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(HANSARD)

Thursday, May 27, 2021

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, May 27, 2021

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

OPIOID CRISIS

Hon. Vernon White: Honourable senators, I've spoken about the opioid crisis Canada has and is facing twice in the past week. For many of us it is a crisis that impacts the unknown addict, but the reality is very different.

Today I want to put before you some of those who have died as result of counterfeit pharmaceuticals manufactured using illegally produced fentanyl or carfentanil. I thank *The Globe and Mail* for the information on these people.

Danielle Blazik, 38, was a mother of two young boys who loved to play catch with them by the water. She helped out at the food bank.

Ethan Chiefmoon, 22, was witty, optimistic and enthusiastic about life. He possessed a warm energy.

Josephine Isaac, 54, loved to sing and bragged to anyone who would listen about her children and grandchildren who brought the most joy to her life. She began