these artists work with industry as they shed light on environmental consequences — Bondar with NASA and Burtynsky with Alberta's oil industry. The latter supported him, this series and its presentation in various sites. Each has had a very positive continuing global impact.

We also moved Yukon and B.C. artist Ted Harrison's work, *Camerons of the Yukon*, from the fourth floor to the foyer outside this chamber.

Thanks, too, to artists who have been featured in the installations honouring Canada's Black artists. This project spurred the invitation for Canada to participate in the Pan African Heritage World Museum opening next year. Noted by *The Canadian Press*, it drew the attention of the international publication *The Art Newspaper*, and they requested the March op-ed on this project. I thank them, and it was a privilege to write.

I am just back from the U.K. where I was pleased that people had seen and noted that article, and pleased that some of the Cape Dorset artists in our first Museums at the Senate, in room B-30, have had work successfully exhibited in Warsaw, as it is there now.

Thanks to Greg Hill's report, we are expanding Indigenous artist representation in the Indigenous Peoples Committee Room. Also, 13 more Canadian curators are writing about Senate art and heritage pieces, and their essays will be posted alongside those of last year.

Just this week, I was privileged to give the Canadian Museums Association Fellows Lecture as they work toward a new museums policy. Of course, I mentioned our projects. It does behoove us to connect with the wider art sector, as we do in every other field in this chamber.

I thank Senate curator Tamara Dolan and her colleagues for their careful work in enacting our newly approved industry standard-based policies. Thank you, colleagues, and especially the Artwork and Heritage Advisory Working Group members, for recognizing Canada's artists past and present. It is important, well received and appreciated nationally. Thank you.

EARTH DAY

Hon. Mary Coyle: Honourable senators, Stephen Augustine, Hereditary Mi'kmaq Chief and Associate Vice President at Cape Breton University, tells the seven-level Mi'kmaq creation story. Today, as we belatedly celebrate Earth Day, I will share level three with you.

> The third level of creation, down below us, is our Mother Earth, on whom we walk, and who bears the spirits of our ancestors. The interconnective relationship between Mother Earth and the whole of creation is evident in the Mi'kmaw language. The Mi'kmaw words for the people, and for the Earth, and for mother, and the drum, all come from that term which refers to "the surface on which we stand, and which we share with other surface dwellers."
>
> . . . When we hear that drumbeat, we are hearing the heartbeat of our Mother the Earth. And so it is understood that . . . we are children of the Earth and . . . "We recognize your heartbeat in the same way that a child after it is born recognizes the heartbeat of its own mother."

Honourable senators, the first official Earth Day was initiated in 1970 by American Democratic Senator Gaylord Nelson and Republican Congressman Pete McCloskey.

The theme of the original Earth Day was "A Question of Survival," and its message, as highlighted by Walter Cronkite, was "Act or die."

Honourable senators, the theme of this year's Earth Day is "Invest in Our Planet." People the world over are being called upon to invest wisely and urgently. At COP26, U.K. Prime Minister Boris Johnson said:

> Humanity has long since run down the clock on climate change. It's one minute to midnight on that doomsday clock and we need to act now.

Colleagues, as senators in Canada's upper chamber, we have a duty to legislate, investigate and represent Canadians. With this potent mandate, the advantages of our chamber's independence, our long-term view and our collective resources, we are well placed to act on climate and to join efforts with legislators around the world.

Canadians should know that, so far, 43 of their senators from throughout the chamber have formed the Senators For Climate Solutions group in order to inform ourselves and to act, and we are collaborating with Peers for the Planet in the U.K. and connecting with our counterparts in the U.S. and Ireland.

Honourable senators, the doomsday clock ticking rapidly towards midnight is connected to the machine monitoring the quickening and increasingly erratic heartbeat of Mother Earth. Let us step up our investments in the health of our planet. It is an imperative for our economy, for our well-being and, frankly, for our lives and for those of all surface dwellers.

Welalioq. Thank you.

BATTLE OF VIMY RIDGE

ONE HUNDRED AND FIFTH ANNIVERSARY

Hon. Jim Quinn: Honourable senators, earlier this month marked the one hundred and fifth anniversary of the Battle of Vimy Ridge. This battle began on April 9, 1917, and became a defining moment in our history. It is one of Canada's most celebrated military victories, but it also came with heavy cost. The battle ended on April 12. About 100,000 Canadians served there, and of them, more than 10,600 suffered casualties, nearly 3,600 of which were fatal. The dedication, bravery and courage of Canadians from this battle and other theatres of the Great War stretched across the decades since — the Second World War, the Korean conflict, Afghanistan, and so many others — right up to this very day where members of our Canadian Armed Forces are deployed worldwide, serving to defend the cause of freedom and democracy. The women and men who serve do so with that same foundation of dedication, bravery and courage that marked the epic Battle of Vimy Ridge so long ago.

• (1410)

We must also never forget that it is our military women and men who also serve at home when Canadians need help in times of crisis, be it responding to fires, floods, storms or securing our safety.

There is no denying that today's Canadian Armed Forces are facing many challenges, but I believe that all honourable colleagues would agree that the tens of thousands of women and men of the Canadian Armed Forces remain standing ready to respond and serve Canada in times of need, here at home and abroad. To them, I say thank you. On behalf of all Canadians, we thank you for standing ready to serve.

Some Hon. Senators: Hear, hear.

EARTH DAY

Hon. Rosa Galvez: Honourable senators, April 22 of last week was Earth Day. Our planet sustains all kinds of life by offering ecological services that ensure life for humans and millions of species. Thus, every day should be Earth Day.

Unfortunately, humans have taken for granted our unique planet. We have plunged into a climate crisis, fuelled by an illogical system that favours a linear economic model of resource extraction, manufacture, use, waste and pollution, without considering the planetary limits and healthy thresholds that allow for human life on earth.

[*Translation*]

Earlier this month, the Intergovernmental Panel on Climate Change released its latest report, in which it identified the various options for decarbonizing the planet. Unsurprisingly, the report sounds the alarm louder than ever and gives us an ultimatum. We have until 2025 to cap our greenhouse gas emissions. Otherwise, we will face a catastrophic climate disaster, as global warming surpasses 1.5°C. We are not on the right track.

This week, the Commissioner of the Environment and Sustainable Development released five reports highlighting that Canada is not prepared for the transition. For example, the government is still not in a position to move forward with a just transition for workers. The federal carbon tax has significant weaknesses that undermine its effectiveness, and the government's own activities are not in line with the objective of net-zero by 2050.

[*English*]

Colleagues, we are the highest instance of decision making and democracy in Canada, and we must do our part. Let's be part of the ongoing race going around the world to reach net-zero emissions before 2050 and unleash the power of transformation for a better future that this race will bring us. Thank you. *Meegwetch*.

[*Translation*]

THE LATE CÉCILE MULAIRE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Esteemed colleagues, today I rise to pay tribute to a woman known for her kindness, faith and love for her family and her community. Cécile Mulaire died peacefully on March 29 at the age of 89.

Ms. Mulaire was known for her commitment to the community, her eternal optimism, her positive energy, her endless curiosity and her great generosity. She cared about and cared for everyone around her. Cécile Mulaire served as a reminder of how important it is to encourage and value others and to bring about change.

She was first called to serve in her church community, and she answered that call by participating in the Jeunesse agricole catholique movement and in the Marriage Encounters and Nathanael programs. She even took on pastoral duties if the priest was absent.

As a young married couple, she and her life partner René settled in St-Pierre-Jolys, my hometown, to open their first pharmacy and start a family. I first met Ms. Mulaire through her

business. She was always friendly, polite, enthusiastic and kind. Her bright smile also served her well in connecting with people and building ties in her community.

Naturally, Cécile Mulaire served as a role model for her seven children and they, in turn, were a source of inspiration to her. In 1972, she created the popular little Franco-Manitoban hero with the pointy hat, the well-known Bicolo, who graced the pages of the newspaper *La Liberté* for a number of decades. Starting in 1972, this whimsical character became an educational tool for children ages 4 to 12. Encouraging young people to learn and get involved in the francophone culture and community was at the heart of the Bicolo project.

In 1991, when she decided to pass the torch to other community leaders, Club Bicolo had 10,500 members, including my two children. Bicolo had more followers in 1991 than I could ever hope to have on Twitter today.

Ms. Mulaire received several awards and honours, including the Prix Riel, the Prix Réseau and the Premier's Volunteer Service Award. She also received the Ordre des francophones d'Amérique.

Cécile Mulaire has left quite a legacy for her children and her community. As Sophie Gaulin wrote so beautifully in *La Liberté*, "The Manitoban sky has welcomed one of our stars."

[*English*]

VLADIMIR KARA-MURZA

Hon. Pierre J. Dalphond: Honourable senators, I rise to express solidarity with Vladimir Kara-Murza, a democratic opposition leader in Russia who has recently been arrested by the Putin regime to silence him.

A journalist and former deputy leader of the People's Freedom Party, Mr. Kara-Murza is a longtime colleague of the late opposition leader Boris Nemtsov, who was assassinated outside the Kremlin in 2015. That year, and again in 2017, Mr. Kara-Murza survived two near-fatal poisonings traced to Russian authorities.

Mr. Kara-Murza is also a friend of our Parliament and a Senior Fellow with the Raoul Wallenberg Centre for Human Rights in Montreal. In 2016, he appeared before the Senate Foreign Affairs Committee to urge Canada's adoption of the Sergei Magnitsky Law, named after another victim of the Putin regime and became law in 2017.

On April 11, after bravely returning to Russia after a trip in Europe, he was arrested outside his home after an interview on CNN where he criticized Russia's invasion of Ukraine and accurately described Vladimir Putin's government as a "regime of murderers." Mr. Kara-Murza now faces Orwellian criminal charges that could result in up to 15 years in prison.

The Parliament of Canada and our allies must stand with Mr. Kara-Murza, as urged by his wife, Evgenia Kara-Murza, in a recent interview reported in *The Globe and Mail*. On April 12, our Minister of Foreign Affairs, the Honourable Mélanie Joly, called for his immediate release. Yesterday, Member of Parliament Anthony Housefather rose in the House of Commons to join this call. Also yesterday, chairs of foreign affairs committees in 20 countries, including Canada, issued another such call.

I trust, colleagues, that you will join efforts to support Vladimir Kara-Murza, a star of hope in the Russian sky. Let there be no doubt that Canada stands with the heroes inside and outside Russia who dare to speak and act against the tyrannical Putin and his war crimes.

Thank you.

• (1420)

ROUTINE PROCEEDINGS

THE SENATE

MOTION TO RECOGNIZE THAT THE RUSSIAN FEDERATION IS COMMITTING ACTS OF GENOCIDE AGAINST UKRAINIANS ADOPTED

Hon. Marilou McPhedran: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That, given that:

(a) there is clear and ample evidence of systematic and massive war crimes and crimes against humanity being committed against the people of Ukraine by the armed forces of the Russian Federation, directed by President Vladimir Putin and others within the Russian Parliament; and

(b) the crimes committed by the armed forces of the Russian Federation include:

(i) mass atrocities in the invaded and occupied Ukrainian territories;

(ii) systematic instances of wilful killing of Ukrainian civilians and the desecration of corpses;

(iii) forcible transfer of Ukrainian children to the Russian territory;

(iv) torture and the imposition of life conditions causing grave suffering; and

(v) widespread instances of physical harm, mental harm and rape;

the Senate recognize that the Russian Federation is committing acts of genocide against the Ukrainian people.

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

ENVIRONMENT AND CLIMATE CHANGE

PRIME MINISTER’S TRAVEL

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, my question is for Senator Gold, the Leader of the Government in the Senate.

Senator Gold, in a speech announcing his carbon tax in October 2016, Prime Minister Justin Trudeau stated:

> It has been proven that it is a good way to prevent heavy polluters from emitting greenhouse gases that fuel climate change and threaten the entire planet.

While the Prime Minister has spent six years lecturing Canadians about lowering their emissions, it is clear the carbon tax hasn’t changed his own personal behaviour. Earlier this month, to promote the increase in the carbon tax and the NDP-Liberal budget, the Prime Minister flew from Ottawa to Victoria, B.C.; then to Edmonton; then to Laval, Quebec; and then turned around and flew back to B.C. to go skiing over Easter.

Leader, how much greenhouse gas was emitted as a result of the Prime Minister’s travel in this month alone?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The Prime Minister, like all world leaders, has responsibilities both to citizens and to the many duties that he has. In a country as vast as ours, it is totally appropriate for the Prime Minister to use airlines, in exactly the same way it is appropriate for senators to use airlines to carry out their constitutional duties when they come to Ottawa.

Senator Plett: “Do as I say, not as I do,” is the slogan of Prime Minister Justin Trudeau.

Leader, isn’t it true that the Prime Minister has never in his entire life had to worry about the cost of living and most likely never will? Isn’t it true that the Prime Minister has never worried about how much his transportation costs him? He can afford to pay whatever amount of carbon tax and then fly all over the country. And isn’t it true, leader, that the Prime Minister’s personal travel has not changed at all due to the carbon tax; that what he says and what he does remain two very different things; and that what he asks of Canadians, he doesn’t ask of himself?

Senator Gold: Thank you for your question. The truth is that the Prime Minister leads a government that is committed to working on behalf of Canadians, as it has done throughout the pandemic and as it continues to do, to address the issues of concern to Canadians. Regardless of the personal circumstances and good fortune of any leader — whether in this chamber or in the other place — the test of a person’s contribution to society is what they do.

NATURAL RESOURCES

JUST TRANSITION

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate.

Speaking of the Prime Minister, while the Prime Minister may never have to worry about the cost of the carbon tax or the cost of anything else, the hundreds of thousands of men and women who work in our energy sector do.

In its 2019 election platform, the Liberal Party promised energy workers a “Just Transition Act,” “giving workers access to the training, support, and new opportunities needed to succeed in the clean economy.”

Leader, Environment Commissioner Jerry DeMarco reported on Tuesday that the NDP-Liberal government has no implementation plan, no formal governance structure and no monitoring and reporting system in place to support a “just” transition.

Was this your government’s plan all along — to talk down the sector, destroy livelihoods and call that “just”?

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, the answer is no. Thank you for your question, senator.

The purpose of the just transition and all the other programs is for the government to do what it can to assist industry, workers and families who depend on those industries to, in fact, weather the transition that the world, capital markets and our own commitment to fighting climate change necessarily impose upon us.

Senator Martin: Leader, last June, when I asked why your government had failed to bring forward the “Just Transition” legislation as promised, you blamed “the environment we’re in, including a minority Parliament.”

In fact, according to the Commissioner of the Environment and Sustainable Development, the Trudeau government had not developed the legislation. I don’t see how your government’s inaction can be blamed upon a minority Parliament. The commissioner was blunt when he said the NDP-Liberal government was “unprepared and slow off the mark.”

Leader, the just transition consultations — which were also criticized by the Commissioner of the Environment — end this Saturday, April 30. Can we expect even more delay after their conclusion — before we finally learn just what a "just" transition really means to this NDP-Liberal government?

Senator Gold: Thank you for your question. I am going to answer it directly, but I want to remind and advise colleagues in this chamber of the innovation that was in these commission reports and which the government welcomes, namely that, rather than waiting until the end of programs, these audits and reports were done in midstream so as to provide the welcome opportunity for the recommendations that it makes to be taken into account as the government adjusts.

To your question: Implicit in my answer — and I will say it more categorically — the government thanks the CESD for its report and accepts the audit's recommendations within the context, as I will explain, of the narrow scope and limited time involved in that report.

The scope of the audit covered the period of January 2018 to September 2021 and therefore was not able to fully assess the work that was under way to deliver upcoming just transition legislation and the relevant Budget 2021 programming delivered by this government. Recent events, such as the ministerial round table on sustainable jobs, the relaunch of consultations on legislation and the clean jobs training centre demonstrate the government's ongoing commitment to advancing just transition. Finally, the government is hard at work to ensure that just transition legislation is tabled in Parliament.

• (1430)

IMMIGRATION, REFUGEES AND CITIZENSHIP

EXPRESS ENTRY IMMIGRATION PROGRAM

Hon. Ratna Omidvar: Honourable senators, my question is for Senator Gold, and it is about Ukraine. As you know, there are two paths for entry into Canada for visitors. In one stream, citizens of countries like the U.K., Italy, Portugal, Spain and countries like Poland, Latvia, Mexico and Croatia fill out an online form and get a response within a day authorizing their entrance into Canada. It runs smooth as silk.

The second stream, which includes countries like Russia, but also Ukraine, must fill out a fairly onerous application, file it with the embassy, stand in line to get the authorization, stand in line to get the stamp, and, of course, this could be fine in ordinary times.

These are not ordinary times for Ukraine. More than 165,000 Ukrainians have applied for entry into Canada, but only 54,000 have been authorized under the new emergency travel program. Therefore, we're looking at yet another backlog in an already backlogged system.

Today, at the Senate Foreign Affairs Committee, we heard from Minister Joly who declared that Canada is Ukraine's best friend.

Will Canada act as a best friend and extend express travel authorization for Ukrainians as well?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for raising the important issue, senator. I'm not in a position to answer the specific question. But I would say, as the minister said, that the government is committed to securing and providing a safe haven for those fleeing Ukraine from Russia's large-scale invasion. Since January, colleagues, more than 17,000 Ukrainians have arrived in Canada. I'm advised that the government launched a new Canada-Ukraine emergency travel authorization, which aims to make it easier, faster and safer for Ukrainians to come to Canada. Over 72,000 applications have been approved under the Canada-Ukraine authorization for emergency travel.

The government is working and continues to work with partners that include provinces and territories, the business community, the Ukrainian-Canadian community and settlement organizations on how best to support those arriving from Ukraine, and the government is committed to continue to closely monitor travel volumes and needs and to take appropriate action.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

ACCESS TO HIGH-SPEED BROADBAND NETWORKS

Hon. Marty Klyne: Honourable senators, my question is for the Leader of the Government in the Senate. Senator Gold, my question is a follow-up on broadband connectivity for Canadians. I previously asked about spectrum options, also a subject of interest to Senator Patterson with his Bill S-242. Today, I'm going to focus on broadband internet service access for Indigenous communities, particularly on First Nation reserves.

On March 23, you noted:

> . . . the Universal Broadband Fund supports the government's initiatives to ensure that 100% of Canadian homes and businesses have access to speeds of at least 50 over 10 megabytes per second by 2030 . . . .

Those upload and download speeds are the CRTC's standards today, and I expect with the advancement of broadband internet technology that will soon be yesterday's standard.

More concerning today is the target date of 2030, which is going to be difficult to achieve, especially in First Nations households on-reserve.

In its 2020 Communications Monitoring Report, the CRTC published eye-popping statistics on the percentage of households on First Nations reserves that have access to broadband internet at the CRTC's download and upload speed standards of 50 and 10 megabytes per second.

The report indicates that the availability of broadband internet services at the CRTC's standard has been expanding in Canada, with 87% of all households having access. However, that is not the case for households on First Nations reserves, which are trailing far behind with only 35% having access to this service standard. Furthermore, there are significant disparities on First

Nations reserves in different provinces and territories. In Saskatchewan, just 1.7% of households on-reserve have access to the internet at the CRTC's standard. Yet in Quebec, it's 63%. In Manitoba, it's 2%. But in B.C. it's closer to 68%, not to mention the fact that in Newfoundland and Labrador, Yukon and Northwest Territories, that number stands at 0%.

I acknowledge that the government has invested billions to enhance Canada's broadband network, including the very recent news from the Government of Canada and the Government of Ontario that —

The Hon. the Speaker: Senator Klyne, if you have a question, could you please get to it?

Senator Klyne: Yes. Certainly, thank you, Your Honour.

Senator Gold, what is the government's targeted plan to address the dismal level of broadband internet access on First Nations reserves? Also, is the government planning to implement a digital transformation strategy to ensure that Indigenous peoples will be mobilized and ready to actively and meaningfully participate in the new digital economy?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. It's an important one. The government knows that improved connectivity will ensure that Indigenous communities have access to online learning, job training, health care, social and cultural services as well as opportunities for entrepreneurship.

Federally funded projects are supporting the connection of nearly 1 million households, including those across 190 Indigenous communities. To support all applicants, but particularly smaller and Indigenous applicants, under the Universal Broadband Fund, the government created a pathfinder service that assists in building partnerships, points to potential sources of funding and helps to navigate the application process. In addition, the Universal Broadband Fund has allocated $50 million for mobile projects that primarily benefit Indigenous communities, and the Universal Broadband Fund's Rapid Response Stream has already announced broadband projects that aim to connect 15,000 Indigenous households by the end of this year.

I'm advised that the government's plan was developed to respond to its goal, to which you made reference, of connecting all Canadians to high-speed internet by 2030. That's why the government is working with its partners, including all levels of government, the private sector and, of course, Indigenous communities.

With regard to the second part of your question, the government recognizes that Canada historically has not armed under-represented groups with the knowledge and skills to succeed in the innovation economy, and that's why the government is bringing new or improved high-speed internet to 190 Indigenous communities that face unique connectivity challenges. A cornerstone of the federal government's Intellectual Property Strategy was the promotion and protection of Indigenous knowledge and cultural expression. The government is committed to continuing to deliver simpler, more targeted and effective support for Indigenous entrepreneurs and businesses.

TRANSPORT

INTRA-PROVINCIAL FERRY SERVICE

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

Senator Gold, since 1977, Transport Canada has been giving the province of British Columbia an index grant to provide financial assistance related to the operating cost of intra-provincial ferry services. This is part of a federal obligation to provide transportation links to the national surface transportation system from various regions in isolated areas of British Columbia, including islands. As of 2022, this grant is valued at $32 million per year.

My province of New Brunswick contains several remote islands in the Bay of Fundy that are only accessible to the rest of Canada via ferry. In addition to Campobello Island and Deer Island, this includes White Head Island, which is accessible only via ferry from Grand Manan Island, which itself is accessible to the mainland via a separate ferry.

Senator Gold, as a matter of provincial equality, would Transport Canada consider a request by the New Brunswick government to provide New Brunswick with a similar operating grant for its remote intra-provincial ferry services?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I'm not aware of a request that has been made nor of the government's response. Permit me to say that the government continues and will continue to support ferry services for provinces and territories, including in Eastern Canada, and I'm advised that the government has made significant investments for ferry services in Eastern Canada, including purchasing multiple new ferry boats and taking action to make sure that fare prices stay affordable amid the challenges posed by the COVID-19 pandemic.

Intra-provincial ferry services, particularly to smaller and remote communities are, as you underline in your question, a key challenge facing provinces and their communities.

The government understands that discussions between the provincial government and the community are ongoing, and the government encourages the parties to work together to find a long-term solution for local populations.

• (1440)

FOREIGN AFFAIRS

DETENTION OF CANADIANS IN THE DOMINICAN REPUBLIC

Hon. David M. Wells: Honourable senators, my question is for the government leader in the Senate. Senator Gold, on April 5, 2022, just over three weeks ago, while conducting a

commercial air charter, crew members of Pivot Airlines, a Canadian company, discovered suspected contraband in a maintenance compartment of the aircraft during the course of their normal duties at the Punta Cana International Airport in the Dominican Republic. In keeping with Transport Canada policies and international laws, the crew immediately reported the discovery to local and Canadian authorities.

Despite reporting the suspected contraband to authorities, the five crew members were immediately detained. Pivot Airlines and the three unions representing the crew were able to secure their release on bail. However, they must remain in the Dominican Republic until the matter is resolved. It's essentially a house arrest due to the nature of what they found and, frankly, the nature of the smugglers.

The airline, the unions and the crew's families all remain deeply concerned for their safety and security while they remain in the Dominican Republic under continued threats of harm and the ongoing possibility of prosecution.

Furthermore, this situation also raises serious concerns for all Canadian travellers and, in particular, Canadians who travel to this region as part of their employment.

Can the leader please tell the chamber and, frankly, the families, what the Minister of Foreign Affairs has done and will do by way of intervention in this urgent matter, including asking the Dominican government to immediately release the crew and allow them to safely return to Canada for the duration of the investigation?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question and for raising this very troubling situation for the families and for those currently still in the Dominican Republic.

Of course, the Canadian government is aware of this situation, is concerned and is in fact acting. I've been advised that consular officials are providing assistance. They're in contact with the families of the Canadian citizens. I'm also advised that the parliamentary secretary to the Minister of Foreign Affairs is directly engaged on this file.

Colleagues, because of the importance and considerations of privacy, I'm not able to provide any further information on the details of those initiatives, but they are ongoing.

Senator Wells: Just one supplementary question, Senator Gold. I recognize the sensitivity around this, but I think a good solution — and I don't know if it has been requested; perhaps you could pass along this request to the parliamentary secretary who is in charge of this file — is to simply request that they be allowed to return to Canada while the investigation is ongoing. I'm sure they would be happy to testify once that investigation is over.

Senator Gold: Thank you, colleague. I certainly will pass that on and make inquiries to satisfy myself that I know as much as I can know about this file.

FINANCE

CANADA'S INFLATION RATE

Hon. Leo Housakos: Honourable senators, my question is for the Leader of the Government in the Senate. Senator Gold, the Governor of the Bank of Canada, Tiff Macklem, testified before the Senate Banking Committee. He has recognized that he and his lieutenants in the Bank of Canada have gotten it all wrong when it comes to inflation. He has also recognized that they have completely misjudged the strength of inflation. Mr. Macklem said:

> If you go back to January, we were saying that inflation would peak at about 5%, and by now you start to see some signs it's coming down. It's now 6.7% and it's going to take longer to come down. . . .

Government leader, will you acknowledge that Prime Minister Trudeau and his government should start recognizing the lead taken by the Governor of the Bank of Canada and recognize that they have also gotten it all wrong when it comes to inflation? Furthermore, will you also agree with me that it's high time that Mr. Trudeau starts thinking about monetary policy?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I do not agree that the government has "gotten it all wrong." I think we will all acknowledge that, as the governor has, one makes one's predictions and assessments based upon the best evidence at the time. However, circumstances change and assessments have to be revised, which is the case here.

The Government of Canada is concerned with the rising cost of living for Canadians. It's concerned about inflation and the impact that it can have on people's well-being and expectations for the future and is considering using all of the tools that it has at its disposal as a government to do its part to address this important issue.

Senator Housakos: The first step in correcting mistakes is to recognize you've made mistakes. I see from your answer that there isn't a willingness to recognize that you miscalculated as a government.

Government leader, this year the average Canadian family of four will spend $966 more on groceries than they did a year ago. In March of this year, grocery bills were 8.7% higher than just one year before. Eggs are up 8.5%, more than last month; milk is up 7.7%; pasta is up a whopping 17.8%. These aren't fancy delicacies; they are basic food items. This comes at a time when families are already paying more for housing, for gas, for transporting their kids from home to school and back and forth. The Governor of the Bank of Canada is now saying inflation could go even higher. The word "transitory" certainly isn't being used anymore, which was a favourite of the Minister of Finance in your government.

Senator Gold, how can you possibly defend your government's high tax expense policies when they continue to fuel inflation, and families are already being stretched to their complete limits?

Senator Gold: Thank you for your question. As the Government Representative in the Senate, I am advised and want to categorically state that making life more affordable for Canadians is one of the government's primary goals, as set out in Budget 2022 that was tabled here recently.

In the long run, the government believes that the measures in the budget, along with other measures it has already taken, will contribute to addressing long-standing structural challenges and to providing meaningful improvements in living standards for more Canadians in the near term. In the near term, Canadians can remain confident that they will receive support from the government when they need it most. For example, in Budget 2022 we find a range of measures that help to bring down the cost of living, including $475 million in the year 2022-23 to provide a one-time payment of $500 to those facing housing affordability challenges. There are other measures that represent a suite of attempts to address this serious and real issue Canadians are facing.

FOREIGN AFFAIRS

UNITED NATIONS TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

Hon. Marilou McPhedran: Honourable senators, this is a question to Senator Gold. I want to revisit a previous question with some additional information. The question before was about whether Canada would form an observer delegation — as both Norway and Germany have indicated that they will — to observe, on behalf of Canada, the first meeting of the state parties to the Treaty on the Prohibition of Nuclear Weapons, which, as you know, was activated last January.

We have been treated to the horror of clear statements by Vladimir Putin of the Russian Federation that there will be lightning-fast responses if countries like Canada continue to support Ukrainian people in resisting the aggression by Russia. That has included threats of the use of nuclear weapons.

Increasingly, we are seeing commentary from all sides, including NATO, taking the threat of nuclear war as something that is a very real threat.

So, Senator Gold, may I ask again whether, by chance, you've had any response to the previous question? If you haven't, would you please give assurances that you will follow up with this?

Hon. Marc Gold (Government Representative in the Senate): Thank you for bringing this back to the chamber's attention. Regrettably, I don't have a response, but you do have my assurance that I will follow up and try to get one as quickly as I can.

HEALTH

NATIONAL MICROBIOLOGY LABORATORY

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gold, last June the Trudeau government was so desperate to keep hidden uncensored documents on the firing of two scientists from the National Microbiology Laboratory in Winnipeg that it took the unprecedented step to file a law suit against the Speaker of the House of Commons in Federal Court. This year, now that they've bought the NDP support until 2025, the Trudeau government thinks it can create an ad hoc committee with just their coalition partner, show them some documents and call that transparency. It's nothing less than a sham, government leader.

• (1450)

Leader, your government has defied four previous orders from the House of Commons and its committees to produce these documents. Why not show some real transparency and respect for Parliament and produce the documents as ordered?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. With respect, I do not agree with the assumption that underlies your question.

The Government of Canada, for many months, has made a reasonable and appropriate offer to all opposition parties to have these documents vetted by a panel of judges — security-cleared and informed judges — to ensure that politics and partisanship do not enter into a decision as to what documents can be safely released without compromising national security.

It is my understanding that, at least to date, only the NDP has expressed the willingness to participate. The official opposition has been resistant to do so. It is the government's hope that all parties will join in to this process, which is open, fair, transparent and has precedent in our Parliament. To that end, the government hopes that the official opposition and the Bloc will see fit to participate in what is an appropriate process to balance the needs for transparency and the protection of national security.

Senator Plett: Last June, Senator Gold, I asked a series of questions regarding the government's secrecy surrounding the security breach at the Winnipeg lab. For example, I asked how a Chinese military scientist received high-level clearance to work at the lab. I never received an answer to my questions. It's clear now that I was never going to get an answer.

A government that thinks nothing of suing the Speaker of the House of Commons isn't going to bother itself with answering questions in the Senate.

Your government defied orders from the House, breached parliamentary privilege and ignored legitimate questions, leader. Why should any Canadian believe that an NDP-Liberal committee reporting to an NDP-Liberal government will shed any light on this?

Senator Gold: Again, I thank you for your question. But I think the premise is incomplete if not incorrect.

It is up to the parties, including the party of which you are a member, to decide whether it wants to participate so that Canadians can have the benefit of a fair, transparent and appropriate process or to continue to posture around the issue.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: consideration of Motion No. 35, followed by Motion No. 34, followed by second reading of Bill S-7, followed by all remaining items in the order that they appear on the Order Paper.

THE SENATE

MOTION TO EXTEND HYBRID SITTINGS TO JUNE 30, 2022—DEBATE

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of April 27, 2022, moved:

> That, notwithstanding any provisions of the Rules, previous order or usual practice, the provisions of the order of November 25, 2021, concerning hybrid sittings of the Senate and committees, and other matters, extended on March 31, 2022, have effect until the end of the day on June 30, 2022, subject to the following adjustments:
>
> 1. subparagraph 7(a) to (e) of the order of November 25, 2021, be replaced by the following:
>
>   “(a) when the Senate sits on a Monday, the sitting:
>
>   (i) start at 2 p.m.; and
>
>   (ii) adjourn at the earlier of the end of Government Business or midnight;
>
>   (b) when the Senate sits on a Tuesday, the sitting:
>
>   (i) start at 2 p.m.; and
>
>   (ii) adjourn at the later of the end of Government Business or 6 p.m.;
>
>   (c) when the Senate sits on a Wednesday, the sitting:
>
>   (i) start at 2 p.m.; and
>
>   (ii) adjourn at the earlier of the end of Government Business or 4 p.m.;
>
>   (d) when the Senate sits on a Thursday, the sitting:
>
>   (i) start at 2 p.m.; and
>
>   (ii) adjourn at the earlier of the end of business for the day or midnight; and
>
>   (e) when the Senate sits on a Friday, the sitting:
>
>   (i) start at 9 a.m.; and
>
>   (ii) adjourn at the earlier of the end of Government Business or 4 p.m.;” and
>
> 2. the provisions of paragraphs 12 and 13 of the order of November 25, 2021, cease to have effect, so that the evening suspension be as provided for in rule 3-3(1), including on Mondays, and, consequently, if the Rules require that something take place at 8 p.m., it take place at the time provided for in the Rules; and
>
> That the Senate recognize the need to work towards a return to a schedule of committee meetings reflecting Ottawa-based operations, and call upon the Committee of Selection to continue to work with the leaders and facilitators of all recognized parties and recognized parliamentary groups to advance this objective.

He said: Honourable senators, I rise today to speak to Motion No. 35, which will extend hybrid sittings for both the Senate Chamber and our committees until the end of day June 30, 2022.

I will not reiterate all the reasons and public health rationales for the need for continuing our deliberations in a hybrid fashion. In my humble opinion, they are self-evident. However, for anyone who may not be up to date on the continuing severity of the COVID-19 spread and its ramifications, permit me to take a few moments to put a few pertinent numbers into the record.

[*Translation*]

As Dr. Theresa Tam, Canada’s Chief Public Health Officer, made clear on April 12, Canada is now in the sixth wave of the COVID-19 pandemic. Provincial and territorial data and reports show a significant increase in confirmed cases of COVID-19, as well as a rising trend in serious illness because of the BA.2 sub-lineage of Omicron, which is more contagious.

[*English*]

These past weeks, beginning March 15, there have been 49 confirmed cases of COVID-19 in the Parliamentary Precinct alone, including 5 in the Parliamentary Protective Service; 12 from Public Services and Procurement Canada; 26 in the Senate of Canada, which unfortunately included staff from my office; 3 in the House of Commons; and 3 in the Library of Parliament.

In the city of Ottawa, as of April 27, the average number of confirmed daily COVID-19 cases is approximately 178. There were 1,719 confirmed active cases on that date. There were also

74 ongoing outbreaks in institutional settings, there were 49 COVID-19 patients being treated in acute or ICU hospital beds and another 69 COVID-19 patients were in hospital but not in ICU.

Colleagues, we must also realize that the 1,719 number of confirmed active cases is definitely a gross underestimate since testing and tracking is no longer being carried out. Those using rapid antigen tests and testing positive are staying home and are not being factored into the numbers published by Ottawa Public Health. Ontario's COVID-19 Science Advisory Table estimates that, province-wide, there are at least 100,000 daily active cases or an estimated 2,852 COVID-19 infections each day based on a number of data trends, including waste water levels. Again, this number is very likely an underestimate.

Colleagues, let me be clear that the motion before us would extend the hybrid model to the end of June in order that we might continue to manage the threat we face as a result of COVID-19. This motion is not an opening for a discussion about continuing the hybrid model indefinitely. Some may wish to have that conversation, but Motion No. 35 is not the forum for it.

The intent of the motion before you is self-explanatory. I think we can all agree that the restrictions on the business of the chamber because of COVID-19 have been challenging. We can also agree that, based upon the aforementioned data, we are not in a position to return to normal. What this motion does achieve, however, is reflected in the final paragraph.

[*Translation*]

> That the Senate recognize the need to work towards a return to a schedule of committee meetings reflecting Ottawa-based operations, and call upon the Committee of Selection to continue to work with the leaders and facilitators of all recognized parties and recognized parliamentary groups to advance this objective.

[*English*]

Honourable senators, this motion maintains the still-necessary hybrid model while reflecting a transition toward a more normal sitting schedule. It will also, simultaneously, open up more Senate committee time slots by adjusting our sitting times. These steps are modest, but they are prudent. They will go a long way toward allowing for greater flexibility at this time of year when committee studies are so crucial.

• (1500)

Honourable senators, like most of you, I wish we could turn back the clock, or at least turn the clock so far forward that we could meet daily, that we could have committees sit as per their normal schedule and that we could socialize with each other in greater numbers and in greater contexts. I wish we could greet each other properly and not from across the room. Perhaps there are those of us who are living with someone who should not be put at risk.

Finally, and most importantly, no senator should be prevented from performing his or her constitutional duties because health concerns, whether their own or those of a loved one with whom they live or are close to, preclude them from attending in person.

From the outset, the Senate's hybrid model has permitted all senators to take part in chamber proceedings and in all-important committee work, which are truly, in my estimation, the most significant aspect of our responsibilities to provide sober second thought to legislation and public policy issues with which we are seized. Overall, I believe that the hybrid model that Parliament instituted nearly two years ago has served us all well. Extending it until at least the summer break with the modifications included in Government Motion No. 35, which was based on the input and views of all of the leadership in this place, will ensure inclusivity and the ability for all senators to debate, review and study legislation sent to us from the other place or initiated here.

In conclusion, I ask all honourable senators to approve this motion and extend hybrid sittings for both the chamber and committees until the end of June. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise today to speak to the motion to continue hybrid sittings in the Senate. I am sure that it will come as no surprise to you that I am very opposed to this motion. I believe that we have lost all sense of perspective with this pandemic and that we are now failing to fulfill our duties as senators. I acknowledge that there are ongoing challenges and uncertainties with the pandemic, but treating the Senate like it is a long-term care home is an insult to taxpayers and to the constitutional significance of a senator's role.

If we are looking for a way to diminish the public's view of the Senate, we probably could not find a better strategy than to keep insisting that we are not up to the task of doing our jobs properly. That, honourable senators, is exactly what we are doing. We are shirking our responsibilities and hiding behind flimsy arguments based on a fear of the unknown instead of doing the right thing. I would remind this chamber that the motion we agreed to on March 31 reads in part as follows:

> That the Senate commit to the consideration of a transition back to in-person sittings as soon as practicable in light of relevant factors, including public health guidelines, and the safety and well-being of all parliamentary personnel . . . .

Honourable senators, the primary issue that should be at the top of our list of relevant factors is the fact that, under hybrid sittings, we are unable to complete the work that needs to be done in a timely and productive manner.

Everyone in this chamber and on Zoom understands that the hybrid format cuts the number of committee meetings in half and diminishes our productivity across the board. With the changes this motion proposes to our sitting schedule, this will allow us to increase the number of committees, but we still will not be back to the level of productivity required. I was very supportive of that part of this motion. I was very much a part of the discussions on that part of the motion. Any decision to maintain hybrid sittings despite this fact should be driven by factors that are obvious and

compelling to everyone. Those factors have not been provided to us. Instead, all we hear are anxieties about the possibilities, which have a questionable basis in reality.

To be clear, honourable senators, I am in no way minimizing the impacts of the pandemic and the ongoing risks it presents. These are real, but this is now our new reality, and it is with us to stay. This virus will change, but it is not going away. It will be part of our lives for the foreseeable future.

I believe that's why we see a consensus growing across Canada that we must learn to live with the virus. We cannot wait until all uncertainty is gone because that day may never come, honourable senators. We must continue to protect our most vulnerable. We must prepare for periodic surges, increase our health care capacity, keep our vaccinations current and be wise in our personal decisions, but we must get on with our lives — and that includes our role as senators.

I have said it before and I will say it again: The role of a senator cannot be properly carried out if we are not gathering in Ottawa. Zoom is no replacement for face-to-face meetings, debates and other interactions that take place in this chamber and these halls. I know that some senators like the idea of working from home because they claim it gives them the ability to do more constituency work; that's fair. But I want to remind all senators that for the last 155 years, senators have managed to be in Ottawa during sitting weeks and still get their constituency work done on weekends and break weeks.

Why is that so difficult now? Are senators forgetting that the primary purpose of their appointment is to be present here in Ottawa in order to do their work? That is what we were appointed for, and it says so right in the summons that brought us to this chamber:

> AND WE do command you, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid, in the Senate of Canada at all times whensoever and wheresoever Our Parliament may be in Canada convoked and holden, and this you are in no wise to omit.

Honourable senators, this is not a casual suggestion. It is a command, as stated in the text. It is clearly written to impose an obligation upon senators to be present here in this chamber in order to do their work. Although hybrid sittings were useful as an interim measure in order to help us navigate the uncertainty of the early days of the pandemic, we have moved well beyond those days. It is time for us to get back to work at our place of work.

It concerns me, colleagues, that while the rest of the country has gone back to work, here we are today — or at home, on the taxpayer's dime — debating whether we should do the same. We are not debating legislation. We are not studying government bills. We are deciding if, more than two years after the start of the pandemic, we should once again be required to show up for work.

Colleagues, nurses have shown up for work all through this pandemic, as did doctors, orderlies, truck drivers, grocery clerks and gas station attendants, as did civil servants who plowed your streets, delivered your mail and emptied your garbage. We call them essential services. But, for some reason, the majority of senators appear to believe that their job is not an essential service. Instead, we demand that others carry a weight of responsibility that we ourselves are unwilling to shoulder, even though we hold one of the highest offices in the land.

• (1510)

Colleagues, there was a time when leadership meant leading by example. It is something which still inspires people today. Those who demonstrate these qualities find themselves earning the respect of those they serve through their office.

We have seen this modelled in the leadership of Ukrainian President Zelenskyy. As the war broke out in Ukraine, President Zelenskyy refused an evacuation order by the United States and said he would remain in Kyiv. Ukraine's embassy in Britain quoted President Zelenskyy saying: "The fight is here; I need ammunition, not a ride." That quote, colleagues, went viral. The president then began releasing videos of himself standing his ground in the streets of Kyiv. In one, he said:

> I am here. We will not lay down any weapons. We will defend our state, because our weapons are our truth . . . Our truth is that this is our land, our country, our children and we will protect all of this.

This is a man, colleagues, who had very good reason to prioritize his own safety over being present with those who were fighting for the country, yet he refused. He knew that a leader must lead by example in order to inspire confidence in the people and demonstrate that your actions are not determined by what is in your best interests but what is in the best interests of those that you serve.

Because of his courage and selfless example, President Zelenskyy has become an icon of leadership around the world. He has been applauded for his courage time and time again. As he appeared by video conference to address the governments of the nations, his strength, fortitude and stubborn insistence on leading by example at great personal cost have inspired untold millions — billions — of people around the world.

Colleagues, we are not at war with a neighbouring country like Ukraine is. We are not having missiles lobbed into our residential areas killing women, children and seniors. We are not facing the kinds of brutal war crimes that are being inflicted upon Ukraine by Russia. But rather than diminishing the appropriateness of this analogy, it only strengthens it. As a wise teacher once said: "If you are faithful in little things, you will be faithful in larger things."

Just because we are not being bombed does not mean that we should not be leading by example. Colleagues, I encourage you to look beyond your own situation, your own security and your own fears and consider that we are living in a time when the public's confidence in their institutions is showing clear signs of erosion. How we conduct ourselves as senators is not just a question of what the science says, it is a question of what the country needs. It is a question of what our role demands. The science is clear enough and we will get to that shortly, but there is more at stake here than simply what the optimum health protocol is. We are in a time when many Canadians are

questioning their trust and confidence in those who have been placed in positions of authority. It is time for us to do more than enough, rather than just enough.

We are not being asked to put on a bulletproof vest and wade into a conflict zone. We are being asked to fulfill the responsibilities given to us by our nation and to do so with a view of what is best for the nation, not what is best for us. We are simply being asked to be faithful to the summons we responded to when we first came to this place, and to insist on a very high threshold before we deviate from that.

Colleagues, it is my view that such a threshold is not being met. There is no need to continue hybrid sittings and we need to return to in-person sittings as this is the custom of this chamber, the original intent of the founders of this nation and the expectation of the people we serve.

When the pandemic began, we were dealing with a lot of uncertainty. We didn't know what to expect because this was a novel coronavirus. We had not seen the virus in humans before and we had little understanding of how it was transmitted, how lethal it was, what the long-term health impacts would be and whether it would be closer to the common cold or to Ebola.

Colleagues, that was 25 months ago. Since that time, there have been thousands of studies completed on this virus and hundreds of studies on those studies. There have been papers, research letters, literature reviews, clinical trials and academic commentaries. There have been weekly morbidity and mortality reports, daily epidemiological summaries and regular vaccine surveillance reports. There have been charts, graphs, tables, projections, reflections and recommendations until our ears are ringing and our heads are spinning.

Our learning about this virus has not stopped — and it will not stop — but we, colleagues, are light years ahead of where we were in March 2020. Canada has now approved six different vaccines, including Pfizer, Moderna, AstraZeneca, Johnson & Johnson, Novavax and Medicago. In addition, for the purposes of travelling to and from Canada, the government has also approved Sinopharm, Sinovac and Covaxin. We have mRNA vaccines, viral vector-based vaccines, protein subunit vaccines and plant-based vaccines. We learned last week that Moderna's preliminary results of a new version of their COVID vaccine suggested stronger, longer-lasting protection against Omicron. The study is being met with mixed reactions, but it demonstrates that the science continues to unfold and our understanding of this virus continues to evolve.

Colleagues, we are slowly but surely winning this battle. I know that for many of us, we were hoping for vaccines which would provide serializing immunity against COVID. We saw this with the measles vaccine, where once vaccinated a person is completely immune from catching measles. Our expectation was that the same outcome could be achieved for fighting COVID. While this still may be a possibility, it certainly is not what we have now.

Nonetheless, vaccines have been a significant tool in the fight to keep infection rates down, protect vulnerable populations, reduce severe outcomes and dampen the overall impact on the health system. As of April 25, Health Canada data showed that if you are fully vaccinated with a booster, you are 7 times less likely to be hospitalized because of COVID and 11 times less likely to die from the infection. Because this is a four-week, age-standardized rate, these numbers change from week to week, but they clearly demonstrate that there are significant health advantages to being vaccinated.

This shows, colleagues, how far we have come because of science. Science has given us tremendous tools to fight the pandemic, but it also shows that the pandemic we are fighting today is far from what we were facing in 2020 and 2021. Some of this difference can be credited to high vaccination rates and some of it due to the changes brought on by the more transmissible but less harmful Omicron variant of concern.

• (1520)

If we break the pandemic into the period before Omicron and the period with Omicron, we see two very different scenarios. From the beginning of the pandemic to the end of November 2021, when Omicron was first detected in Canada, there had been just 1.8 million cases of COVID and almost 30,000 deaths. That's a death rate of 1.64%.

From December 1, 2021, to April 24 of this year, there were another 1.9 million cases of COVID, and just over 9,000 deaths. This brought the death rate under Omicron down to 0.49%, a 64% decline. However, because we are no longer testing for COVID like we were before Omicron, we know that the actual reduction to the death rate is even greater than this. Studies in other countries have shown a 75% decline in the death rate between Delta and Omicron, and we are very possibly in that same range.

We have seen a similar decline in the severity of the disease under Omicron. Before Omicron, we had 6,400 ICU admissions, at a rate of 0.36% of cases. With Omicron, the number of ICU admissions dropped to just over 2,900, even though we have had more COVID cases in the past five months than we had in the previous 20 months. This brought the rate of ICU admissions down to 0.16% of cases, a 56% decrease.

Scientists will be researching for a while to determine the exact causes of these decreases. It is partly because of the fact Omicron is less severe, but our high vaccination rates also provided greater protection.

In addition, we are doing a better job of protecting our most vulnerable citizens in long-term care homes now than we were in the first year of the pandemic.

All of this will be factored into the bigger picture. But regardless of how it all breaks down, one thing, colleagues, is clear: The pandemic we are dealing with today is not the pandemic we were dealing with when we were first introduced to hybrid sittings in this chamber. Today, we not only understand much more about this virus than we did in 2020, but we know its impacts are now much less severe, as I just noted.

Furthermore, the risks of us travelling to Ottawa to be present here are minimal compared to what they were when the first hybrid motion was introduced in 2020, when there was no vaccine. Today, senators are fully vaccinated and boosted. We can choose to travel to the airport in our own vehicle or with a driver who is fully vaccinated. We check in at the airport where every employee is fully vaccinated and every other person in the airport is fully vaccinated.

We board our plane with passengers who are fully vaccinated, along with a fully vaccinated crew. Once we arrive in Ottawa, we take a taxi with a fully vaccinated driver, or we can rent a car and drive ourselves to our place of accommodations. When we check in at the hotel, everyone there is fully vaccinated.

It is difficult to see how we could reduce the risk of coming to Ottawa any further, except perhaps by travelling in a haz-mat suit. In fact, if we are honest, it is probably more dangerous to stay at home than to travel to Ottawa because the public health restrictions in our own constituencies are going to be much lower than those you face while travelling. If you are staying at home, are you going out of your house? Are you doing shopping at the grocery store? Are you going to your grandkids' sporting events? Are you going to church? All of these things are more dangerous than coming to Ottawa. So unless you are quarantining and not leaving your home, there is no reason you cannot be in Ottawa.

Frankly, at this point, it is no longer clear to me what we are waiting for. Where is the justification to retain hybrid sittings? It simply does not exist.

In Canada, the number of new COVID cases has been dropping rapidly since April 11, with the seven-day average dropping from over 11,000 per day to just over 8,000. In Ontario, the effective reproductive number, which measures the average number of additional infections caused by one infection, has dropped below one. In Ottawa, the COVID-19 wastewater viral signal has been declining since April 11.

There are no more lockdowns anywhere in the country, and COVID mandates are falling from coast to coast to coast. Most provinces have ended their mask mandates in most situations, including B.C., Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia and Newfoundland and Labrador. The territories have lifted almost all of their mask mandates. P.E.I.'s mask mandate expires on May 6. And Saskatchewan had no COVID-related public health orders at all. How is it safer to be in Saskatchewan with none of this than it is in Ottawa?

But then you have the Senate of Canada which seems to be following along like a puppy dog, mirroring everything that this NDP-Liberal government decides instead of following the science. And this NDP-Liberal government seems to have stopped caring about science a long time ago if they ever cared at all.

The other week, my wife and I went to a Service Canada location in Manitoba. When we got there, the door was locked, not because it was closed, but because of COVID. A security guard had to unlock the door so we could get in. And then he began interrogating us about COVID symptoms and eventually provided us with masks which he insisted we had to wear. Every employee in the place was both wearing a mask and sheltered behind plexiglass shields. It was surreal, colleagues.

We left there and we went to the Sobeys grocery store, just down the street. Sobeys had no COVID capacity limits, no mask requirements and no social distancing guidelines. We walked in. There were hundreds of people, some wearing masks, some not, but everyone was doing their shopping, milling around, happy, visiting and going about their business. Even the cashiers, although some wore masks, were not hunkered down behind plexiglass out of fear that someone might speak moistly to them. It was like there were two parallel universes running side by side. At Sobeys they were following the science-based guidelines recommended by the province's chief public health officer. At the federal building, they lived in a fantasy land directed by the anxieties of Prime Ministers Jagmeet Singh and Justin Trudeau. It was like an alternate reality. We see this inconsistency repeated over and over again.

You can go to a stadium and it is jammed to the rafters with people cheering and eating and drinking beer with no masks and no social distancing. They are getting on with life because this is what the science indicates we should be doing.

But here in the Senate, administration staff were told on March 23 that 25% of them could gradually begin voluntarily returning to the workplace starting April 11. But then on April 8, this date was suddenly changed to April 25.

I'm not sure what it means to return to work gradually, but it sounds like you can perhaps cover a few blocks a day, until you eventually arrive at your place of work.

But, colleagues, it gets worse. On March 21, an email went out from Client Service announcing that:

• (1530)

> Effective today, March 21, 2022, the provincial mask mandate has been lifted in Ontario. This means that the wearing of masks will no longer be required in venues that fall under provincial legislation. For those working in a privately-owned building where the Senate occupies accommodation, including 40 Elgin Street, 90 Sparks Street, 56 Sparks Street and 60 Queen Street, you will notice that masks are now optional, and not formally required, in common areas such as elevators, lobbies and parking garages.
>
> Please note that these instructions do not apply to Crown-owned accommodations, including, East Block, Victoria, National Press Building, 1 Wellington and the Senate of Canada Building. Existing health and safety guidance within Senate workplaces remain in effect and we continue to require those in Senate workspaces to wear a face covering.

At first, I thought the wording of this email was confusing. But then I realized it is a policy, in fact, that is confusing and the email was just reflecting that fact. This is what happens when everyone is claiming to follow science but everyone seems to have a different science.

Let's see if we can untangle this mess.

First of all, masks are not required in privately owned buildings because of a change in provincial requirements. So far, so good.

Second, as the email states, if you work in a privately owned building where the Senate occupies accommodation, such as 40 Elgin or 56 Sparks, "masks are now optional, and not formally required . . . ."

However, the email states that masks are optional "in common areas such as elevators, lobbies and parking garages." Why would you go to the effort to single out common areas such as elevators, lobbies and parking garages if the entire building is privately owned and falls under provincial regulations? Does this mean that there are areas in privately owned buildings where you can still be required to wear a mask? The email is silent on that.

Third, it is pointed out that this mask-free mandate does not apply to Crown-owned accommodations. If you are in East Block, Victoria Building, the National Press Building, 1 Wellington or the Senate of Canada Building, you need to wear a mask. That makes absolutely no sense, colleagues.

Fourth, we were told that existing health and safety guidance within the Senate workplaces remain in effect and we continue to require those in Senate workspaces to wear a face covering.

What is not clear is what happens if your Senate workplace is in one of the privately owned buildings. Do you not wear a mask because the building falls under provincial guidelines, or do you wear a mask because it is still a Senate workplace? It's not clear.

Perhaps that's why the email pointed out that masks were optional in common areas. Perhaps, if your Senate office is in a privately owned building, you don't have to wear a mask in an elevator or in the hallway but, as soon as you are in your office, you are required to immediately put it on.

This, we are supposed to believe, is what following science looks like.

Two days after this confusing email, on March 23, another email went out. This one was from the Committee on Internal Economy, Budgets and Administration. The subject line was, "Easing of certain COVID-19 preventive measures in Senate workplaces." This email noted that masks remain mandatory in all common spaces, but they can be removed at workstations or desks where physical distancing is possible.

The memo made no distinction based on the building you work in. It just said, "Many preventive measures, such as mandatory masking, remain in place at all Senate workplaces." So does "all" mean in every building, whether it is Crown-owned or not? It is not clear. This is confusing.

Two days after that, another email went out, this one also from Internal Economy. It repeated most of what was in the email two days earlier but then added the following line at the end:

> Under the *Parliament of Canada Act*, CIBA is considered the employer on behalf of the Senate and has authority to implement workplace measures.

In other words, regardless of the building you are in, and regardless of the rules that everyone else has to follow in that building, your rules could be different because Internal Economy has decided to ignore the science, ignore the advice of public health officers and go its own way.

But wait. There is more.

On April 8, Internal Economy circulated another memo under the subject line "Update to COVID-19 Protocols." This email notified us to ". . . please be advised that the Senate is now aligning with the City of Ottawa's latest guidelines." We were not given any detail about what that meant, except that the previous 10-day quarantine period, after testing positive for COVID, was now changed to 5 days.

So if we are aligning with the City of Ottawa's latest guidelines, what are those guidelines? If you go to the City of Ottawa's website, the guidelines are listed on the page entitled, "Current Orders and Instructions." There we discover the following:

> Orders for Residents
>
> There are no Orders currently in effect.
>
> Instructions for Sports, Recreation and Fitness Sector
>
> There are no Instructions currently in effect.
>
> Instructions for Businesses and Workplaces
>
> There are no Instructions currently in effect.

What about masking? You have to dig a little deeper but, if you do, you will find a link on the city's website called "Wearing a mask." If you follow that link, you will find out that the City of Ottawa did not extend its mask bylaw after it expired on August 26 of last year. Instead, they noted that province-wide masking regulations continue to be in effect.

So what are the province's masking regulations? The province's website tells us the following:

> **As of March 21, 2022, you must wear a mask in the following indoor spaces:**
>
> public transit, including indoor areas and vehicles. . . .
>
> health care settings including:
>
> hospitals
>
> psychiatric facilities
>
> doctors' offices

immunization clinics

laboratories

specimen collection centres

home and community care provider locations **only if** you are an employee or a contractor

long-term care and retirement homes

shelters and other congregate care settings that provide care and services to medically and socially vulnerable individuals.

That's it. Masks are not required in any businesses, malls, office spaces, restaurants, clubs, gyms or anywhere else that is not public transit or a health care setting.

So on one hand we are told that we are aligning with the City of Ottawa's latest guidelines, but, on the other hand, it is clear that we are not aligning with them.

I can go across the street, colleagues, to the Metropolitain restaurant with no mask and sit with as many people as I want, side by side, enjoy food and drink and great conversation.

But if I walk across the street into the Senate of Canada Building, I have to immediately put my mask on. No food is allowed at meetings unless you can maintain a six-foot minimum distance and food is individually packaged.

I had no idea that science was different for the north side of Wellington than for the south side. I had no idea that walking 40 feet across asphalt would plunge me into an alternate reality governed by completely different science that is in complete contradiction to what I just experienced on the other side of the street.

I have never been much of a believer in magic, but I'm beginning to think that this is the only explanation behind all of this.

Weeks ahead of time, we are told the public gallery in the Senate will be open on this date. Why that date? Why not another date? Why not immediately? Why not later? What is the scientific basis for arbitrary decisions like this?

• (1540)

Is our beloved friend and Speaker psychic, and he just knew that on such and such a date it would be safe to open the public galleries, and then on such and such a date it would be safe to begin to allow visitors? Does the virus magically disappear when you cross the street or leave the Parliamentary Precinct? If you are following the science, then why is everything so inconsistent and contradictory?

Science tells me that if I go to the roof of the Senate of Canada Building and I step off the ledge, I am going to fall. Now, don't get your hopes up — I do not plan on proving this. I am sure there are people in this chamber who could calculate the rate of my descent and the speed I would be travelling when I hit the ground. That's how science works, colleagues.

Science also tells me that if I go across the street and jump off the top of the Fairmont Château Laurier, the same law of gravity applies over there as well. I don't fall up on this side of Wellington Street and fall down on the other side of Wellington Street. Science is consistent and measurable.

But the Internal Economy, Budgets and Administration Committee seems to disagree with me. They appear to think that science is different on this side of the street than on the other. I can't help but wonder where the committee is getting its information from. Does it have its own scientists locked up in a back room? If so, someone should let them know that they are at odds with practically every public health authority across the country. If there are no mad scientists behind the scenes, is it just the four-member steering committee making these decisions?

I have the utmost respect and appreciation for every member of our Internal Economy, Budgets and Administration Committee and every member of our steering committee, from the chair right to the other three members, including my colleague Senator Smith, but I am beginning to be of the view that decisions like this should be made much more transparently with all members of the committee, and maybe even the entire Senate.

I am a member of Internal Economy, and maybe I missed it, but I don't recall being asked to review any data which painted a different picture than what public health authorities have given us.

Colleagues, I'm not sure when we stopped following the science, but it is time that we listen to our public health authorities, align ourselves with provincial guidelines and get back to work. We have a limited amount of time left before the summer recess, and I suggest we use it wisely and efficiently. There is no legitimate basis to suggest that we should be marching to a different drum beat than the rest of the country, unless, of course, the government just does not want us to return to normal, unless those conspiracy theories we have all been reading about in our inboxes are actually true, and all of this is just a vicious plot imposed upon us by silent actors in secretive places pulling strings to destroy our society, unless the World Health Organization really is manipulating our health policy behind the scenes and Justin Trudeau really is a puppet on the World Economic Forum.

I used to wonder how people could believe such nonsense, but the reality is that this government routinely pours gasoline on that fire. Just last week we learned that after scolding us endlessly about climate change — we talked about this at Question Period a few minutes ago — the Prime Minister accumulated over 127,000 kilometres of air travel in 10 months. Colleagues, that's the equivalent of three trips around the globe. This government says one thing and then does another. They make rules for everyone else that they don't follow themselves. They say they follow the science, but then they conveniently ignore the science whenever it suits them.

We have a Prime Minister, colleagues, who wears a mask to board a plane in Ottawa but then disembarks on the other end with no mask. He'll stage photos with just him and his wife and they are wearing masks, even though there is no one near them. Then following a G7 meeting, you see him partying it up at a bar with no mask and no social distancing.

It's not hard to understand why people become cynical and create conspiracy theories out of this. When someone is trying to make sense out of nonsense, it should not surprise us that they come up with things that make little sense. This government makes it logical to believe the unbelievable. When you normalize absurdity, you will start seeing more of it, and we certainly see a lot of it under this government.

Let me give you another example of this absurdity. A few weeks ago, again, my wife and I crossed the border from the United States into Canada. After the mandatory testing requirement was lifted, we crossed the border with no issues. A few weeks later, it was brought to my attention that, with or without mandatory testing requirements, the government still requires any travellers coming into Canada, including children aged 5 and up, to wear a well-constructed and well-fitting mask for 14 days when in public indoor and outdoor spaces.

First of all, the government failed to let anyone know this policy existed. Secondly, and more importantly, the policy makes no sense. I cannot recall a single time during this pandemic when a public health officer recommended that people should start wearing masks outside when physical distancing was possible. I cannot recall a single study recommending that this might be a good idea in order to help mitigate the spread of COVID-19.

We have all seen people walking down the street alone wearing a mask. This is one thing if you've decided to keep the mask on for convenience's sake, but it's another thing for the government to promote this kind of thinking as science-based public health policy.

And there it was on the government's website. CTV did a story on this, and in their article they noted the following:

> Dr. Peter Juni, scientific director of Ontario's COVID-19 Science Advisory Table, told CTVNews.ca in a phone interview on Wednesday that he does not believe the rule is necessary at this stage in the pandemic.

He said:

> I don't think that there will be a difference made in the situation we're in through masking behaviour that is different for travellers coming internationally, as compared with people here.

What you just heard is the scientific director of Ontario's COVID-19 Science Advisory Table saying the government's policy makes no scientific sense.

What did the government say in response? The article goes on to tell us that a government official stated that:

> The Government of Canada's priority has been, and will continue to be, the health and safety of all Canadians . . . . Throughout this pandemic, science has been the foundation of its response and has guided its decision making, its actions and its guidance to Canadians, to limit the spread of COVID-19 in communities.

On the one hand, the government claims to follow science but, on the other hand, their policies are not based on science. It's a hard circle to square.

Last week the Minister of Transport was responding to a different COVID-19 policy and said:

> We constantly consult our experts and whenever the advice that we receive changes because the circumstances change, we will change our regulation.

The Prime Minister — not Jagmeet, the other Prime Minister — also waded in and said:

> People want to stay safe but they also want to get back to the things they love. And the best way to do that is to lean in on what the science is telling us, what the experts are telling us, and make sure we move forward in the right way.

I see the government came to its senses over the weekend, and they cancelled this particular requirement. But if this government had actually been interested in leaning in on what the science and experts are saying, many things would have been handled differently throughout this pandemic.

You might remember that in early 2020, when we learned that the virus was circulating, Justin Trudeau refused to shut down air travel between Canada and Beijing. He said it would be racist. Other countries were taking the virus seriously. Dozens of them moved quickly to implement protective measures, including shutting down international air travel. But not our government. They were slow to recognize that we had a problem and slow to react to the situation. Now, they are slow to realize that the pandemic has moved beyond their policies.

• (1550)

Some of those in the Senate leadership team will remember that I pushed — I asked — the Speaker to shut this place down back in March 2020 when the virus was first circulating. We were facing health risks of unknown impact, and we needed act. The Speaker, although sympathetic toward my request, was resistant. I saw the importance of acting quickly, and others opposed it. Now, when it is clear that we need to move on, those same people are opposing action once again.

What I would like to know is this: What is the end game for this government? Why is there no plan to see these restrictive measures come to an end? Why does the government leader in the Senate have no plan to see the Senate get clear of these restrictions? Does this government just want things to go on forever because they enjoy having control over people's lives?

It is clear they prefer the reduced level of accountability that hybrid sittings gives them, but why would we go along with that, colleagues? Accountability and democracy in Parliament are crucial, regardless of what challenges the nation is facing and regardless of our support, or lack thereof, for any government. We, senators, are accountable to the people.

Unusual circumstances of the pandemic forced Parliament to adapt, but it is time to return to normal. Accountability cannot wait another day.

Colleagues, we passed the original hybrid motion on October 27, 2020. Our first hybrid meeting was November 4, 2020. It served a purpose during those times of uncertainty, but it has outlived its usefulness, and we need to move on. It is not supported by science today, and it serves no clear purpose. Instead, it is hindering our ability to do our work efficiently and effectively.

This is not a matter of doing what makes us feel good in order to mitigate our own personal risk. It is a matter of aligning ourselves with the present realities so that we can fulfill the professional responsibilities we have been given and properly carry out our public role.

COVID has changed, but it is not going away. It is time for us to learn to live with it. It is time that we aligned this policy, and all our COVID policies, with the science and the reality of today, not the fears and anxieties of yesterday.

Colleagues, in the motion that we approved on March 31, we committed to considering a move back to in-person meetings:

> . . . as soon as practicable in light of relevant factors, including public health guidelines, and the safety and well-being of all parliamentary personnel; and
>
> That any further extension of this order be taken only after consultation with the leaders and facilitators of all recognized parties and parliamentary groups.

That's right out of the motion, colleagues.

There has been no consideration of the "relevant factors," there has been no examination of "public health guidelines," there has been no consideration of "the safety and well-being of all parliamentary personnel" and there has been no real "consultation." Instead, we have sat here today and listened to the Government Representative in the Senate as he has merely parroted the NDP-Liberal government's talking points, which conveniently ignore the science and the current public health directives.

Colleagues, this is not acceptable. We are to be in this chamber of sober second thought, not the chamber that dutifully nods and falls in line with the government's latest mantra. We need to do what we committed to do on March 31 and make this decision based on real facts, real data and real science.

If the government wants to continue to hobble our work, then it needs to make a solid, scientific case, based on the best expert advice for why it is necessary.

Make no mistake about it: This is not Senator Gold's motion; this is a government motion. Senator Gold is the government's representative in this chamber, and when he stands to make a motion, it is on behalf of the Government of Canada.

This government needs to provide us with the evidence that supports their assertion that we cannot meet in person. They need to provide us with the rationale for why they are insisting that we cannot return to work at our place of work. They need to provide us with the data, and if the data does not support hybrid sittings, then they need to provide us with a plan to return to in-person sittings.

Colleagues, we agreed to transition back to in-person sittings "as soon as practicable." That places the onus on us to make the transition as soon as possible, not as slowly as possible. We need to remember that our default is not hybrid sittings; our default is in-person sittings. Any deviation from that must come with solid evidence based on clear scientific criteria.

We have not received that from this government.

I believe that we should continue to sit in a hybrid fashion until May 9, which will provide the government with time to provide us with the information it agreed was necessary to make the decision we are being asked to make.

Whether a senator wants to vote in favour of ending hybrid sittings or extending them, we should do so only after having been provided with the necessary information and the proper consultations. Our decisions should be based on facts, not fear, and the government has not provided us with those facts.

MOTION IN AMENDMENT

Hon. Donald Neil Plett (Leader of the Opposition): Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended:
>
> 1. by replacing the words "June 30, 2022" by the words "May 9, 2022"; and
>
> 2. by adding the following after the word "objective" at the end of the motion:
>
> "; and
>
> That, before introducing any motion on the extension or resumption of hybrid sittings of the Senate, the Leader of the Government in the Senate must:
>
> 1. table in the Senate:
>
> (a) all opinions and guidelines from public health officials from the federal government regarding in-person meetings in the federal public service;
>
> (b) all opinions and guidelines from public health officials from the Ontario and Québec governments regarding in-person meetings;
>
> (c) a letter from the Clerk of the Senate outlining how the Senate sitting in person only would contravene any opinion or guideline mentioned in points (a) and (b); and

(d) a plan for a transition back to in-person sittings of the Senate as soon as practicable in accordance with the commitment made by the Senate on March 31, 2022; and

2. consult in an open and constructive manner with the leaders and facilitators of all recognized parties and parliamentary groups".

Thank you, colleagues.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Plett, seconded by the Honourable Senator Carignan:

That the motion be not now adopted, but that it be amended:

1. by replacing the words "June 30, 2022" by the words "May 9, 2022"; and

2. by adding the following after the word "objective" at the end of the motion:

"; and

That, before introducing any motion on the extension or resumption of hybrid sittings of the Senate, the Leader of the Government in the Senate must:

1. table in the Senate:

(a) all opinions and guidelines from public health officials from the federal government regarding in-person meetings in the federal public service;

(b) all opinions and guidelines from public health officials from the Ontario and Québec governments regarding in-person meetings;

(c) a letter from the Clerk of the Senate outlining how the Senate sitting in person only would contravene any opinion or guideline mentioned in points (a) and (b); and

(d) a plan for a transition back to in-person sittings of the Senate as soon as practicable in accordance with the commitment made by the Senate on March 31, 2022; and

2. consult in an open and constructive manner with the leaders and facilitators of all recognized parties and parliamentary groups".

On debate. Senator Batters.

• (1600)

Hon. Denise Batters: Honourable senators, I rise to speak on Senator Plett's amendment to the Trudeau government's motion to once again extend hybrid sittings of the Senate, this time to June 30.

Senator Plett is proposing that the government table opinions and guidelines regarding in-person meetings from several public health and other officials before requesting extension of hybrid Senate sittings. At a time when many provinces are dropping their COVID mandates on things like vaccines and masks, it seems incompatible that our Senate is contemplating meeting in only a hybrid fashion. Senator Plett's amendment would be a way of determining whether the government's request for continued hybrid Parliament is actually in keeping with the best contemporary scientific evidence.

Senator Plett's amendment also establishes:

> . . . a plan for a transition back to in-person sittings of the Senate as soon as practicable in accordance with the commitment made by the Senate on March 31, 2022 . . . .

Senators will not be surprised to hear that I am in complete agreement with transitioning back to in-person sittings of the Senate, given that I have delivered speeches on this issue here twice before. I submit that in-person sittings are crucial for us to do our best work here as parliamentarians, and that is what Canadians deserve from us.

Of course, I am dismayed that we are once again discussing extending the deadline for hybrid Parliament at all. We should already have been working on returning to in-person Parliament, as set out in the provisions of the March 31 motion. I suppose I've been around here long enough to know better than to expect the Trudeau government to fulfill its obligations.

In any case, just look at all the things that have resumed, even since the last time we discussed hybrid Parliament at the end of March, only a few short weeks ago. Even more provinces have dropped their vaccine and mask mandates. Hockey arenas are routinely filled with 20,000 people. Concerts have resumed. Sting plays the Canadian Tire Centre in Ottawa next week. Even Ribfest will be returning to Sparks Street in early June, and Jurassic Park in Toronto is once again filled with a huge crowd of people celebrating during the Raptors basketball team's playoff run. All of these places are returning to normal.

Even certain aspects of Parliament have begun to shift. The House of Commons opened its public galleries at the beginning of this week, and its committees have begun to receive visitors. Yesterday, our own Speaker once again introduced guests in the Senate gallery. We can now resume having visitors into our Senate offices for meetings, and stakeholder and lobby groups have resumed holding large receptions both on and off the Hill.

I find this puzzling. We've established that it's safe enough for senators to mix with stakeholders in meetings and receptions, and the public in our offices or in the chamber, and with other senators at receptions or in our respective caucus rooms, but if we're here in person in the chamber — all of us required to be masked and at least double vaccinated — what's going to happen? Are we going to combust? The only difference I see is that it is in this chamber that the government is expected to be held accountable, and that is why the Trudeau government wants to avoid being here in person — if you'll pardon the pun — like the plague.

I've said it before and I'll say it again — a hybrid Parliament is a dull Parliament. An unengaging Parliament won't and doesn't receive much pesky media attention, thereby evading public scrutiny — perfect for the Trudeau government, which seems to have so much to hide.

Public health officials have told us all along throughout COVID-19 that as we move through the course of this pandemic we will reach a point where we will have to learn how to live with the reality of COVID, not just hide ourselves away from it. Society is reaching that point. We have lived with COVID for more than two years now. We have listened to the advice on how best to protect ourselves: through vaccines and masks and social distancing and ventilation. I am proudly triple-vaccinated and promote that widely on my social media.

The fact is, the Senate remains one of the very few places left in the country that requires a vaccine mandate and masks for access. Another is airplanes, the primary method of transportation many of us use to travel back and forth to our jobs as senators. Given that, it is curious that the Senate chamber isn't viewed as one of the safest places to return to in-person work.

Instead, it is as though we're trying to preserve the rarified Senate "bubble." Honourable senators, what do we think make us so special? All kinds of people — dentists, taxi drivers, mechanics — are back at work in person, and most have been back for a very long time. All of these people have returned to work using some combination of the protections I've just outlined — vaccines, masks, social distancing and ventilation — as they are appropriate and practical. There is no reason the Senate cannot do the same.

The last time I spoke about hybrid sittings, I mentioned that the Senate had published a "return to work" plan for 25% of Senate administration employees. As it turns out, the Senate delayed that "return to work" plan yet again. It was only this week that 25% of Senate administration employees returned to their offices. There still is no "return to work" plan for the other 75%, some of whom have jobs not particularly conducive to remote work. In the private sector, the answer to that would be to return to work in person. Not so in the Senate of Canada.

Downtown Ottawa is still a ghost town. Two years into the COVID pandemic, few federal government workers are yet back at work in person. Government COVID mandates and lockdowns have been devastating to Ottawa's downtown core. Even a short walk from Parliament Hill, long-standing family-owned businesses have now closed their doors for good, suffering two years of pandemic lockdowns, then weeks of street closures imposed by the city during and after the truckers' protest.

Infuriatingly, Wellington Street in front of Parliament remains blocked off, for no apparent reason. It's kind of symbolic of this federal government's approach on COVID mandates at this point, if you think about it. Everything around this one patch of street has opened back up. No one seems to be sure why the barriers are still there or, really, by whose authority. It impedes freedom of movement through the downtown core. Why? We're not sure. We all just kind of navigate around it, and it does not seem to serve a useful purpose at this point. Sounds familiar, doesn't it?

It's like government mandates, and it's also similar to this government's insistence on hybrid sittings at this point in the pandemic. I look at the text of your motion, Senator Gold, and I wonder: What year are we in? Have we mistakenly been dropped back in March 2020, to the beginning of the pandemic, rather than two years in? Fire up the DeLorean. We're headed *Back to the Future* with this one, honourable senators. Hybrid parliamentary sittings are simply not in keeping with where the rest of the world is at with COVID anymore.

When will the Trudeau government finally come clean and admit what they really want is permanent hybrid sittings? So much easier to contain, to control, to keep under wraps. This hybrid sitting motion is the government's nudge in that direction. It's a way for the government to keep the Senate on "mute" — to manage it so it doesn't become too troublesome.

Honourable members can take their cues in the Senate from what we see happening now in the House of Commons. It wasn't enough for the Trudeau government to forge a coalition majority government with a very willing NDP partner. They're now bringing in the most draconian of parliamentary motions. If the heat gets too hot for them in the House of Commons, shockingly they'll be able to just stand up, without notice, and adjourn until the fall, escaping accountability at every turn. This is shameful and not at all surprising that this terrible motion comes just as Justin Trudeau's "Billionaire Island" vacation resurfaces.

We've seen this display from the Trudeau government before. As we like to say out West, "This ain't my first rodeo."

• (1610)

The Trudeau government's dodging of accountability in the Senate may be more subtle, but its effect is the same.

The manner in which the government communicates on the issue of COVID mandates is specifically to avoid accountability as well. Other countries around the world are dropping their COVID restrictions, yet Canada's federal government continues to act like a helicopter parent. When Prime Minister Trudeau is asked about it, he not only refuses to state any intention to lift Canada's mandates but can't even articulate a plan or a time frame to do so. The only thing for which Prime Minister Trudeau can be relied upon is a divisive quote against Canadians who have decided, for one reason or another, not to be vaccinated.

After all, if he keeps Canadians divided among themselves, they have less time and energy to devote to holding him and his government accountable. Are you sensing a theme yet?

Prime Minister Trudeau's government follows his lead. His Public Safety Minister, Marco Mendicino, this week testified before the Emergencies Act parliamentary committee about a fire started in a downtown Ottawa apartment building where the perpetrators were rumoured to be convoy participants. Of course, this claim has been repeatedly exposed as fake, including by the Ottawa Police themselves. But that didn't deter Minister Mendicino, who is a lawyer and a former prosecutor. Misinformation is useful if it obscures the truth, I guess, and that really is what this Trudeau government is known for. It again distracts from the larger issue — that maybe the government had no real, credible evidence on which to invoke the Emergencies Act — by whipping up resentment against the trucker convoy participants.

This Trudeau government's affinity for subverting democracy and then hiding behind cabinet confidence should worry us all. It is definitely a well-established pattern. This lack of transparency is even more reason why senators should want to be here in person, to question and challenge the government on the decisions it is making. That is far more effective in person than it is from behind a Zoom screen — and the Trudeau government knows it.

Only yesterday, Minister of Justice David Lametti appeared at the Senate Legal Committee. We were able to have a robust exchange in person and to go back and forth and actually challenge his testimony. It makes for more compelling viewing, and better Parliament, when someone is not continually saying, "You're on mute" and, "You're frozen."

The first few years of my time in the Senate coincided with a time of real soul-searching for this institution. We devoted a lot of time to talking about the Senate, its purpose and its mandate. One of the big areas of focus was how to make the Senate more relevant to the lives of Canadians.

Honourable senators, I think hybrid Parliament diminishes those efforts. We fought to have Parliament broadcast live via video so that Canadians could see the good work that we do in this place. I'm not anxious for the public to tune in to a Senate sitting now, only to see senators reading from a prepared script on Zoom, not really engaging with one another. This should be a chamber of lively debate and discussion — a place where we represent our regions and protect the rights of minorities, where Canadians can see themselves in the debate. I fear that element will be absent in a hybrid Senate.

Honourable senators, I ask that you carefully consider this decision to extend hybrid Parliament. While it might seem like no big deal, or only a matter of convenience, I ask you to consider what path it might put us on in the future in this place. I fear, and I suspect many of us feel, that these continued extensions of the hybrid model will soon morph into something more permanent. What will that mean for the future governance of the Senate? Might we be running the risk of compromising the very characteristics that make the Senate unique? Will virtual Parliament help or hinder government accountability? Does accessing Parliament by Zoom potentially hinder a senator's independence? What kind of image of the Senate are we portraying to the public through hybrid Parliament, and is that detrimental for the Senate's reputation in the long run? I think this is the biggest question: Is hybrid Parliament ultimately good for democracy? I say it is not, and I think that is dangerous territory for us to start eroding.

Furthermore — and this brings me back to Senator Plett's amendment — is hybrid Parliament necessary in the current situation, when health authorities are currently removing mandates? We are at the point in this pandemic where there are ways to manage group activities and still be COVID-safe. Continuing to just shut everything down is not feasible. All parliamentarians, staff and visitors must be at least double-vaccinated even to be in the Parliamentary Precinct, and we must all wear masks when moving freely around the buildings. At a time when most mandates are in the process of being lifted, it seems the Senate is actually one of the safer workplaces to attend in person.

For these reasons, I will be supporting Senator Plett's amendment and voting against the main motion. Please join me in standing against a further decline of our most important democratic institutions. Thank you.

Hon. Leo Housakos: Honourable senators, I rise to speak overwhelmingly in favour of Senator Plett's amendment.

Honourable colleagues, when the going gets tough, the tough have to get going. In times when our nation is facing an existential crisis such as this, its institutions have to be ready to weather the storm. All of our institutions have to be ready to rise to the occasion, and there is no institution more important in a time of crisis than Parliament, the House, the Senate, our courts, our laws and our governments. They have to show up and provide leadership in these difficult times.

I've said this time and time again with regret: I believe that Canadians feel that these institutions — which have been put in place to ensure that democracy functions and that we rise to the challenges we face — have let Canadians down. We've seen this in the ever-growing frustration both with the government and with these institutions. We've seen it in the protests in the streets across the country and with Canadians who are frustrated because they feel it is tougher than ever before to get by and to put food on the table for their children. It is tougher than ever before to dream of a better future than their parents had.

We are all responsible, given the privileges we have in these institutions, to provide leadership during this time. Leadership is not provided when we have measures that are designed to protect us better than a truck driver, or someone working in a pharmacy or grocery store, or a factory worker.

I mentioned a month ago that I was in Montreal visiting a place called Jack Victor. It's a great business in the downtown core of Montreal, with 800 employees. Those 800 employees are at work every morning and they put in their 40 hours per week. They are in close proximity, just like the vast majority of workers in this country.

My wife has been getting up every morning for two years to go to the Jewish General Hospital to provide services for the many Canadians who need care with the unfortunate virus of COVID. Yet in this institution — I've said it before and I will say it again — our productivity during this time of the most existential crisis facing our country has gone down. Our committees meet only half as often as they did in the past. The output for this government in terms of legislation — forget about COVID — over the last seven years is pitiful. In the last seven years, this chamber has produced the least amount of government legislation in the 153-year history of the Senate. Go and do the research in the library; you will be surprised. However, we did pump out hundreds of billions of dollars in shorter sitting times than ever before in the history of this country.

I've said it before and I'll repeat, colleagues: Each and every one of us, when we make investments to renovate our house or buy a car or a pair of shoes, we sometimes reflect on that harder than on the tens of billions of dollars we've churned out of this place in COVID spending — with the government threatening us, saying that we have to stand up for Canadians. Number one, we haven't been consistent as institutions, and that's why Canadians are so frustrated. Number two, much of what we've done over the past two years is on the verge of leading to historic inflation, which will lead to a historic economic crisis — which, again, this institution will, in part, have to account for.

The government leader rose today and said, "Trust me; this motion is a short-term measure, and it's not something the government wants to do in perpetuity." It sounds like the same thing we heard a month ago, when we had the same debate. He says, "We are only going to extend it for a month." Let me tell you, colleagues, as Senator Plett so appropriately pointed out in his speech, right across this country, health care professionals — the scientists who have been giving advice to the provinces and are the leaders when it comes to providing public health care advice — have been lifting mandates. Every single province, one after another, has been lifting passport mandates and masking mandates. They're allowing Canadians to congregate. You are absolutely right, senator, Jurassic Park is back and functional, with thousands of people. This afternoon my son is watching a Blue Jays game with thousands of people at the Rogers Centre in Toronto. Canadians are walking into arenas across this country — 20,000 per night — to watch NHL hockey and junior hockey. Our workers are back at work. Our hospitality industry is back at work. Thousands of Canadians are back meeting socially, celebrating Easter, Ramadan and all the other celebrations — yet the Senate of Canada is going to stay pat. We will continue mandates. We will continue to work virtually. As I said, the real problem is not that I don't like working virtually — I like being in the comforts of my house as much as anyone else — but at the end of the day, our output is just not there, colleagues.

• (1620)

Our committees, the most important work that this institution has done, are just not pumping out the work that we are being paid to do. It has been two years right now that we are sort of ragging the puck on this. I think we should be leading the way because our politicians in this country have been telling Canadians to vaccinate. The quicker we vaccinate, the quicker we will get back to normal. Well, colleagues, we are 83% or 84% double vaccinated in this country. I know people who are quadruple vaccinated. Some Canadians have their fourth dose already. If governments have been telling Canadians to double vaccinate and we will get back to normal, yet we are quadruple and triple vaccinated, then the leadership of this country are saying, "You, the taxpayers, will get back to normal, but not us. We will stay here and continue to work in our reduced capacity." That doesn't make sense. As parliamentarians, I think we need to align ourselves with what is going on across the country — not only lead but at least align ourselves with what Canadians are facing on a day-to-day basis.

We have rapid tests. We are all mature, intelligent people. Those of us who are vulnerable should take those extra steps. That's what is going on right now in society as we learn to live with COVID. I don't see why, when people who are adapting themselves with those realities, 95 or so senators here in Ottawa can't do the same. I think if we expect it of Canadians, we should be doing the same thing. There are plenty of rapid tests available. Those of us who are coming to Ottawa are functioning — and more of us have been doing so over the last few months, thank God — and taking the steps to be respectful when we meet, but we need to get back to work. The country, more than ever, needs us to get back to work.

Another part of the debate here that concerns me — and I've heard it from Senator Plett in his speech today, but I heard it from a bunch of colleagues over the last few days — is that the Internal Economy Committee did not have deliberations on this issue; it was not discussed at Internal Economy. At the end of the day, it is my understanding — and I've been in this place now for a considerable amount of time — that senators run the Senate. If important decisions of this nature — that is, of us working hybrid, or virtually, or whatever the case may be — are not being taken in an open and transparent fashion at the Internal Economy Committee and transcended down to the various caucuses and groups for discussion, there's a problem. I chaired the Internal Economy Committee for a number of years. The current Speaker chaired it for a number of years. There is a longstanding understanding in this chamber that the Internal Economy Committee is a body of consensus, that the operating body of this chamber works in consultation with the leadership and with its various groups and it takes decisions on a consensus basis. Not only have we gotten away from that principle, which is disturbing, but somewhere along the line the leader of my caucus and myself are unable to understand the driving force behind this decision.

We talk about science. Forget about science. From an administrative point of view, I want to know who took the decision. Was it the government leader in a vacuum? Was it the chair of the Internal Economy Committee in a vacuum? Did they discuss it in a back corridor or in some corner? Senator Gold is looking at me with confusion. I don't know the answer. Clearly,

if we didn't have an open and transparent discussion at the Internal Economy Committee about this particular motion, where was the discussion had? You can participate in the debate, government leader and shed some light on it, but it's an important issue. We've seen time and time again an erosion in these parliamentary institutions and an erosion when it comes to us holding the government to account. I understand. It is not something executive branches of government like.

We all know that when leaders sit in the opposition benches in the House of Commons, they have all kinds of time for democracy and the use of Parliament and all parliamentary institutions. However, the moment they become prime minister, they think they have a mandate from the people and they shouldn't be accountable to anyone. I don't believe that. Forgive me, but I believe we have an important role here. The number one role we have is not only to scrutinize government legislation but also to hold the government to account and to ask tough questions when it comes to mandates, vaccines, COVID relief and aid spending. It is not just a rubber stamp.

I appreciate that the government wants to have a virtual and hybrid Parliament in perpetuity. They can get away with it certainly in the House of Commons because there is a minority government, but nonetheless there is a coalition government right now between the NDP and the Liberals, and they have a pretty good free rein. I like to believe that most members here are genuinely independent and they do believe it is important to hold the government to account, particularly during these moments of existential crisis. It is not just the role of a small group of opposition senators. It is incumbent on all of us because we do have independence in this chamber by virtue of our tenure and the fact that we are not accountable to any prime minister, including the prime minister who appointed the vast majority of you. The truth is, the moment you are summoned to this institution, you are accountable to one person, and that is the Canadian people. I take that oath seriously and I know that majority of you do as well.

When we look at the body of evidence and what is going on across the country right now, mandates are being dropped; Canadians are going back to work. We have the challenge of needing to get the productivity of the nation back to where it was. It is the biggest challenge that faces our economy and our people, including the productivity of this institution.

It is morally important, more than ever before, for us to do our work in a diligent, tangible and safe fashion, respectful of each other and respectful of the challenges that we have. But colleagues, it is crystal clear that we are going into another phase of this pandemic. We have to be ready for it. We have to deal with it. We have to lead the way. But first, we have to catch up and align ourselves with provincial governments, with health care advice and with the rest of the country.

For the reasons that I wanted to outline — I didn't plan on entering the debate, but I think these are some important points that I wanted to share with everyone — I will be supporting Senator Plett's amendment. I think it is only logical. I don't think it is far-fetched. What Senator Plett is really asking for is a week and a half to do the diligent work that it seems to me has not been done by our administrative body in this institution, the Internal Economy Committee, in order to find out if this extreme measure, namely, to go to the end of the month of June, is really necessary. At the end of the day, I don't see the necessity. Someone is going to have to make a compelling case of why we need to continue to do this. It is not enough to say the House of Commons has done it because, as I said in my argument, the fact that, for political expediency, the House has decided to not be serious about their work, doesn't necessarily mean that we have any obligation to follow.

I think the amendment from Senator Plett is very reasonable, namely, to do the due diligence that hasn't been done and, as of May 9, to be able to take a firm decision about us continuing with this hybrid virtual system or deciding to put an end to it with all the facts before us. Thank you, colleagues.

Some Hon. Senators: Hear! Hear!

[*Translation*]

Hon. Lucie Moncion: I have a few points I'd like to make with regard to this motion. First, the premise of this motion, which suggests that the only time any work gets done in the Senate is when we are in person in Ottawa, is wrong. A lot of work is getting done, whether we are in hybrid sessions or in person in Ottawa. The premise suggested in some of the speeches made with respect to work in the Senate is, in my view, wrong.

• (1630)

The second comment I wanted to make has to do with modernization, in other words, modern technology. We now know that we can do our banking online, shop online and order a meal online. The pandemic has given us an opportunity to work differently, to use the internet to stay connected to one another.

We have managed to remain productive throughout the pandemic and to continue to do our work, both in the Senate and in committee, as well as the personal work we all do individually. I don't see how anyone can justify saying that our productivity has gone down.

Perhaps the productivity of some senators has gone down, but that is not the case for most of us. Our productivity has increased as we have organized meetings and continued to see representatives from all of our interest groups. We have also continued to work on bills and have drafted new public interest bills.

In my opinion, our productivity has not gone down, and not being in Ottawa does not make us less productive. We can use modern technology, have access to all our colleagues at the same time and be productive and independent whether we are on site in Ottawa or in the comfort of our own homes, as some like to say. The message seems to be that the only work that counts is work that is done in person, which brings me back to the arguments I just made.

The other thing about the motion is that it gives us one week, roughly 10 days, to meet all the requirements that are associated with this motion. I do not think that 10 days is enough to get all the information being requested. Asking for an extension that would allow us to continue to have hybrid sittings until the end of June seems like a reasonable request to me.

It seems like the May 9 deadline is intended to use up the valuable and limited time we have for debating bills, and to relitigate this motion, which calls on us to once again allow hybrid sittings and meetings. I will be voting against this amendment and in favour of the original proposal. Thank you.

The Hon. the Speaker pro tempore: Senator Moncion, would you take a question?

Senator Moncion: Certainly.

Hon. Pierre-Hugues Boisvenu: Senator Moncion, I am baffled by your remarks. With your background in banking, I thought your mathematical skills were more advanced. You spoke about productivity. Before the pandemic, the Standing Senate Committee on Legal and Constitutional Affairs met for four to six hours a week.

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

Senator Boisvenu: Yes, I have a question. May I please be allowed a 30-second preamble? My question is the following. The senator stated that we can be just as productive now as we were before. Here are two examples. The Standing Senate Committee on Legal and Constitutional Affairs used to meet for four to six hours a week; it now meets for two hours a week. The Standing Senate Committee on National Security and Defence used to meet for four hours a week; it now meets for two hours a week. We are therefore spending 30% to 60% less time at committees, where the real work is done. You say that we can be just as productive, but did I not just demonstrate the very opposite of what you said?

Senator Moncion: Thank you for your question, Senator Boisvenu. If you are talking about productivity, but you are basing your productivity analysis only on the time spent in committee, then it seems as though your premise, or your reasoning, leads you to think that the only work we do is the work in committee. That is unfortunate. You and I both know that over 90% of the work we did on the bill concerning jury members was not done in committee. You are currently working on a series of bills that you want to introduce, and I am doing the same with regard to universities and other issues. That work is not being done in committee.

The work that we do in committee is on bills that have reached the committee stage. Over the past two years, we have done less work in committee but a lot of work in other areas. You, Senator Boisvenu, are an excellent example because of how much work you accomplished, even if it was not in committee or in the Senate. You worked in your office, in Ottawa or back home, and continued to advance your causes. We therefore need to consider that productivity is not necessarily measured only by our speeches, committee meetings or even time spent in person in the Senate.

Senator Boisvenu: My next question is just as straightforward. The message I'm getting is that you think our work as lawmakers comes second, here in the Senate, to other more social or professional activities. Is that so?

Senator Moncion: That is not so, and that is not what I said, Senator Boisvenu.

Also, I would like to strike the "social aspect" from my answer, because I don't see our work here in the Senate as social work. It's much more professional and legislative. No, I don't agree with your statement. What I'm saying is that there is excellent work, important work, necessary work being done in committee, but there is work being done elsewhere too.

[*English*]

Hon. Judith G. Seidman: Honourable senators, I rise today to speak to Senator Plett's amendment on the motion concerning hybrid sittings in the Senate.

I support this amendment because I value evidence-based decision making. We all may have our own viewpoints and preferences about hybrid sittings or in-person sittings, but it is science that should guide our decisions.

This is what Senator Plett's amendment is asking for — the data which will provide information to draw the necessary guidelines. Only armed with this data can we be more certain that we are making the wisest decisions.

As an epidemiologist, I take seriously the research — ever-evolving — that informs public health around COVID-19 health protocols and precautions. These are essential tools, always based on science, that provide the input to our decision making, yet are often updated. And these protocols are meant to protect Canadians from the pandemic's worst outcomes: severe illness and death.

• (1640)

Often, we hear criticism of COVID guidelines because they have changed over time. However, that is the essence of science. In the case of COVID-19, more than two years ago, we started with a novel coronavirus, essentially an unknown quantity.

We have experience with pandemics that could have better informed our decision making. In 2010, the Standing Senate Committee on Social Affairs, Science and Technology conducted a comprehensive review of Canada's response to the 2009 H1N1 influenza pandemic. As a member of that committee, I had the opportunity to participate in this study.

The final report, *Canada's Response to the 2009 H1N1 Influenza Pandemic*, published in December 2010, provided 17 key recommendations to strengthen Canada's future pandemic preparedness plan. Although the H1N1 pandemic did not have the same global impact as the COVID-19 pandemic, the lessons learned are invaluable.

I would like to reiterate that it is true that scientific research on any given issue evolves over time with an ever-growing body of evidence. It is also true that there are studies that contradict each other. There are always studies that are outliers. But public health cannot afford to wait for science to evolve when delivering effective approaches to detect and manage a pandemic. They have to operationalize in an ongoing way, using the ever-growing cumulative body of evidence that provides the best information we have at the time.

This does not mean that tomorrow or next week will be the same because public health must be nimble enough to continuously update their advice.

During this pandemic, we have seen public health transform their advice repeatedly. At the outset, we were advised that masks were not necessary. However, after more evidence accumulated, we were told that they provided an important layer of protection. We have even received updated information on the types of masks we should use, depending on the circumstance.

Two years ago, we were told to disinfect surfaces because the virus could live on some surfaces for long periods of time. To protect themselves, individuals would even disinfect their groceries. As evidence built, it became clear that we should worry about aerosol transmission as opposed to fomite transmission.

This is an example of how public health works. You must make decisions based on the best available evidence at the time. It is a constant process of evidence-building and probabilities. Frankly, it is rare that we have certainty, yet we have to accept this and make important decisions.

Even now, after more than two years of this novel coronavirus circulating globally, we know that we are still accumulating more uncertainties about COVID-19 — effectiveness of vaccine boosters, length of immunity periods and the infectiousness and deadliness of Omicron and all its variants. What we do see now, though, in cumulative data is that the Omicron variant has less serious health consequences, fewer hospitalizations, fewer cases in intensive care and fewer deaths. We will continue to see updated public health advice as a result.

You may also be hearing now that the case incidence rates in regions across Canada for this sixth wave are flattening. Some say that as much as 30% of the Ontario population, for example, have had Omicron. But we know that these are all estimates because testing has not been consistent. In fact, most of us are using rapid tests now, which are not reported to public health at all.

So the pandemic of today is not the pandemic of last year. Public health officers across the country in every province and territory have been modifying their best advice in accord with changing research and data. But colleagues, there isn't yet sufficient evidence to support with overwhelming certainty that we are at the end of the pandemic, so we continue to base our decisions on the accumulation of data.

Colleagues, given these crossroads, I do believe there is something that we should add to this amendment. Thus, I would like to propose a subamendment.

As we are all aware, Canada has a Chief Public Health Officer, Dr. Theresa Tam. As the Chief Public Health Officer, she is the federal government's lead public health professional and has helped to guide us through this pandemic. Dr. Tam's role is to provide advice to the Minister of Health and the president of the Public Health Agency of Canada on health issues. She also works with other governments, jurisdictions, agencies, organizations and countries on health matters and provides an annual report to the minister on the state of public health in Canada.

Her office and responsibilities require her to be well informed on the latest health data and to provide advice on how this should be translated and operationalized in a practical manner to navigate the waters of this pandemic.

In my view, her advice to us would be invaluable.

My subamendment simply asks that as part of our data collection to inform our current decision making, we invite Dr. Tam to provide us any advice she may have on the risks and timing of the Senate's return to in-person sittings exclusively. This amendment simply ensures that before making our decision about hybrid sittings, we access the advice of the highest public health official in the country.

MOTION IN SUBAMENDMENT—VOTE DEFERRED

Hon. Judith G. Seidman: Therefore, honourable senators, in amendment, I move:

> That the motion in amendment be not now adopted, but that it be amended by:
>
> 1. adding, after point (b) in the amendment, a new point (c) as follows:
>
>   "(c) a letter from Dr. Theresa Tam, Chief Public Health Officer of Canada, outlining how the Senate sitting in person only would contravene guidelines issued by her office"; and
>
> 2. changing the designation of points (c) and (d) in the amendment to points (d) and (e).

Some Hon. Senators: Hear, hear.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Seidman, seconded by the Honourable Senator Wells:

> That the motion in amendment be not now adopted, but that it be amended by:
>
> 1. adding, after point (b) in the amendment, a new point (c) as follows:
>
>   "(c) a letter from Dr. Theresa Tam, Chief Public Health Officer of Canada, outlining how the Senate sitting in person only would contravene guidelines issued by her office"; and
>
> 2. changing the designation of points (c) and (d) in the amendment to points (d) and (e).

On debate.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I rise to add my voice to the debate on Senator Seidman's subamendment and to make some more general comments on the direction of the debate so far.

First of all, I want to thank Senator Plett for his speech, delivered with passion and conviction as we would have expected and for his suggestion for moving forward, and also Senator Seidman for your suggestion to provide another level or layer of that.

All that said, as the Government Representative, I am going to be speaking against this subamendment.

Colleagues, I want to remind us that the process that led us to this place today — or yesterday when I tabled the motion that has now been amended and subamended — was a product of serious discussion preceded by consultations and was informed by both an understanding and a reference to public health input and information, some of which, to some degree, is publicly available. Senator Seidman quite properly pointed out that science is not an exact science, if I can use it in those terms. Witness, for example, the estimations we have to make based upon waste water because we no longer have the capacity to test.

• (1650)

It's important that we understand what we do know and the limits of what we know. What was informed by the decision to propose the extension of hybrid to June 30 was to be cautious and careful out of consideration for the health and safety of senators, their families and staff. That remains — although we may disagree as to the level of risk. I think we all share that concern, as we should as responsible citizens and parliamentarians.

All groups consulted, negotiated and worked in good faith to reach a text to which I spoke today and which was moved today. I won't repeat my speech, you can be assured. The text represented an attempt to balance the needs for increased Senate time, committee time and to maintain hybrid for the remaining weeks until June 30. It is a position that was supported and is supported by three of the four groups beyond the Government Representative Office.

I'm not being ideological about this. I'm trying to be practical and I'm trying to be respectful — and have been, as I will always try to be — of the Senate and its authority ultimately to decide how it wants to organize. But I really do think it makes sense at this juncture to consider the importance of not disenfranchising senators. That's why I still believe that the motion that is put before you, which will take us until the end of June, is the best way to go.

Let us be clear, this is not government policy. The decision to introduce hybrid and to extend hybrid was a decision of the Senate. Indeed, our hybrid model was developed here in the Senate and by the Senate. The health and safety information upon which I relied to come to the conclusion was not provided by the PMO, it was provided by the Senate and the Senate Executive Committee.

If the Senate wants to return to in-person sittings, that's for the Senate to decide. We're not going to stand in the way of that. This is not our agenda item. This is what we collectively have decided up to now and I'm encouraging us to continue to do so until we rise at the end of June.

I'm going to vote against this amendment. We've spent a lot of time on this. I don't mean today, but a lot of time. It's time that we focus on what our job is whether in hybrid or not, whether in committee or in the chamber. We have work to do on legislation and on public policy issues, and I really think the time has come to do so.

Respectfully, to those who propose it, I'm going to be voting against this amendment, and I encourage others to do so as well.

Hon. Senators: Question.

The Hon. the Speaker pro tempore: Senator Housakos, a question or on debate?

Hon. Leo Housakos: Will Senator Gold take a question?

Senator Gold: Of course.

Senator Housakos: Senator Gold, let me understand this clearly. The motion was not debated at the Standing Senate Committee on Internal Economy, Budgets and Administration. This committee did not bring witnesses in terms of senior administration or other health authorities to come to a debate or a conclusion on the motion. The motion did not trickle down from the committee after discussion to caucuses for their input. The motion you tabled is a government motion. Yet you tell us this has nothing to do with the government. How do you explain that?

Senator Gold: No. What I said was that the decision to promote the idea of extending hybrid was made based upon health information that was provided to us by the Senate, not the PMO. Second, that it was a decision that was supported by the leadership of three out of the four groups, and indeed all four groups worked on the motion that was before you.

So what I'm saying to you is that this is clearly a government motion because I undertook, as I did in the past, to make sure that when there is a consensus in the Senate — as I thought there was when I tabled this motion yesterday — that I would facilitate its timely and effective debate and passage as only a government motion could do.

If our rules were different, I quite suspect that the motion might have come forward from some other hands. But if it was a reasonable motion, as I believe the motion is that I put before you, I would support it.

I hope that answers your question.

Hon. Denise Batters: Senator Gold, earlier today in your speech about hybrid sittings you were saying you really didn't want a permanent hybrid sitting situation, yet I think you let the veil slip a little bit near the end of that speech when you said that you were talking about extending to at least the end of June. What is the real answer of when you want to actually extend hybrid sittings until because you definitely said at least until the end of June.

Senator Gold: Yes, thank you for pointing that out. It struck me as I was reading it that that was not entirely what I intended.

There is no hidden agenda here. I made it clear — and I'm going to make it clear in response to your question — that the only thing that we are concerned about and should be concerned about is whether or not hybrid should be extended to June 30. It is not the position of the Government Representative Office nor is it the position of this government that this is a smokescreen for anything else.

The focus should be on whether or not, between now and when we expect to rise for the summer break, we can function in a safe and appropriate environment. That's the position of the government and that's my position. Thank you for the opportunity to clarify that.

Some Hon. Senators: Question.

Senator Batters: Also, in the remarks that you just gave, you were indicating that the health information that you provided was from the Senate and not from PMO or anything like that. Are you speaking about the health information just simply being the total number of people who have contracted COVID in the Senate and the Parliamentary Precinct over the last little while? Is that the health information you're talking about?

Wouldn't you agree, Senator Gold, that what Senator Plett and now Senator Seidman are requesting is actual health information about guidelines and opinions from the federal government about how to do in-person meetings safely? That's the kind of information that we're requesting. Senator Seidman is requesting a letter from Dr. Theresa Tam, the Chief Public Health Officer of Canada, outlining how we can do these things. That's the sort of health information we're talking about.

Is the health information you were speaking about merely just totalling up who might have COVID and whether or not it was simply a positive test but really minimal symptoms ranging from people who are fairly sick with COVID?

Senator Gold: Thank you for your question. Again, let me be clear: I was responding in the context of allegations or insinuations that somehow there was some sort of secret plan here — as Senator Housakos surmised or wondered out loud what meetings might have taken place. The answer is no.

The information on which I based my conclusion that it was appropriate to extend it — and presumably the information upon which the other senators and leaders who supported the prolongation to June — is a combination of things. It's information from the Senate about the cases in the precinct. It's evidence that is publicly available in terms of the situation not only in Ottawa or in Ontario, but in other provinces. It is information with regard to what we don't know, as I said earlier in response to Senator Seidman, that we have to guess how bad the situation actually is based upon extrapolations from waste water data because we're not testing.

It is the information that was available upon which to make a proper decision.

• (1700)

Senator Batters: Senator Gold, if you are so concerned about getting proper health information and making a prudent decision here, why wouldn't you consider the types of health information that both Senator Plett and Senator Seidman are requesting in their amendments to be exactly the kind of information you would want to see? Federal government public health guidelines and current federal government public health opinions about proper, safe ways to have in-person meetings. That should be something that you, as the government leader in the Senate, can very easily get for us.

Senator Gold: As I said earlier in my remarks or in response to a question — and forgive me if I can't recall in which context — we have spent a long time on this at the expense of focusing on the business that we were summoned here to do. I remain of the opinion that the information we have available to us is more than sufficient to justify the prolongation for a relatively brief time, for the two months set out in the motion. I think it would be a far higher and better use of our time to dispose of this issue and to prolong hybrid for the two months so that we don't spend time next week and the following week still on this issue at the expense of the work we were summoned to do.

Hon. Raymonde Saint-Germain: Senator Gold, would you agree with me that confusion has been brought to this debate with regard to the fact that Internal Economy has no say in the way the chamber will function, and that the chamber's function is within the chamber's purview?

Second, your main motion is clearly stating that the extension of hybrid sittings will go by the end of June — that is June 30, not "at least" June 30 — and also that there is a redundancy in Senator Seidman's subamendment with regard to the fact that, on Senator Plett's amendment, all opinions and guidelines from public health officials from the federal government would include, first and foremost, the advice of Dr. Theresa Tam?

Senator Gold: I agree with every point. Thank you for putting it more elegantly than I could.

Hon. Jane Cordy: Honourable senators, I have a question. Senator Gold, would you also not agree that all leaders met on Monday, Tuesday and Wednesday of this week to develop the motion that you presented yesterday? All leaders took part in the development of the motion that you presented yesterday. Three of the four leaders, yourself excluded, supported this motion that was brought forward by you to the house yesterday. And all leaders, as I said earlier, participated in the drafting of the motion that was tabled by you on behalf of all of us.

Senator Gold: That's exactly the case; thank you for that. I am grateful for the collaboration that all the leaders showed and for their willingness to compromise in crafting a motion that I believed was appropriate. Although I had no illusions that it would be embraced by the opposition, nonetheless, I assumed that we could bring it to a proper and expeditious vote after a proper debate. It is still my hope that we could do that.

Senator Cordy: Also, when I was looking at the original motion and the second motion, I got the feeling of a make-work project. It is a rainy day and you are trying to find something for your kids to do, so you tell them to check the internet and get all this information. Would you not agree that all of this information requested is readily available on the internet?

Senator Gold, I also know that we've been talking mainly about numbers in Ontario and Quebec because we're located in Ottawa, but I happened to look for the numbers for the week of April 11 to April 18 in my province of Nova Scotia, because we have to keep in mind that we are travelling. I'm not travelling from Ontario or Quebec. I'm travelling from Nova Scotia. Last week in Nova Scotia, there were 7,508 new cases. That's an average of 1,073 new cases a day, 84 hospital admissions, 64 people in the hospital and 13 deaths in the small province of Nova Scotia last week. Would you not agree that we have to be aware of not just Ontario and Quebec, but we also have to be aware of situations in the rest of the country?

Senator Gold: I certainly do agree. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): I was not going to ask questions, but when leaders start ganging up, then I at least will put something on the record.

Some Hon. Senators: Oh, oh.

Senator Plett: Keep in mind, I can regale you all for another hour and a half here because I am unlimited even in speaking to this subamendment. I would rather choose to ask Senator Gold two questions.

Senator Gold, what is your definition of consensus? That is my first question; I do have a second.

Senator Gold: Part of the tradition where I come from is to answer a question with a question, but I didn't talk about consensus at all. I talked about consultation. Is that what you are asking me, senator?

Senator Plett: I think if we listen to Hansard tomorrow, you will find that you clearly used the word "consensus" when you said you had consensus at the leadership table.

Senator Gold: Yes, thank you for reminding me of that. We had consensus at the leadership table on the text of the motion, and that is what I was referring to. I went on to say, in response to a more recent question, that I didn't expect that the motion would necessarily be positively embraced by the opposition. You made your opposition to hybrid very clear. I nonetheless believe that the appropriate thing to do for the Senate and for Canadians is to allow us to vote on the amendment that I proposed and to do so in the context of a hybrid sitting when all senators could participate.

Senator Plett: Let me ask you this question: Is there anything — and I'm not going to talk about our personal conversations — that I said, at any point, where I said I will support this motion? Did I do anything — and if I did, I would like to know what it is. I was clear from the beginning, Senator Gold, that I do not support this.

The fact is that I tried to be congenial, tried to be a team player and worked on the text, realizing that we do not have a majority in this chamber anymore. I understand that. I understand that, probably, when these things come to a vote, I may not be on the winning end of these votes. As I said to you, hope springs eternal. But the bottom line is that I understood we probably will lose the vote. Then I collaborate with you and say, if I'm going to lose the vote, let's at least have part of the text of the motion — you keep saying the text of the motion, and that's unfair. Part of the text of the motion, I was very much a part of. As a matter of fact, I would suggest that the majority of those were suggestions I made. I'm happy about that. I am happy that, should we lose the vote on this motion, at least that will be in there, because that will at least allow committees to do a better job than they have been doing until now. Not as good as they should, but a better job than they have been doing until now.

Would you not agree, Senator Gold, that is in fact what I said to you from the get-go, and that it is unfair for you to paint in this chamber as though, when three out of four leaders say, "We agree with you," that that should be the vote, we should not debate it in this chamber and we should not vote against it? Because that's what you seem to be implying.

Senator Gold: Thank you, senator, but that's not what I was implying. On the contrary, I was simply reporting that what I brought forward was the fruit of discussions among all the groups. I will also respect the confidentiality of our conversations, but I don't believe that I suggested in this chamber that I assumed you would support this. If Hansard reveals otherwise, let me apologize in advance, but I don't believe I said that.

• (1710)

I simply believe, as I've said — now I am repeating myself rather unnecessarily — we need appropriate debate. We are in the middle of the debate — and I welcome the debate — and that we should be able to reach a vote, such that this gets resolved and we can focus on the work for which we were summoned.

Senator Housakos: Honourable senators, again, I'm a little bit perturbed by the debate amongst the leadership here in this chamber, on this floor. You were very quick, Senator Gold, to agree with my friend Senator Saint-Germain about how the chamber here has authority over the Internal Economy Committee and all committees. Of course, senators pick and choose whenever the chamber has the authority to drive and guide committees.

As I said earlier in my speech, the Committee of Internal Economy is the administrative body of this chamber. I still, government leader, find it disturbing that on such an important issue that falls within their purview, they did not deal with it transparently, actively and openly, before it came up the pike here to this chamber. Ultimately, this chamber is the final authority.

The question to you, government leader, is: Why did you rush to put this motion to the Senate floor without it being appropriately debated and reviewed by the Committee of Internal Economy? Will you also agree that before the government takes any measure to reduce the capacity of this chamber to operate at 100%, its maximum capability, that you would consult the Committee of Internal Economy, the members of the Committee of Internal Economy and everyone else involved, before you move a government motion like this?

Senator Gold: Thank you for your question. It is my understanding that it is not the Committee of Internal Economy's responsibility, and therefore the Committee of Internal Economy was not consulted. In that regard, I stand by what I have said: I believe that the motion I brought forward was the product of appropriate consultation as set out in the motion to which we were bound and that it is appropriate for the Senate.

To your question about rushing, we just came off a two-week break or recess, such that we had only this sitting week to be able to resolve the issue of whether or not hybrid sittings would be prolonged. Believing, as I did and other leaders did, that it was appropriate to prolong it, I brought it forward almost at the earliest moment. In fact, I didn't give notice of it because the leadership was engaged in discussions to try to improve the motion. Out of respect and gratitude for that process, I waited a day to give notice and then gave notice of a text to which three leaders agreed with completely, and one, according to Senator Plett, agreed with only partially.

Senator Housakos: Again, with all due respect, government leader, the Committee of Internal Economy can meet at any time, as you know. If this issue was as important as it is, why would you wait until the last moment to get this done? Again, with all due respect, on decisions of this nature — which are very important decisions — I, for one, do not believe they should be taken in a vacuum by a bunch of leaders on this floor. These are decisions that impact this institution and should respect the protocol in terms of administrative protocol. The Committee of Internal Economy had authority to meet even while we were on a break, had the authority review this in an appropriate fashion and report to this chamber with a course of action that we could have dealt with accordingly.

Senator Gold: I think I have answered the question. I really have nothing else to add to the answer I have provided.

Some Hon. Senators: Question.

Hon. Frances Lankin: I have a couple of different points that I want to raise questions on. May I start with understanding in terms of what I've heard around the process?

There are some elements of the motion that you moved that actually contain the beginning of a plan for transition, in terms of increasing hours of Senate committees. I've heard that Senator Plett contributed to that thinking and I want to say I appreciate that. I think setting out some kind of transition and helping us understand and boosting our opportunity to do really important work, as we see the Budget Implementation Act and other things coming through, is important.

Is that, in fact, the only area of discussion that there was either agreement by some and opposition by the other? Or was there, in fact, also agreement which usually happens in leaders' meetings to the process that will follow that this would be tabled, it would be called at a certain point in time, that there would be a vote, maybe standing, maybe on division? I do not understand. Normally these agreements are accompanied by a process agreement as well.

Senator Gold: Again, in an attempt to respect the confidentiality of the agreement — thank you for your question — no, we brought this forward. I tabled the motion without any agreement as such for exactly how the debate would be structured or what people would say in debate. I had no knowledge of amendments or tactics.

Senator Lankin: I am also interested, Your Honour, in the question of transition. Because I don't think it is just about getting more committees going. For example, one of the things that could be considered — in speaking with someone from the House of Commons, indicating that their particular caucus was returning to in-person sittings, with the exception of people who had health challenges; for example, someone who had a compromised immune system because they had been receiving treatment for cancer, let's say. It would be recognized that there is a wise public health protection provision to allow them to continue to work and be productive and increase productivity or continue productivity, but to allow them to work remotely.

In a transition, when you come forward after June, you would have to — have there been discussions or would you undertake to lead discussions with the other leaders about provisions such as that? Under what circumstances could some individuals continue — where it is warranted — to work remotely and therefore not be docked in terms of attendance and participation or criticized because they are working from their home but nonetheless working?

Senator Gold: Thank you for the question. I know that there is an interest in many quarters for having a discussion about the future beyond the end of June, and I respect that. But that has not been the focus of these discussions. It wasn't the focus of the consultations or the negotiations. It was very much focused on how we can address the health and safety and working needs of the Senate between now and when we expect to rise by the end of June. Colleagues, even the less experienced of us in this chamber know how intense the months of May and June can be.

It was always the view of many groups to extend until June. We extended only to the end of March as a compromise with those groups who were diffident about it, but it remains the case that we have and we will have important work to do for which we need the full participation of all senators. We recognize this will also require active and serious participation by committees.

It was in that spirit, focused really only on getting through this period that we were focused on. I would welcome anyone, any senator or group of senators, taking the lead in the conversation. We'd be happy to participate in that. We would be happy, if the Senate so wishes, to seek advice from the Committee of Internal Economy in that regard, but we are here to be the servants of the Senate. I say that humbly but sincerely. Our focus has been very narrow, perhaps too narrow for some, but we thought appropriately narrow to simply get us through what we expect to be a challenging, intensive and, I hope, productive legislative session.

Senator Lankin: Thank you. I will make this my last question, Senator Gold. I have to say that I was very attentively listening to the arguments that were made. I actually feel it was so refreshing compared to the speeches that I heard at the end of March on this same kind of motion, a much more serious tone, much less just taking shots and digs and whatever.

• (1720)

I listened and it is a reasonable approach that is being suggested. It would have been nice had it been suggested and discussed before we were here in the Senate Chamber so that we could look at what other kinds of options might be needed.

Specifically, I want to ask you about your reference to hybrid in the future. You know that there are senators who think that for reasons of innovation, technology or carbon footprint, there is a debate. I agree with you that that is not the debate today.

But I want to make sure that you are not precluding that with anything we decide today, one way or the other, on the motion that is the amended motion or this, that that's in the future.

Second, I want to say that if we are looking at transition plans, I want to see a transition plan — which can't be accomplished by the motions today, unfortunately — that takes into account those senators over the course of the next two months who are not in a position to be able to return yet, but who are able to contribute and to continue working.

While I thought I was actually going to support Senator Plett's amendment, and I have no objection following on that with Senator Seidman, I find that it falls short in terms of addressing those particular colleagues, and not just senators.

I know of people in the staff who would benefit from having clarity about how they continue to work and not put themselves at risk when they have, themselves, an immune-compromised situation. Had that been done, I think you would have kept me with you on your side. But maybe that's something, between now until the end of June, that we could work on.

Senator Gold: I understood the question.

As the government representative, we are always open to working with other senators — leadership and senators — to advance the ability of the Senate to do its work in an effective way, and in a way that is mindful of the challenges that people face when unable, for health reasons, to be here. So we would be open to participating in that. It is not ours to lead. But we would work happily with those individuals at the appropriate time, if that's the will of the Senate.

My door is open. My mind is open. But my mind is convinced that this subamendment is not necessary and, in fact, I'm going to vote against it.

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

Some Hon. Senators: Question.

The Hon. the Speaker pro tempore: If you are opposed to the motion, please say "no."

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Those in favour of the motion and who are in the Senate Chamber will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion and who are in the Senate Chamber will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the nays have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: The vote will occur at the next sitting.

BILL RESPECTING REGULATORY MODERNIZATION

CERTAIN COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER

On the Order:

> Resuming debate on the motion of the Honourable Senator Gagné, seconded by the Honourable Senator LaBoucane-Benson:
>
> 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.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CUSTOMS ACT
PRECLEARANCE ACT, 2016

BILL TO AMEND—SECOND READING—DEBATE

Hon. Gwen Boniface moved second reading of Bill S-7, An Act to amend the Customs Act and the Preclearance Act, 2016.

She said: Honourable senators, I rise today to begin second reading on Bill S-7, An Act to amend the Customs Act and the Preclearance Act, 2016, regarding the examination of personal digital devices at the border.

The mandate of the Canada Border Services Agency, or CBSA, is first and foremost to protect national security and public safety at Canada’s borders while facilitating the legitimate flow of persons and goods. This mandate is carried out in accordance with CBSA program legislation.

Personal digital device examinations are conducted sparingly and selectively. However, these examinations have a high success — or resultant rate — of uncovering regulatory contraventions.

In 2021, the CBSA processed just under 19 million travellers and conducted approximately 1,800 personal digital device examinations. This represented an examination rate of less than 0.01% or around 1 in every 10,000 travellers.

However, over 27% of the approximately 1,800 examinations of personal digital devices uncovered a regulatory contravention. This ranged from the discovery of prohibited goods posing a threat to public safety, including child pornography and other obscenities, to evidence of undervalued and undeclared goods.

This statistic is significant and demonstrates the means of identifying indicators delivering a very good outcome.

Regarding child pornography in particular, personal digital devices are now the primary method of importation of this prohibited material. As we all know, senators, child pornography is not just about pictures, it is about victims — child victims.

In 2019, the WeProtect Global Alliance reported 18.4 million referrals of child sexual abuse material were made to the National Center for Missing and Exploited Children.

Europol reported that over 46 million unique images or videos related to child sexual abuse existed in its repository.

The screening and examination of people and goods at the border, including the examination of personal digital devices, are fundamental to maintaining border integrity and protecting the health, safety and security of everyone in Canada.

• (1730)

CBSA officers, whose day-to-day activities will be impacted by the proposed amendments in Bill S-7, are authorized to examine all goods crossing Canada’s border, to execute the agency’s mandate and to ensure harmful goods are intercepted before they can enter our communities. The CBSA derives these authorities from the Customs Act and also screens for compliance with other statutes, such as the Immigration and Refugee Protection Act, the Special Import Measures Act and numerous others defined as “program legislation” under the CBSA Act.

This mandate includes assessing value for goods; collecting any duty and taxes owed; and intercepting any prohibited, controlled or regulated goods. Courts have long upheld these authorities — the rights of a sovereign state to control what enters its borders and the lower expectation of privacy at the border.

However, CBSA's long-established authorities to examine imported goods have come under greater scrutiny in recent years. This scrutiny is directed at personal digital devices, such as smartphones, laptops and the like, given the exceptional capacity for storage they now have and the degree of personal information they now contain, compared to what would have been purses and baggage.

So, senators, how does this relate to Bill S-7?

In October 2020, the Court of Appeal of Alberta ruled in the cases of *R. v. Canfield* and *R. v. Townsend* that the examination of the content of personal digital devices by CBSA officers under paragraph 99(1)(a) of the Customs Act was unconstitutional under the Canadian Charter of Rights and Freedoms, as no limits were imposed on these examinations. In both those cases, it involved the importation of child pornography on digital devices.

The prevailing authority on border searches dates back to the 1988 Supreme Court case *R. v. Simmons*, but it is an important backdrop to understand where CBSA finds itself today. At the time, the court in *Simmons* recognized that the degree of personal privacy reasonably expected by individuals at the border is lower than in other situations. Three types of border searches were identified with an increasing expectation of privacy.

The first was routine questioning, something that every traveller goes through at a point of entry, which can be accompanied by a search of baggage and/or a frisk of outer clothing. I'm sure most of us have been through this routine process. The second was a strip or skin search, which is conducted in a private room. The third is a body-cavity search, usually looking for drugs, obviously the most intrusive, with the utmost expectation of privacy. Of course, with each added layer of search, the justification must be greater to ensure its constitutionality.

As indicated in *Simmons*, the first search, that of routine questioning with a potential baggage search or frisk, is the least intrusive type of search and does not raise constitutionality flags under section 8 of the Charter. As a reminder, section 8 reads, "Everyone has the right to be secure against unreasonable search or seizure."

That is because of the lower degree of personal privacy at the border, as per paragraph 49 of *Simmons*, which reads as follows:

> . . . the degree of personal privacy reasonably expected at customs is lower than in most other situations. People do not expect to be able to cross international borders free from scrutiny. It is commonly accepted that sovereign states have the right to control both who and what enters their boundaries. For the general welfare of the nation the state is expected to perform this role. Without the ability to establish that all persons who seek to cross its borders and their goods are legally entitled to enter the country, the state would be precluded from performing this crucially important function. Consequently, travellers seeking to cross national boundaries fully expect to be subject to a screening process. . . .

As the court notes, searches at the border are unique by having to find the balance between privacy rights and public safety, which emphasizes public safety over privacy, especially at the first level of searches defined in *Simmons*.

So now that we know that, based on the prevailing jurisprudence of *Simmons*, there are three levels of searches in a border context, and that the first level of searches does not engage Charter rights under section 8, then why do we have this bill before us?

Senators, the issue is with the term "goods" found in paragraph 99(1)(a) of the Customs Act. This subsection reads:

> **99 (1)** An officer may
>
> **(a)** at any time up to the time of release, examine any goods that have been imported and open or cause to be opened any package or container of imported goods and take samples of imported goods in reasonable amounts;

Senators will notice that this paragraph authorizes border officers to examine any goods but omits any kind of legal threshold to be able to do so. By comparison, paragraph (b) of the same subsection requires "reasonable grounds" to open a piece of mail.

The definition of "goods" can be found in subsection 2(1) of the Customs Act and "includes conveyances, animals and any document in any form." In the border context, "goods" has been interpreted to include electronic documents that can be found on a personal device, such as a laptop, cellphone or tablet. You can see the Saskatchewan Court of Appeal case of *R. v. Bialski* and the Ontario Superior Court of Justice case of *R. v. Moroz* for those interpretations.

This information leads to our constitutional quandary. The Customs Act's definition of "goods" and its application to subsection 99(1)(a) allow a border officer to search personal digital devices with no legal threshold to do so and with no constitutional remedy, as the first category of searches described in *Simmons*, of which this category applies to "goods," do not engage section 8 of the Charter.

But more than this, technological advancements have changed drastically since the *Simmons* ruling in 1988. Digital devices have the ability to hold an exorbitant number of documents in electronic form — something that could not have been taken into consideration in the year of the Supreme Court ruling in *Simmons*. Back in 1988, the types of documents that could be searched were physical and in the person's possession at the time of the border encounter, such as a briefcase, a purse or another form of baggage. It makes sense that these types of documents were able to be checked without breaching section 8 of the Charter through what would be deemed a normal search.

But, senators, as we all know, times have changed.

Nowadays, and especially in the new millennium, electronic devices are the norm. Most people in Canada have a digital device, and most people travel with a digital device. Those tools now hold an abundance of information, including some very personal information. You are able to create photo albums and music playlists or unlock your front door from thousands of kilometres away with the simple touch of a button. You can bank remotely and pay for your groceries without ever using a physical debit or credit card. These devices have all our likes and dislikes, our connections and our calendars. They hold the keys to our most personal and private information, and the law currently allows for customs officers to search it without a threshold and without Charter protection.

As you all know, honourable senators, the doctrine of legal precedent is fundamental to our legal system. The Supreme Court of Canada is the final arbiter of intervention, so when they make a ruling, as they did in *Simmons*, that ruling stands. But that doesn't mean that Supreme Court rulings cannot be revisited. As was stated in the 2015 *Carter v. Canada (Attorney General)* case, ". . . *stare decisis* is not a straitjacket that condemns the law to stasis."

Trial courts can reconsider higher court rulings, including the Supreme Court, in a couple of circumstances: The first is if a new legal issue is raised, and second — important to the situation here — is when there is a change in circumstances or evidence that fundamentally shifts the parameters of the debate.

Senators, the advancement of technology between *Simmons* in 1988 and *Canfield* last year are substantial. The Court of Appeal of Alberta recognized that the change in advancements "fundamentally shifts the parameters of the debate," which allows for the revisitation of the Supreme Court ruling in *Simmons*.

It is for these reasons that the Court of Appeal of Alberta found subsection 99(1)(a) to be unconstitutional, despite the 1988 precedent-setting case.

• (1740)

The court declined to declare an acceptable specific threshold in order to examine personal digital devices. It instead acknowledged that something lower than reasonable grounds to suspect may be more appropriate for the border context.

In paragraph 75 of the *Canfield* decision, the court states:

> Whether the appropriate threshold is reasonable suspicion, or something less than that having regard to the unique nature of the border, will have to be decided by Parliament and fleshed out in other cases.

The court continues in paragraph 112:

> We are mindful that protecting the privacy interest in an individual's personal electronic devices while recognizing the need for effective border security will involve a complex and delicate balancing process. It will be up to Parliament, should it choose to do so, to devise a new approach that imposes reasonable limits on the ability to conduct such searches at the border.

The Court of Appeal of Alberta ruled that a declaration of constitutional invalidity of one year was appropriate for the government to craft a solution to this unconstitutional provision. The Government of Canada did apply for an appeal with the Supreme Court of Canada following this Alberta ruling, but it was subsequently dismissed.

As outlined in paragraph 112 of the ruling, the government did so choose to devise a new or novel approach to strike a balance between privacy and personal digital devices and border security.

The Government of Canada is proposing a bill to strengthen the current legislation governing the examination of personal digital devices by both CBSA officers and the United States Customs and Border Protection officers who conduct pre-clearance here in Canada. This bill will create standards that must be met before a traveller's device can be examined. It proposes legislative changes that include these three measures: first, establishing a new threshold for the initiation of a personal digital device examination that requires reasonable general concern, and I will expand on that shortly; second, creating an authority to examine documents on personal digital devices in the Customs Act and the Preclearance Act, which is required to differentiate these devices from other goods, including commercially imported or exported digital devices; and, finally, requiring specific-purpose limitations that formally restrict examinations of personal digital devices to regulatory border-related examinations.

The key component of the bill is the new examination authority under section 99.1 of the Customs Act. This section details the requirement of a reasonable general concern before a designated border officer may examine documents on a traveller's personal digital device to determine if the device contains contraband or evidence of a contravention of border laws regarding the importation of goods. Certain border officers, or a class of border officers, would be designated by the president of the CBSA under subsection 99.01(2) of Bill S-7 to conduct such examinations.

Similarly, the Preclearance Act currently authorizes U.S. pre-clearance officers to conduct no threshold examinations of goods bound for the United States. Pre-clearance refers to the arrangement between two countries allowing customs and immigration officials from the country of designation to be located within the country of origin to determine admissibility of travellers or goods to the designated country. We all know the U.S. has been conducting pre-clearance at Canadian borders since 1952 under various arrangements, and this program is currently in place at Canada's eight largest airports.

The Agreement on Land, Rail, Marine, and Air Transport Preclearance Between the Government of Canada and the Government of the United States of America is the current treaty for pre-clearance with the United States. The Preclearance Act implements the provisions negotiated in the agreement into Canadian law.

For the purposes of the Preclearance Act, "goods" include currency and monetary instruments, animals, plants and their products, conveyances, and any document in any form. At the direction of a pre-clearance officer, travellers must present, open or unpack any goods in their possession.

Furthermore, all powers exercised by U.S. pre-clearance officers must be in accordance with Canadian law, including the Canadian Charter of Rights and Freedoms.

Given that the existing pre-clearance examination authorities are similar to those contained in the Customs Act as it currently reads, the proposed amendments to the Preclearance Act would continue to align pre-clearance examination authorities with those that apply to our CBSA officers. Namely, they would also require a reasonable general concern to examine personal digital devices during pre-clearance. Amendments to the Preclearance Act would ensure that U.S. pre-clearance officers working in Canada are bound by the same standards that apply to CBSA officers and honour our Charter.

Other pre-clearance changes would include a new authority for the Governor-in-Council to create regulations guiding the conduct of personal digital device examinations and a new authority for the Minister of Public Safety to issue directions.

Generally speaking, the changes will establish procedures that U.S. pre-clearance officers must follow when examining and searching documents on a traveller's personal digital device, and requirements for detaining and transferring the device as applicable.

The proposed bill will provide a renewed legal foundation under which both CBSA and U.S. pre-clearance officers can lawfully conduct these examinations. This will preserve the ability of CBSA and pre-clearance officers to effectively identify contraventions of the program legislation and to intercept contraband while offering privacy protections to travellers in accordance with Canadian law.

To clarify, examinations of personal digital devices under these authorities must be conducted for regulatory purposes consistent with routine border processing. The purpose of such examinations is to ensure compliance with various regulatory rules that govern the import and export of goods under border legislation.

As is the case with physical goods, in rare circumstances where the officers conducting regulatory examinations discover what may be evidence of a criminal offence, that evidence may be provided to local law enforcement authorities who may then conduct their own criminal investigation and consider possible criminal charges.

With respect to the proposed changes to the legislative examination authority, while an established higher threshold, such as reasonable grounds to suspect, was considered, this threshold is used in limited contexts in border processing and was deemed to be inappropriate for these types of examinations.

Further, the new reasonable general concern threshold ensures that officers need not identify a specific suspected contravention prior to beginning an examination. In the border context, there may be a difficulty identifying specific contraventions given CBSA officers have short interactions with travellers and limited access to information.

Border officers gather additional information through their interactions with travellers, including baggage examinations and routine questionings. Through these interactions, officers may develop concerns resulting from the presence of indicators potentially signalling non-compliance with border legislation. Indicators of non-compliance may be behavioural in nature but do not point to a specific identifiable regulatory contravention.

These types of indicators are well recognized by officers who are trained in identifying them. The higher threshold of reasonable grounds to suspect was concluded to be too onerous for personal devices, and the difficulty of meeting the reasonable grounds to suspect threshold for cases involving personal digital devices could lead to an overall weakened border control and a likely decrease in the interception of prohibited materials, such as child pornography.

• (1750)

After careful consideration, as well as consultation with key stakeholders, a new threshold was developed that actively responds to the court's ruling of unconstitutionality while balancing traveller privacy and operational enforcement priorities.

As I've mentioned, the threshold of "reasonable grounds to suspect" is currently required under the Customs Act in order to initiate non-routine searches such as the personal search I referred to, either skin or strip search. As this is a more invasive exam, and beyond what is considered routine exams, it would require the higher "reasonable grounds to suspect" threshold, and it would have to be satisfied.

This new threshold of reasonable general concern requires that concerns be individualized to the traveller's personal digital device at the time of border crossing; however, it does not require a specified suspected contravention to be identified.

The threshold has been tailored to respond to the unique border context where courts have long upheld that travellers have reduced expectation of privacy. It is meant to require a lower degree of concern as compared to the reasonable grounds to suspect. At the same time, the reasonable general concern threshold requires indicators to be objective and factually grounded. This will ensure that CBSA officers' conduct is subject to meaningful review.

This is a novel approach only in that this new legislation threshold does not currently exist in Canadian statute. For the first time, and after careful deliberation and analysis, a new

threshold for personal digital device has been constructed to respond specifically to the unique border context. It is a unique threshold for personal digital device examinations only. It requires that the officer have reasonable and objective concerns related to a specific location — the border — and a specific person — the traveller. To emphasize, currently the Customs Act has no threshold for personal digital device searches, but Bill S-7 seeks to implement one.

Honourable senators, it being said that there is no legislated threshold on personal digital device searches does not mean that our border officers have been operating in an unconstitutional way. The CBSA is very aware of privacy rights and the effects that searches may have on those rights. The CBSA has used their own internal policies to guide searches of devices for quite some time as they relate to goods as defined in the Customs Act.

Bill S-7 is seeking to legislate those internal operational practices and policies that the CBSA has already been using but under a new section specifically tailored to documents on personal digital devices. This new section does not detract from the powers of the CBSA to search personal digital devices under their own internal policies. It simply legislates what they have already been doing.

For instance, the most up-to-date version of the policy from 2019 indicates that:

> An examination of a traveller's digital device should occur only if there is a multiplicity of indicators suggesting evidence of a contravention of CBSA program legislation may be found on the device.

An "indicator," for the purpose of CBSA policy, is:

> . . . a single piece of information, trend, abnormality, or inconsistency that when added to other information or data raises a concern to an officer about the threat presented by a traveller or shipment. It is possible that over the course of an interaction with a traveller, a single, substantial, and articulable indicator observed by a CBSA officer may be sufficient to justify the examination of a traveller's digital device.

It is these indicators that would give a border officer a reasonable general concern that there has been a regulatory contravention. Again, these indicators are general in nature and don't have to point to a specific contravention, but clearly the CBSA has been operating in a fashion that is being considered legislatively. They already conduct their searches with the same alacrity as was found in Bill S-7.

The CBSA policy also clarifies when a personal digital device can be searched. It emphasizes that the examination of the device should not be construed as a matter of course, that CBSA officers can't examine digital devices with the sole or primary purpose of looking for evidence of a criminal offence and that examinations of a personal digital device must be performed with a clear link to administering and enforcing the CBSA program legislation.

To ensure that the actions taken by border officers in generating a multiplicity of indicators warranting a search of the device, comprehensive note-taking requirements are mandated, even if the search does not have a result. These note-taking requirements are necessary to assist border officers in being able to articulate the steps of a digital device examination for the purpose of their legislation, to serve as evidence should legal proceedings arise, to hold the officers and the CBSA at large to account should allegations of misconduct arise through complaints and, finally, to serve as a record of the use of statutory authorities to officers.

As for the types of information that should be tracked in the note-taking process, examples include but are not limited to indicators observed by the border officer, the rationale for the personal digital device examination, the type and description of the device, the steps taken to disable network connectivity, the date and time as it appears on the device, the local date and time, duration of the examination, areas and items examined on the device, the rationale for examining each type of data — for example, photos or documents — the traveller's demeanour and relevant communications with the traveller with respect to the device and its contents, who was involved in the examination and how the examination was performed.

Now, a question came up with respect to passwords. As for device passwords, there's a two-step process if evidence or prohibited content is found. The first step is to write the numeric or alphanumeric password on a piece of paper. Biometrics-enabled passes, such as fingerprint or face scans, should be avoided, as any device with biometrics-enabled pass normally also has a numeric or alphanumeric password. If the examination is non-resultant, the piece of paper is handed back to the traveller seeking entry into Canada and isn't officially recorded in the note taking. If evidence or prohibited content is found, this password would then be officially recorded as part of the note taking for further steps.

As was mentioned, personal digital devices can only be searched with the network connectivity turned off, limiting the search to what can be found on the device only and not what would be in the cloud. Border officers are not allowed to access any data that is stored remotely.

Honourable senators, this is how the Canadian Border Services Agency operates now through internal mechanisms. The examinations are limited to content of concern related to the program legislation and only to areas of the device and data directly related to indicators or concerns identified by the border officer during the interaction with the traveller.

The reasons for an examination have to be clearly articulated, and diligent note taking is a must. There is also a reporting requirement to CBSA headquarters for all examinations of personal digital devices which tracks the number of examinations, their dates and at which port of entry they occurred.

Creating a new threshold for personal digital device examinations in Bill S-7 won't alter the border security landscape too much for those officers who are at the border. They are currently operating with restrictions in place without any legislative necessity to do so.

The CBSA has already taken upon itself to put into place proper safeguards to balance the protection of privacy of those entering Canada with the protection and security of Canada, and the court in *R. v. Canfield* has acknowledged their efforts. I am confident that their transition to this legislated regime could be seamless.

Though the court's ruling was only applicable to CBSA officers in the province of Alberta, these legislative amendments will mean that all CBSA officers and U.S. pre-clearance officers operating in Canada must meet the reasonable general concern threshold in order to initiate an exam of personal digital devices.

Bill S-7 is even more timely, considering that the Ontario Superior Court of Justice also ruled that subsection 99(1)(a) was unconstitutional in a duo of cases, *R. v. Pike* and *R. v. Scott*, just last week. These cases are similar to *Canfield* in that they involve the importation of child pornography.

The Ontario court decided that its ruling would be coextensive with *Canfield*, meaning that its suspension of constitutional invalidity would expire on the same day as Alberta's.

This reasonable general concern examination authority includes specific purpose limitations, ensuring that the examination must be regulatory in nature and will be limited to what is stored on the device at the time of the border crossing.

The Hon. the Speaker pro tempore: Honourable senators, it is now six o'clock. Pursuant to rule 3-3(1) and the orders adopted on November 25, 2021, and March 31, 2022, I am obliged to leave the chair until seven o'clock unless there is leave that the sitting continue. If you wish the sitting to be suspended, say, "suspend."

I hear, "suspend." We resume at seven.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boniface, seconded by the Honourable Senator Gold, P.C., for the second reading of Bill S-7, An Act to amend the Customs Act and the Preclearance Act, 2016.

Hon. Gwen Boniface: Honourable senators, this reasonable general concern examination authority includes specific purpose limitations, ensuring that the examination must be regulatory in nature, and will be limited to what is stored on a device at the time of border crossing. Of equal importance, however, is that the officer's concerns must be reasonable, insofar as they can be objectively identified and meaningfully reviewed, akin to what CBSA is already doing.

This, combined with new legally binding controls to be included in regulations, would guide the conduct of the examination. These controls are intended to create the appropriate limits on the examination and would include specific note-taking requirements and restrictions around accessing documents stored only on the device itself, and not on "the cloud." Again, that is something the CBSA is already doing internally.

Colleagues, in a world of ubiquitous smartphones and constantly evolving hand-held technology, this legislative change is necessary to maintain the integrity of our border and keep Canadians safe, while demonstrating the ongoing commitment to respecting traveller privacy. While, yes, this is a novel approach, it is one that has been carefully developed, having regard to the uniqueness of both personal digital devices and the border regulatory context.

As with many legislative amendments, it is likely that there will be other challenges in charting this new ground. That said, the approach laid out for this bill responds to the legal concerns the court identified in *Canfield*, and now the Ontario cases, and preserves operational integrity for the CBSA, which should be vitally important to all Canadians.

The changes in this bill will ensure that the CBSA continues to fulfill its mandate to protect and secure Canada's borders, while at the same time respecting the privacy rights of travellers. It will also align the examination authorities of CBSA officers and U.S. pre-clearance officers, both of which are subject to the Canadian Charter of Rights and Freedoms. In my view, it is a necessary and measured balance between privacy and security.

Practically speaking, what do you think these amendments mean for the average traveller? Frankly, colleagues, I don't think we will notice much of a difference in processing when we return to Canada from our voyages. As mentioned, much of what is being legislated in Bill S-7 is already being done. This bill isn't creating substantial new authorities for CBSA officers. It is, in fact, limiting those authorities found to be unconstitutional, authorities which the CBSA itself has already limited in its internal policies and operations for inbound travellers. But don't misconstrue this bill as being any less important because of this.

Senators, the suspension of constitutional invalidity was originally for one year only, which put us to last October. The government applied for, and received, a six-month extension on that suspension. The extension is now set to expire today as the court refused a further extension. Beginning tomorrow, we will have two regimes in this country. Alberta and Ontario will be required to use subsection 99(1)(e) of the Customs Act, which obligates border officers to suspect on reasonable grounds that a contravention has occurred to examine personal digital devices, while everywhere else in the country can continue to use subsection 99(1)(a) as they have since the *Simmons* ruling. The higher bar of reasonable grounds to suspect is detrimental to the mandate of our border officers and detrimental to the public safety of our nation. Suspicion on reasonable grounds is harder to determine than using a multiplicity of indicators pointing to a contravention, which border officers currently use.

It is imperative that we take this incongruity seriously in the meantime. I implore you, colleagues, not as the sponsor of this bill, but someone who was involved in law enforcement for a long time, to prioritize Bill S-7 for our consideration. We can't let this incongruity stand for a day longer than necessary for two reasons. First, training modules can't occur for CBSA officers until the finalized version, and the finalized wording, of the bill passes through Parliament. Second, and most importantly, each day that passes from here on out can be used by those actors seeking to import obscene materials, such as child pornography, into Canada. Starting tomorrow, it will be much easier to do so through Alberta and Ontario. Because of this, let's be prudent, let's be efficient, but let's also be critical because this bill is seeking to implement a new evidentiary threshold for our ports of entry.

And let us ensure that we consider this bill, keeping in mind what is good for our borders and what is good for our communities.

Thank you. *Meegwetch*.

The Hon. the Speaker pro tempore: Senator Boniface, quite a few senators want to ask questions. Will you take questions?

Senator Boniface: Yes, of course.

Hon. Bev Busson: Thank you, Senator Boniface. I understand the reasoning for the threshold that Bill S-7 seeks to create, but I am worried that implementing this new threshold will have a negative operational impact on the important work that our border officers and the United States pre-clearance officers do on a regular basis to protect our borders and, by association, all Canadians. As you mentioned in your speech, the border is unique, with its own privacy implications and thresholds that are generally lower than in most other places. But it worries me that this bill will create difficulties for border officers to search questionable personal digital devices, thus making it harder to find obscene materials and child pornography and, at the same time, easier for this unspeakable material to enter Canada. Can you assure me that the creation of this threshold will not negatively impact the operations and efficiency of our border officers?

Senator Boniface: Thank you, Senator Busson, for the question. Let me also say that, as someone who shared a career with you, these concerns were mine as well when I first looked at the bill.

What know as a result of the *Canfield* decision in Alberta that the court has left the CBSA with the options of creating something less than the threshold that they are living with now, which is actually a higher threshold in Alberta and Ontario, which I spoke about.

For CBSA, I think it is an obligation on which they have little choice, and I think they have shown to be particularly adept at shifting and moving into what will be this legislative model. They've also started to think particularly about how they will do their training. I think all of that convinces me, and I'm certainly convinced from our discussions with them — I hope the committee feels the same way — that they are prepared for the shift and that it will be very much a reflection of the policy that they've been working under since 2019.

Hon. Tony Dean: Senator Boniface, thank you for taking on the sponsorship of the bill. You are not unoccupied as it is already, and we appreciate your taking on the sponsorship.

I note that the proposed amendments to the Customs Act and the Preclearance Act will be accompanied by regulatory changes, and we all know from experience that those regulations can lag behind the legislation or the amendments themselves, and we often have to confront this. I suspect we will have to confront it in this case.

What you can tell us about whether there will be some delay? And could I ask — and I'm not doing this on my own behalf but on behalf of all senators here — that you communicate to the minister that the narrower that gap, the better for everybody concerned and, indeed, the stakeholders and those who will be affected by the amendments?

Senator Boniface: Thank you for the question. From the briefings I've had with CBSA, they are working on the regulations already. They are very aware that the regulations and the legislation will best serve the officers and the community as they move forward in having them as closely aligned as possible. That was a question raised during the briefing by one of our colleagues, and he was reassured that is, in fact, their goal. As you know, and as you said, regulations tend to drag. I think they are very cognizant of that. I will reiterate that back to Canada Border Services Agency. I expect our colleagues on the committee to which this is referred will be looking for that level of reassurance as well.

• (1910)

Hon. Paula Simons: Thank you, Senator Boniface, for taking my question. I have a concern on a civil liberties perspective of the creation of a novel test of "reasonable general concern" because there is no precedent for this in Canadian law. There is no definition of what this means in Canadian law. Under the Customs Act, in order to look at old-fashioned paper mail, an officer must suspect on reasonable grounds. In the Immigration and Refugee Protection Act, an enhanced search only comes if the officer believes on reasonable grounds, and the court in the *Canfield* case suggested a test of reasonable suspicion.

I am perplexed as to why the government felt it necessary to create a completely new standard of reasonable general concern which has no precedent in Canadian law; as I understand it, there is no precedent anywhere in the Commonwealth. I'm worried that might open the door for searches that are more aggressive than they were under the regime of regulations that border agents were using beforehand.

The Hon. the Speaker pro tempore: Senator Boniface, you have 20 seconds left. Do you wish to ask for five minutes more? We have five more senators who want to ask questions.

Senator Boniface: May I have five more minutes if the chamber permits?

The Hon. the Speaker pro tempore: Honourable senators, are we agreed?

Hon. Senators: Agreed.

Senator Boniface: Thank you for the question, Senator Simons. How *Canfield* was interpreted — and I hope I spoke clearly on it — was that the court recognized there would be something between what would be the routine check and the reasonable grounds. I will send you the paragraph number to be clear.

Senator Simons: I have it in front of me. That's okay.

Senator Boniface: They said it would be somewhere in between. It is novel. However, when you refer to other countries, let me also say that in the United States, in the United Kingdom and in Australia, the threshold is actually lower than what Canada is putting in here in its place. When we compare this to some of our like jurisdictions, this is actually a higher standard than exists in other jurisdictions.

That is an important question and that is why I said at the end of my speech that the committee that has the privilege to look at this bill needs to ask these questions. It is a unique circumstance at the border. Devices are unique in terms of the time frame that border officers have to look at them and to make their decisions. I think how they built in some of the accountability for officers is an important mechanism that helps us flesh it out. There is no doubt that the courts will have to look at this at some point; it will be challenged, and they will have to look at it. I am extremely hopeful that we will be in a position where we recognize the balance that must be taken in this case. I encourage those at the committee that sees this to make sure you ask those questions.

Hon. Yuen Pau Woo: Thank you, Senator Boniface. You just said that the standard used is higher than that used in the United States. That raises the question of the pre-clearance agreements that we have with the Americans and the changes to pre-clearance that will be affected by this bill. Is there a need to negotiate with the Americans for this to happen?

Senator Boniface: Thank you for the question, Senator Woo. The discussions with the U.S. government have already taken place. They already understand. Of course, because they operate in our state, in Canada, they already have to conform to the Charter of Rights and Freedoms. Consequently, they are well versed on this already and are prepared to move forward.

Hon. Ratna Omidvar: Thank you, Senator Boniface, for your deep deconstruction of this bill. I appreciate that.

I may not have heard you correctly, but when you spoke of the new thresholds that this bill is bringing into play, I think I heard you say, "behaviour." This is where I want to ask you a question, because assessment of behaviour is hugely subjective. How can we contract CBSA officers to appropriately judge behaviour and whether or not that is an expression of real concern or an expression of some mental health condition or other physical condition? I need clarity there.

Senator Boniface: They have such a unique role and they have such a short interaction. In fact, this is what they do every day. This is how they are trained. With every person they meet, they are making an assessment of what that interaction means and what the indicators are.

As they move on issues regarding personal devices, they would be sent to secondary for that examination to take place. You would have the interaction of more than one person as well. But this is what customs officers do every day. They make those assessments based on the questions they ask and based on the types of behavioural things that they observe. Like the rest of people in those fields, they are tested on their accuracy. I just want to draw to your attention, again on the personal devices — what we would call the hit rate — the fact that 27% of them are actually finding contraband on those, which tells me that they are actually doing quite well when you compare it to any other area of work like that. They are very focused and looking for the right stuff.

The Hon. the Speaker pro tempore: We are out of time, but we still have four senators who wish to ask questions. Senator Boniface, are you asking for five more minutes?

Senator Boniface: I am happy to continue answering questions if the chamber is agreed.

The Hon. the Speaker pro tempore: Honourable senators, are we agreed?

Hon. Senators: Agreed.

Hon. Colin Deacon: Thank you, Senator Boniface, for your leadership on this. Finding the balance on this is something where your judgment and experience are really important. Regarding the challenge of getting it right, what came to mind was Bishop Lahey. He had negotiated a settlement for the sexual abuse victims in the diocese of Antigonish but then was caught at the Ottawa airport shortly thereafter with a computer filled with child pornography that he was importing into the country. He was subsequently charged and convicted, but it had a devastating effect on both the Catholic community in Nova Scotia and the broader community. There was a loss of trust. You are working on something that is very important.

I want to understand. The officers only have the opportunity to view the data on the phone — not on the cloud but on the phone. At that point, they can make a judgment. Is the next judgment that they make about retaining the device, or do they somehow capture information from the device? If they do capture it, what is done in terms of how that's held or subsequently destroyed because of findings? Can you help me a bit in that regard?

Senator Boniface: So much depends on the specifics of what they find and what they do. One important piece — and I mentioned it in my speech — is if it comes to the point of a criminal investigation, such as the one you refer to, that would normally be referred to a different area. The material would be held — the phone — and then they would send it over for an investigation, which would likely then go to the local police to lay the charge.

The distinction is what the device initially is looking for is regulatory contraventions under the regime of the customs legislation. I should have mentioned it at some other point, but they have 90 different pieces of legislation that are covered under the contraventions. The criminal piece is normally done by the local police service, so it would be a connection then. Then they do a criminal investigation that's separate and apart from it. That's normally how the process would work locally.

• (1920)

Hon. Hassan Yussuff: Thank you, Senator Boniface, for the important work you are doing. Let me also, indirectly, extend thanks to CBSA officers for the tremendous work they do to guard our borders in this country at the different points, which is not an easy challenge given the multitudes of people who come across.

One of the things that has been noted in the debriefing is that the Privacy Commissioner has not yet commented on the bill. I presume that will happen soon. Should comments come in that alter some aspect of the legislation from that perspective, is this something the government is prepared to consider — recognizing, obviously, that privacy rights in this country are very different from those in the United States?

Senator Boniface: Senator Yussuff, thank you very much for the question. As indicated in the briefing that I received, as well as the briefing that was available to senators this morning, discussions have been ongoing with the Privacy Commissioner over some period of time. On this topic specifically, they haven't yet had a conclusive discussion with the Privacy Commissioner. However, I would encourage the committee — whichever committee it is decided this goes to — to invite the Privacy Commissioner for those discussions and views. I would expect, as we do in this chamber all the time, that everyone will be open to amendments, and certainly the Privacy Commissioner's voice is an important one to hear.

Hon. David M. Wells (Acting Deputy Leader of the Opposition): I have a couple of questions, Senator Boniface, if you will indulge me.

You talked about the multiplicity of indicators. How do you define "reasonable general concern" or, in fact, "lower than reasonable general concern"? What sort of indicators or behaviours would a CBSA officer look for? I am mostly concerned about this lower bar. If I come off an eight-hour flight, I'm at the airport, and if I don't get sleep, I'm irritated, maybe dishevelled, not my normal absolutely pleasant self, how would a CBSA officer know that's not my general nature?

The Hon. the Speaker pro tempore: Colleagues, we've already had two five-minute extensions. Senator Wells and Senator McCallum wish to ask questions. Senator Boniface, do you wish to ask for another five minutes?

An Hon. Senator: No.

Senator Boniface: I am at the mercy of the chamber. I would be happy to take Senator Wells's and Senator McCallum's questions, and perhaps we can agree to call it there.

The Hon. the Speaker pro tempore: Do honourable senators agree that we grant an additional five minutes, maximum?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Senator Wells, you said that you have many questions. You will need to make your questions brief in order to give Senator McCallum an opportunity to ask her question.

Senator Wells: Agreed. I asked the question and I was waiting for the answer.

Senator Boniface: Thank you very much, Senator Wells, for your question, which very much aligns with Senator Omidvar's question. I want to be clear that the "reasonable general concern" is legislated but not as high as "reasonable grounds." To be clear, that is the difference. In fact, prior to *Canfield*, there was no threshold requirement; it was part of a routine search. I want to make sure that is clear.

You raise the same question that Senator Omidvar spoke to on the indicators. As I said, this is the work that CBSA officers do every day. They may ask you a question, not knowing you are Senator Wells, such as, "What do you have with you? What's on your phone?" for instance. You may indicate, "nothing." Then they will question further to see if they can get some indicators. They look for issues like avoidance in answering the questions. They look for people who are nervous.

It is important to remember that they work in this environment every day, so they take into consideration whether you have an explanation for the way you are acting or the way that you appear. They are professional in what they do. They are trained to look for this type of thing. The fact that they have to make notes around the personal devices is an important step in terms of any challenges they may have but also to ensure that, as they do this over time — which isn't that often, as you can tell from the statistics — they will become very good at it. It is important to remember that this is what they do every day; it is not unique to this.

Senator Wells: You mentioned that this is the regular policy of CBSA border officials, turning this into legislation. Ignorance of the law is no excuse, of course. I was stopped at the border a number of years ago. They asked for my phone and I gave them my phone. They asked for my password and I gave my password. I don't know CBSA policy. Ignorance of policy is kind of an excuse and I think it would be challengeable.

Because the proposed law says they have to shut down network connectivity before they do a search, do you think it would be reasonable in the legislation for them to advise that the traveller has the right to shut down connectivity? Under policy, they have no obligation to tell the passenger anything.

Do you think it is reasonable under the legislation that they would have the obligation to do that — something like the Miranda law, where someone is given certain rights if they are under suspicion?

Senator Boniface: The question you ask is so specific that I would request that you ask it of the CBSA officers when they come before us. In fairness, I have not stood in their shoes to know exactly the step-by-step process. For me, that is how I best understand it. I would suggest that you put the question on the step-by-step process. You raise a fair question in terms of to what extent they have to inform. I think that when you learn how they walk through it in practice, that might be much better than any answer I could give you.

Senator Wells: Thank you.

Your Honour, I have more questions, but I will cede the floor.

Hon. Mary Jane McCallum: When you talk about the challenge of getting it right in terms of legal issues surrounding Indigenous people, it has always been — and continues to be — problematic, especially with racial profiling. To me, 27% finding contraband is very low. How long will the guards have to search for these sites that are often super-encrypted? If we are going to be fair, don't you think it should apply to all Canadians?

Senator Boniface: I can't fully answer the question, Senator McCallum, but I would be happy to send you a response that will hopefully help answer your question. I do know that the racial profiling issue will be an important question to be answered at committee.

(On motion of Senator Wells, debate adjourned.)

BILL RESPECTING REGULATORY MODERNIZATION

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Woo, seconded by the Honourable Senator Dean, for the second reading of Bill S-6, An Act respecting regulatory modernization.

Hon. Larry W. Smith: Honourable senators, I rise in my capacity as critic to speak to Bill S-6, An Act respecting regulatory modernization.

This bill's stated objective is to amend or repeal provisions in various acts which have "become barriers to innovation and economic growth" and to add provisions to acts that encourage economic growth and innovation. More preciously, this bill proposes to modify 29 acts, with over 40 amendments, including amending the Bankruptcy and Insolvency Act, the Electricity and Gas Inspection Act and the Fisheries Act, to name a few.

The proposed changes, seemingly minor and technical on the surface, would remove, as Senator Woo appropriately put, "legislative irritants" that increase the administrative burden not only for the government but for the private sector as well.

For example, Bill S-6 amends the Canada Lands Surveyors Act in order to streamline how the public registers complaints, as well as harmonizing the French and English versions of the act to ensure consistency of language.

• (1930)

Like Senator Woo, I will not have the time to captivate the chamber by addressing every single amendment, as time would not permit it. This is why I believe further and more detailed study of this bill at the various committees is warranted.

Colleagues, regulations play a critical part in protecting Canadians and the environment, acting as guidelines for businesses and consumers to ensure compliance with laws and remedying instances of non-compliance.

It may come as a surprise to many just how regulated our lives are, from the homes we live in, to the cars we drive, to the products we use, to the services we demand, to the food we consume, to the content we watch. Regulations play an important role in protecting our safety and that of our surroundings.

A quick glance at the Canada Consumer Product Safety Act, which is designed to protect the public by addressing or preventing threats associated with consumer products, will reveal nearly 40 different regulations listed. These regulations include children's jewellery, cribs, window coverings, glass doors, kettles, mattresses, hockey helmets and even glazed ceramics and glassware. In many of these cases, regulations are crucial; without them, we are risking the health and safety of Canadians.

Nevertheless, there are bad and obsolete regulations, and they come at a cost to productivity, competitiveness and efficiency. Burdening businesses and consumers with outdated, ineffective and costly regulations creates unnecessary administrative expenses.

For example, businesses needing to comply with the Canadian Food Inspection Agency Act must, according to the act, provide communications with the agency using paper-based transactions. That is right. In 2022, the Canadian Food Inspection Agency is administering and enforcing the act using paper. Luckily, Bill S-6 amends the Canadian Food Inspection Agency Act, eliminating the need for paper-based transactions and allowing the agency to administer and enforce the act electronically.

It is precisely these types of outdated and, frankly, slow regulatory processes that decrease the competitiveness of Canadian businesses but also make it harder for foreign companies to invest here.

Making regulation a competitive advantage, a 2019 Deloitte report on the state of regulations, underscored Canada's regulatory environment as a core weakness. This sentiment was shared by the World Bank as it ranked Canada twenty-third on its ease of doing business index in 2019, having fallen 18 spots since 2006. Additionally, the World Economic Forum ranked Canada fifty-third out of 140 countries concerning the burden of government regulation.

Finally, according to the Organisation for Economic Co-operation and Development's product market regulation database, in 2019 Canada demonstrated a worse performance than its OECD and non-OECD peers respecting business operations regulations.

Canada was also reported to have been half as competitive as the OECD average with respect to the administrative burdens on start-up companies. Examples of this include the length of time as well as the costs associated with licences and permit application approvals.

Colleagues, given our regulatory track record, it is not hard to imagine that Canada is not the most attractive country for foreign investment.

The Foreign Direct Investment Regulatory Restrictiveness Index is an OECD database that measures the restrictiveness of government regulations relating to foreign investment across various sectors. According to this index, Canada measured more restrictive overall to foreign investment than all OECD countries except Mexico, Iceland and New Zealand in 2020.

Subsequent data from the World Bank suggests Canada's net inflows of foreign direct investment as a per cent of GDP remained at 1.6% in 2020 — below countries like Sweden, Germany and Spain, which rank as less restrictive to foreign investment.

However, in my conversations with officials from the Treasury Board of Canada Secretariat, and in listening to Senator Woo, I am encouraged to learn that there are supplementary regulatory revision exercises running in parallel to the legislative review in Bill S-6.

In addition to committing to tabling yearly legislative reviews like Bill S-6, there are regulatory reviews under way internally within the federal public service. According to the Treasury Board of Canada Secretariat, departments and agencies have been mandated to develop road maps for reviewing, updating and cleaning up regulations that fall within their purview.

Additionally, the government made note of collaborations with provinces and territories under the Regulatory Reconciliation and Cooperation Table to harmonize regulations between the federal government and the provinces and territories.

Finally, there are several bilateral and multilateral forums on regulatory cooperation that the government is engaged in, committing to work on the very issues which obstruct investment.

Collectively, all of these initiatives set ambitious targets for the federal government. It is our job to ensure that the government is executing on these targets. We must, as a chamber of sober second thought, continually review and hold the government to account in this regard.

Bill S-6 is a small but positive step in the right direction, which is why I believe sending it to committee for further analysis will generate positive discussions and provide senators the opportunities to collaborate in addressing some of the regulatory processes which are holding back productivity, efficiency and economic growth.

Thank you, all.

Some Hon. Senators: Hear, hear.

Hon. Colin Deacon: Honourable senators, I rise to speak in support of Bill S-6, An Act respecting regulatory modernization.

Bill S-6 is part of a regulatory modernization initiative to address issues raised by businesses and Canadians about overly complicated, inconsistent or outdated requirements that have become barriers to innovation and economic growth. You won't be surprised to learn that I think this is a pretty good thing.

I want to begin by thanking Senator Woo for his exceptional job of capturing the importance of the 47 amendments to 29 pieces of legislation that are included in this bill. That is not something that I could have accomplished, I can assure you. But I especially like the fact that he suggested that this was an important start. You'll see that I very much agree with that point in my comments.

I also like the fact that Senator Smith did a great job of reminding us of the importance of smart regulation and the burden it places on start-ups in particular. Senator Smith, thank you for that.

These individual amendments have important economic and social themes to improve the ease of doing business, increase regulatory flexibility and agility and improve the integrity of the regulatory system. These are incredibly important goals. I would, however, humbly offer that a fourth is needed: to ensure that our legislation and regulations are not anti-competitive. But more on this later.

Bill S-6 is the second iteration of a planned annual tidy-up led by Treasury Board. It is the first annual regulatory modernization bill to originate in the Senate. I think that has some real importance to it on that point.

These 47 legislative amendments clear up some non-controversial legislative irritants, as Senator Woo said, that are limiting the ability of the resulting regulations to adjust to changing science, technology and business models, among other factors. They are considered so widely accepted that I am not going to focus on them in my second-reading speech.

Instead, I am going to focus on the single point that I believe is the most pressing, most crucial and most in need of robust attention and debate. My focus is on the fact that these 47 legislative amendments do not even scratch the surface of the changes needed to begin to modernize Canada's regulatory burden, which will improve our competitiveness, as Senator Smith said, our productivity growth and our grandchildren's prosperity.

I am going to propose in future that this particular bill should be renamed the "Regulatory Irritation Elimination Act" because what it is doing is a very good thing — a very good thing indeed. But it doesn't come close to getting at the size and scale of the regulatory modernization challenge in Canada.

• (1940)

This is because Canada's potential growth rate — the rate of growth that can occur without triggering inflation — has been declining. I believe that is because the innovations that could make our economy more productive are too often not incorporated into how we do business in Canada — how we do business in the private sector, in the government sector, in the academic sector and beyond.

Without urgent changes in how we legislate, regulate and procure, Canadian innovations will continue to get applied elsewhere, often resulting in the company migrating to another jurisdiction, along with the high-paying jobs those innovations create.

According to the 2018 OECD data, Canada leads the OECD in "command and control" regulations. This is not a good thing. Command and control-style regulations are those that define the process that must be followed to achieve a given regulatory outcome. Simply, by design, this type of legislation and resulting regulations eliminates the opportunity to innovate.

A very real example is when we define the use of a specific technology in the legislation of regulations, like the use of fax machines, which remains the case today in many jurisdictions. That approach makes Canadian fax machine salesmen really happy but it limits our productivity growth and, as a consequence, our competitiveness and prosperity.

Even more concerning, the OECD recently predicted that Canada will be the worst-performing advanced economy through 2030, and in the three decades that follow. I know a great many of us have been long concerned about this issue, including those of us who participated in Senator Harder's Prosperity Action Group last year.

It's worrisome but I find it deeply, deeply frustrating. That is because Canada is home to North America's second-largest and fastest-growing innovation cluster, the Toronto-Waterloo Corridor. We are world-leading innovators and inventors, but our governments of all stripes at all levels have been unable to do the hard work of incorporating those innovations into how we legislate, regulate and procure.

So that's where I hope we will place some attention as seven of our committees examine Bill S-6. Let's focus on the process behind the government's annual regulatory modernization and find ways to significantly expand and increasingly resource this process into the future, ensuring that it has the capacity, through this and other related processes, to support the urgent need for regulatory modernization at scale in Canada.

Now, when I say "adequately resourced," am I suggesting even more government spending? No, I'm not. Billions of dollars of intended investments in innovation were announced in the last budget. It's my profound belief that a tiny fraction of that amount can be redirected to increasingly fuel mandatory regulatory reform and enable greater regulatory agility in Canada. A very small redirection of these resources will reliably deliver increased innovation and business growth.

Simply, when you have an economy where existing legislation and regulations force the continued use of fax machines or limit the innovative use of drones or other technologies, you are choosing to have an economy that will be in perpetual decline as we progress through the digital era. Canadians will become the disrupted when we could be the disrupters.

I believe that this challenge provides the Senate with an important opportunity to play a meaningful role in driving this process into government. I say this because the level of political will in the other place has not translated into meaningful success.

If it had, we wouldn't need Bill S-6. To prove my point, let me read to you some past quotes from the government side of the other place.

Here's the first quote:

> The key to prosperity is to increase our productivity . . . .
>
> We must adapt to the new world reality or fall behind in the effort to preserve and enhance our future prosperity.
>
> But there are growing concerns from Canadians about our ability to compete. . . .
>
> Governments have a responsibility to create an environment favourable to the growth of competitive enterprise.

Here's another:

> One of the barriers to growth — job growth in particular — for small and medium-sized business is the burden of regulatory compliance and reporting. The volume of paperwork required for compliance represents a drain on entrepreneurial energy. . . .
>
> Reduction of the regulatory burden will require close consultation with other levels of government in order to reduce, streamline, and eliminate overlap in regulations.

And here is one final quote:

> In order to promote job creation and improve the conditions for business investment, the Government has taken a range of actions to . . . improve the regulatory environment, promote business competitiveness . . . .

That document also proposed "Modernizing regulation and legislation to better protect investors and taxpayers . . ."

I bet you are seeing a bit of a repetitive nature in these comments. Interestingly, the first was from the Mulroney government's 1991 budget. The second was taken from the

Liberal platform in the 1993 election, drafted by Paul Martin and to some degree implemented by the Chrétien government. The third was from the Harper government's 2014 budget.

Every federal government over almost 40 years has been trying to improve productivity growth. All the while, Canada's regulatory burden continues to grow and productivity continues to decline.

But I want to stop here and be very clear. I am not talking about deregulation. I am talking about making sure that our regulations do not hamper our ability to innovate and improve, to be increasingly globally competitive and to increase the prosperity of future generations.

The fact is, either a business disrupts or is disrupted. It happens much, much faster today than a decade ago. Our regulators have an essential responsibility to embrace innovation and help to ensure that our economy ends up on the right side of the disrupter/disrupted divide. We have to get serious about regulatory modernization, now.

So I ask the seven committees studying portions of Bill S-6 to please consider Bill S-6 as an important first step, but we need so much more. Please choose a few witnesses and save a few questions for the purpose of exploring how a much larger, more robust, transparent regulatory modernization process might be established by this government.

I believe that in the Senate we may be far better positioned to examine the veracity of the process that resulted in the 47 amendments included in Bill S-6 than attempt to determine the appropriateness of each one of these highly technical legislative amendments. The better the process, the more confidence we can have in the resulting amendments.

As a result, colleagues, I would ask that you consider examining the following:

First, the selection process. Currently, amendments are proposed by departments through a call letter from the Treasury Board Secretariat. Canadians and businesses can share suggestions, but it is likely that this process could be more robust and more consultative. The risk is that lobbyists, who invariably represent more established incumbents, may saturate the process, overpowering and diminishing the less powerful voices of innovative new entrants.

Second, look at the review process itself. Here I ask you to consider three points:

One is whether the approach used is based in principle and clearly defines the risks that need to be managed rather than defining one particular way to solve the problem. We have to give Canadian businesses the flexibility to innovate.

Second, I ask you to consider where a transparent regulatory modernization process might build on publicly controlled and auditable technical standards, ultimately limiting and de-risking the process for regulators and potentially making the process more agile in future.

Third, consider the opportunity to incorporate a useful tool developed by the Competition Bureau in 2019. Their five-step checklist includes an assessment to ensure that a regulation is not anti-competitive. A similar approach could be applied in this review.

Lastly, I ask you to examine possible capacity limitations. Consider the real or possible barriers and limitations, for example, a limited number of legislative drafters, that may have appeared in the Bill S-6 process or that might create a bottleneck at the end of what we hope will become a much larger and increasingly inclusive and effective public process.

Colleagues, if we want to get serious about prioritizing enduring change on this issue, we need to integrate an inclusive, systematic principles-based approach to regulatory reform that prioritizes outcome-oriented versus process-controlling regulations.

This will require us to ensure that the processes for eliminating regulatory irritants and modernizing our regulations are not anti-competitive, meaning that it does not favour incumbents over new entrants and that it's technology agnostic, meaning that we do not define the use of a given technology. You may find other risk factors to manage, and I hope you do.

I want to wrap up with a recent salient story. As some of you may know, SpaceX's Starlink network has been providing satellite broadband service to Ukraine since Russia's horrific invasion. Russia attempted to foil Starlink's service through an aggressive electromagnetic warfare attack. As the attack unfolded, Starlink's engineers rewrote code on the fly, which immediately stymied the jamming attack. The incredible speed of Starlink's response amazed Dave Tremper, the Director of Electronic Warfare at the Pentagon. He explained that the Pentagon could never respond as quickly because they have to issue a contract out to fix a problem rather than being able to address it instantly in-house.

• (1950)

How the Pentagon regulates procurement puts them at risk of being disrupted and creates a security vulnerability. How the Pentagon regulates procurement creates risk, it doesn't eliminate it.

That's the opposite of its intention, I have no doubt.

Government needs to harness the private sector's ability to innovate and act swiftly. We all need to become more nimble. That's because the world is moving increasingly rapidly. We need to change those rules that are within our control if we are to keep up, if we are to compete and if we are to prosper.

Let's prioritize the themes of the Annual Regulatory Modernization initiative that led to the creation of Bill S-6 so we increase the ease of doing business, improve the regulatory flexibility and agility and improve our regulatory system, and also ensure that our regulations are not anti-competitive. Competition drives innovation, productivity growth and prosperity.

This government needs to keep advancing the items I have outlined today if Canada is to achieve these important goals and protect and enhance the prosperity of our grandkids.

I support Bill S-6 and I especially support increased efforts to eliminate regulatory irritations and modernize our regulations.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker pro tempore: Question? We have 30 seconds.

Hon. Terry M. Mercer: It is a quick question. As you go through this process, people are going to give you all kinds of suggestions that should be added to this. If you can't add it to this bill as you go along, can you make a commitment now that you will keep a record of all of those things and put them in a new bill that catches up with it as you learn?

Senator C. Deacon: I have a few more years here, Senator Mercer. I'll see what I can do.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

Some Hon. Senators: Hear, hear.

REFERRED TO COMMITTEE

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

(On motion of Senator Woo, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Frances Lankin: Honourable senators, I have a point of order.

The Hon. the Speaker pro tempore: On a point of order, Senator Lankin.

Senator Lankin: You said that with a question mark at the end, a note of surprise, Your Honour.

Honourable senators, in anticipation of the possibility or probability that we will be returning in person next week, I want to raise the question that relates to our rules about where people must be seated and where they must be in their seats or in their space if they are going to be speaking at all.

In preparation for how we would handle sittings during COVID — and we ended up with the hybrid model — there was consideration of how we maintained physical distancing, and that included suggestions of having senators seated in the galleries. I know that the Speaker can open up the galleries to the public or close them to the public and that could be accommodated, but our rules stand in the way of that potentially happening.

I mentioned earlier in a question about our colleagues who, for example, may be extremely immunocompromised, having undergone treatment for cancer, for instance, or who have a family member who comes down with COVID and they must also isolate themselves for a period of time.

I come to this with my experience from an Ontario jurisdiction with women's legislation and right to know about dangers. I'm wondering how those colleagues will feel about coming back if they must sit shoulder to shoulder.

I have to admit that I am one of these people. I'm here and I participate in Ottawa, but I have a husband who is extremely immunocompromised. If I have space and I take all of the precautions that I do in all aspects of my life, I can be comfortable. If not, I can't.

Those people who are perhaps in a situation more serious and significant than mine will be denied the opportunity to participate in the business of this chamber if they feel that they can't be corralled into a space where there's no physical distancing. I'm concerned about that, and I realize that in order to accommodate that it will involve some order of this chamber because it involves the actual rules about being at your seat when you're speaking.

I raise this as a point of order knowing that, Your Honour, this is something that would normally be discussed with the Speaker. Maybe in saying this the leadership group will hear it, but I believe it's a significant problem and it's a significant challenge for senators to exercise their privilege and right of being here and participating if we don't have those kinds of measures in place.

While you may not be able to rule on a mandatory process and we have to come back to this chamber to deal with — I leave that with you for consideration and for the consideration by my colleagues in this chamber.

Some Hon. Senators: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, if I may enter the debate on the point of order simply to thank the senator for raising this issue and to offer my commitment in my capacity as government representative — but more importantly as a senator — to work with other leaders, I commit to working with leaders in the hope we can get an appropriate motion for distancing ready to go next week. I'm confident that the leaders will collaborate with me and

we can have success in that regard. That would include also to allow gallery seating so that we can make sure that everybody is and feels safe if and when we're here in person.

The Hon. the Speaker pro tempore: Honourable senators, I want to thank Senator Lankin for raising this very important issue that needs to be discussed and needs to be managed in order for all senators present to abide by the distancing, masks when sitting and when speaking and the space to accommodate.

I thank you again. I will bring this to the attention of the Speaker because this is an urgent matter that needs to be resolved before our sitting next week. Thank you.

ADJOURNMENT

MOTION ADOPTED

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

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 3, 2022, at 2 p.m.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (2000)

FIGHTING AGAINST FORCED LABOUR AND CHILD LABOUR IN SUPPLY CHAINS BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Miville-Dechêne, seconded by the Honourable Senator Ringuette, for the 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.

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

Hon. Senators: Agreed.

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

DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES ACT

BILL TO AMEND—FIRST REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Senate Committee on Agriculture and Forestry (*Bill S-222, An Act to amend the Department of Public Works and Government Services Act (use of wood), with an amendment and observations*), presented in the Senate on April 7, 2022.

Hon. Robert Black moved the adoption of the report.

He said: Honourable senators, as Chair of the Standing Senate Committee on Agriculture and Forestry, I would like to highlight an amendment to Bill S-222, which was adopted at committee. This amendment concerns the change in the wording from "must" to "shall" with regard to the consideration of potential reduction in greenhouse gas emissions and any other environmental benefits, which makes it consistent with the language in the original Department of Public Works and Government Services Act.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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

(On motion of Senator Black, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Mégie, for the second reading of Bill S-218, An Act to amend the Department for Women and Gender Equality Act.

(On motion of Senator Wells, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Boisvenu, for the second reading of Bill S-224, An Act to amend the Criminal Code (trafficking in persons).

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

(On motion of Senator Wells, for Senator Ataullahjan, bill referred to the Standing Senate Committee on Human Rights.)

EMPLOYMENT INSURANCE ACT
EMPLOYMENT INSURANCE REGULATIONS

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Griffin, seconded by the Honourable Senator Tannas, for the second reading of Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island).

Hon. Rose-May Poirier: Honourable senators, I rise today at second reading of Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations, sponsored by Senator Diane Griffin.

Colleagues, please allow me a few moments to pay tribute to our former colleague Senator Griffin before I speak more to Bill S-236. Although Senator Griffin served with us for a little over five years, she has left a lasting impression in the Senate. She fought for what she believed was right and defended the interests of her dear Island and province of Prince Edward Island at every opportunity. It is therefore a pleasure for me to be critic — but a supportive critic — of Bill S-236.

Bill S-236's objective is to bring a crucial and fundamental change to the EI economic region of P.E.I. The goal is simple: to ensure that Prince Edward Island is designated as one region for the purpose of EI economic regions. Currently, the province is divided into two EI economic regions: Charlottetown and Prince Edward Island to encompass all the regions outside Charlottetown. A small province where mobility is easy — as is living in one region and working in another — can present challenges for EI.

For example, for the current period from April 10 to May 7, if someone resided in Charlottetown but worked in Summerside, their EI benefits can be a minimum of 16 weeks to a maximum of 42 weeks. But if someone lives in Summerside and works in Charlottetown, their benefits can be a minimum of 18 weeks to a maximum of 44 weeks. If we look at the period covering October 10, 2021, to November 6, 2021, the difference is even greater. The minimum number of weeks for Charlottetown was 14 weeks while the rest of P.E.I. was set at 24.

Those 10 weeks, honourable senators, make a big difference. For some families, it could represent a real challenge to put food on the table on a consistent basis. As a senator from a region with a high unemployment rate in a seasonal economy, I fully and heartily understand the importance of EI fairness. If my region of Kent County had to be included in the EI economic region of Moncton, it would be just as unfair.

Moreover, I understand the frustration when decisions are made thousands of kilometres away and don't correspond to the reality of the region. Too often, these decisions are rushed and done with little to no consultation. When you are a region that doesn't have as much population and therefore not as much political weight, your issues and priorities can sometimes be treated differently. For example, the latest Department of Fisheries and Oceans decision to close the mackerel and herring fisheries has upset fishermen in Atlantic Canada. It's not necessarily about closing the fisheries but more about how the government arrived at that decision. There was no consultation with the people on the water, and the decision dropped so close to the beginning of the fishing season that it caused a lot of frustration and anxiety.

Moving forward, I hope government departments and agencies as a whole will improve how they assess the impact of their decisions for regions they are not as familiar with. Too often, the unintended consequences could be avoided through consultation with the people on the ground.

• (2010)

To bring some fairness to Employment Insurance in Prince Edward Island, I support Bill S-236. As Senator Griffin said in her speech, it has been seven years since the federal government has promised a return to one EI economic zone. A House of Commons report has also made the recommendation for one EI economic zone. Let's exercise our role as a voice for the province to first send this bill to committee and to eventually give the House of Commons the opportunity to bring EI fairness to the people of Prince Edward Island. Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Duncan, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY THE FEDERAL FRAMEWORK FOR SUICIDE PREVENTION

On the Order:

Resuming debate on the motion of the Honourable Senator Kutcher, seconded by the Honourable Senator Boehm:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized, when and if it is formed, to examine and report on the Federal Framework for Suicide Prevention, including, but not limited to:

(a) evaluating the effectiveness of the Framework in significantly, substantially and sustainably decreasing rates of suicide since it was enacted;

(b) examining the rates of suicide in Canada as a whole and in unique populations, such as Indigenous, racialized and youth communities;

(c) reporting on the amount of federal funding provided to all suicide prevention programs or initiatives for the period 2000-2020 and determining what evidence-based criteria for suicide prevention was used in each selection;

(d) determining for each of the programs or interventions funded in paragraph (c), whether there was a demonstrated significant, substantive and sustained decrease in suicide rates in the population(s) targeted; and

(e) providing recommendations to ensure that Canada's Federal Framework for Suicide Prevention and federal funding for suicide prevention activities are based on best available evidence of impact on suicide rate reduction; and

That the committee submit its final report on this study to the Senate no later than December 16, 2022.

Hon. Patrick Brazeau: Honourable senators, this is the third time in three years that I have spoken about the issue of suicide prevention for reasons that relate to my personal situation years ago. When dealing with the issues of suicide prevention and mental health, we have to be open, transparent and honest if we are going to bring about any changes.

Several years ago, when I was having problems, I went into therapy. The therapy was a mix of mostly men coming out of jail and men who voluntarily enlisted to go to these places to get help. I quickly learned that the success rate for these provincial places where men go to get help was about 2%. That's not very high.

When I got there, at one point, they knew I was coming to this centre for help, and the people there rolled out the red carpet. When I got there, I didn't want a red carpet. One of the reasons why men and women go to these places is because they need help; they are hurting. In my case, it was because I had almost completely hit rock bottom. I wanted to live at rock bottom. As you can appreciate, it was not very easy, but I'm here today.

My experiences in those therapies gave me first-hand experience of some of the commonalities that many people who are hurting, people who are contemplating suicide and many people who have committed suicide, have. A lot of it has to do with two things — I'm not an expert. I didn't study in this field, but through my human connections with the people who were at these therapies, people were hurting and felt that they were not understood. Those are the commonalities that I saw in people who contemplated suicide.

After I went to those places, and once I started slowly getting healthier mentally and physically, I wanted to give back. I didn't know at that particular point in time how I could give back. There are many suicides of Indigenous people in Canada, and many of them go unreported. We know now, in 2022, what the residential school system has done to Indigenous peoples generation after generation. It has broken individuals, families and nations. People are still hurting today. Even though we are getting apologies left, right and centre, it doesn't fix the fact that the Government of Canada and others have hurt Indigenous peoples.

Indigenous peoples do not have access to the services that they desperately need to move forward. We all talk about reconciliation, but where is the reparation? I know there is a former government that apologized to residential school survivors, and I know that some things are being done, but until the federal and provincial governments together offer services that are desperately needed to First Nations peoples and other Indigenous peoples across Canada, how will we get to any reconciliation? Will we wait another 20 years? We will still be talking about mental health issues and suicide prevention among Indigenous peoples and other Canadians 20 years from now.

That is why in December 2019 I introduced a motion to deal with mental health, giving particular emphasis to young men and boys and Indigenous peoples. Why did I introduce that motion in 2019? It was my way of giving back. But it was not just that. My office conducted research, and the conclusions were very basic. We asked every provincial and territorial government to share with us what they did in terms of suicide prevention. If you recall, the report was shared with all senators at that time.

We have seen that in terms of the services available to young girls and women in the provinces and territories across Canada, they have more access to programs than young boys and men, yet 75% of suicides in Canada are committed by men. We need services for men.

I am the first among many to say that I don't speak highly of the therapies that I took part in. Numbers are numbers, and facts are facts. There is a 2% success rate, and I will share the fact that I felt that I wasted my time during my six months of therapy. I have some things to say on how to improve those therapies and how to offer more services for young boys and men.

Perhaps if there were services for young boys and men, maybe there would be fewer men using substances and alcohol. Maybe there would be less anger management issues. Maybe there

would be less trouble with the law. Maybe men would be in fewer abusive relationships. However, those programs don't necessarily exist across the board for young boys and men.

For a lot of us, we are taught at a very young age to hide our emotions, to be tough, to suck it up and walk it off. For some of us, when we do that, the more we keep inside, the more we explode when things don't go right.

• (2020)

I am the first to admit I didn't have the tools. I met different psychiatrists. Bad experiences. I had one good experience. It is all on a case-by-case basis.

But that motion was never really debated because then COVID came in. In November 2020, I had to reintroduce that same motion. If you recall, I also asked you, colleagues, for help. In particular, I went to Senator Kutcher — because we are dealing with his motion today — and I asked him for his help because he is an expert. Senator Kutcher told me that he was going to help me, he was going to be in touch with my office and his staff was going to be in touch with my office. Unfortunately, I never heard from Senator Kutcher.

I want to bring in some context. I'm not taking the floor today to point any fingers or to shame anybody, but I was a little bit surprised that this motion was introduced because I found out about it about a week before it was introduced. As a matter of fact, I found out from other Indigenous colleagues that Senator Kutcher was going to introduce this motion. It caught me by surprise because for two years, I had this motion that — like I mentioned, it didn't get properly debated because of outside forces and I never heard from Senator Kutcher for two years. And Senator Kutcher decided to introduce this motion.

Again, this is not a question of sour grapes. It is not a question of trying to take credit. It is not a question of ego because, for myself, I parked my ego in January 2016 when I tried to commit suicide, and I left my ego there.

When we talk about suicide prevention, a lot of people, including myself — I was hurting, I was ashamed to ask for help. When I gave those speeches in 2019 and 2020, I was proud because it was my way of not just healing but of trying to give back because I had hurt so many people.

This is why this motion surprised me. I know that Senator Batters and Senator Patterson spoke to it, and I agree with their concerns. I have concerns as well. I know that Senator Kutcher is an expert. I respect Senator Kutcher, but I have to say, colleagues, there are some people who believe that Indigenous people don't belong in the Senate. I've heard it before. There are some who believe that Indigenous peoples have just knowledge or expertise in Indigenous issues. This is why I was sort of hurt and surprised.

Obviously, it is Senator Kutcher's right to introduce what he wants, but I was a little bit surprised because I just sat back and thought, well, if I can't as an Indigenous person receive an acknowledgment that perhaps I do have — maybe not expertise, but I certainly have, unfortunately, experience in this issue, but my call wasn't heeded and my call was ignored — then that kind of goes against what we preach when we talk about mental health when asking for help.

I am going to support this motion. Hopefully, Senator Kutcher and the committee will work with me because my hand as an Indigenous person is always extended, and is always open. My heart is open. My mind is open. It is clear. I don't want to work on these issues to take credit for anything. I want to learn and I want to help if I can.

Senator Kutcher, as an Indigenous person, this is also part of reconciliation. You have your whole life that you have contributed to this and you have your expertise, and I have lived experience. As an example, when we talk about suicide prevention, there are some who will say, well, if we take away guns, we will reduce the number of suicides. And that's true. But that's just one way of looking at statistics. Because at the same time, we know that many law enforcement individuals who commit suicide use their guns.

When we talk about Indigenous suicide, number one, suicide wasn't really exercised by Indigenous peoples before the arrival of the White man. I say "White man," and my mom was White, so I hope nobody takes offence to me saying that. When we look at Indigenous suicides, they don't necessarily use guns. They use other methods. There is not a one-stop shop in dealing with these issues. It is really a case-by-case basis. No one recipe can fix this, and this is why we need to work together.

Just look at the other place. How long did they debate having a three-digit number for people in distress? This shouldn't be a partisan issue. I know it's a Conservative who introduced it. I mean, one of the suicide numbers is 833-456-4566. It just rolls off the tongue, doesn't it? But in the other place, having a three-digit hotline number for people with mental health issues or a suicide line, the motion was unanimously adopted in November 2020, I believe, and we are still not there yet. We still don't have the three-digit number. So this cannot be a partisan issue.

As I say, this is not to throw mud, but it is to show that, regardless of me, Indigenous peoples have more contributions to bring to Parliament than just on Indigenous issues. Going forward, I hope that not only will you work with me because I look forward to working with you, Senator Kutcher, and the committee so that not only do we get this right, but we actually do something meaningful — meaningful and not just words. *Kitchi meegwetch* for listening.

Some Hon. Senators: Hear! Hear!

The Hon. the Speaker pro tempore: Senator Brazeau, your time has expired, but I see that Senator McCallum has a question. Do you wish to ask for five additional minutes?

Senator Brazeau: I will always answer a question from my dear Senator Mary Jane McCallum.

The Hon. the Speaker pro tempore: Honourable senators, do you agree for five additional minutes?

Hon. Senators: Agreed.

Hon. Mary Jane McCallum: Thank you for taking the question, Senator Brazeau. When you look at the very unique circumstances that Indigenous peoples face in Canada — that their circumstance of suicide and the prevention that needs to go with it is itself very unique — do you agree that the committee should understand that they need to bring in Indigenous peoples that have traditional Indigenous knowledge and degree and their historical — well, some of them have degrees, but it is more towards decolonized mental health therapies and I know quite a few. Do you think they have a major role to play in bringing understanding of the issues that we face as Indigenous people?

Senator Brazeau: Thank you very much for your question.

Absolutely. Like I said, there is not and cannot be one recipe. It is on a case-by-case basis. There are some commonalities, obviously. Just north of my home community of Kitigan Zibi, in Barrière Lake, there was a youth that committed suicide last August. Two months after that suicide, there were 12 — count them, 12 — attempts at suicide by community members of Barrière Lake.

• (2030)

It's not going to be one magic recipe that is going to help or shed light on the issue. Are there really experts in suicide prevention? I don't know. But is there really an expert that will come and just wave a magic wand? No. There are traditional practices out there, in terms of healing, but the issue is like everything else. There needs to be resources. People don't work for free, and Indigenous peoples don't work for free either.

They need those resources to continue to work that they're currently doing — and I'm hopeful that's going to be a major part of the committee's work because we know that there are Indigenous peoples committing suicide. There's an overrepresentation of suicide. Let's fix that. We know that 75% of suicides are committed by men. They're easy numbers. Let's fix that; let's reduce that. It's easy to understand.

We need Indigenous experts who have their own programs and their own healing processes, in terms of therapy, who can come and shed light so that they share some of that knowledge going forward with non-Indigenous health practitioners, because, I'm sorry to say, they don't have all the ideas either. This is why Indigenous peoples and non-Indigenous experts and professionals need to work together on this. We're not going to prevent every suicide, because nobody has the magic wand.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to, on division.)

(*At 8:32 p.m., the Senate was continued until Tuesday, May 3, 2022, at 2 p.m.*)

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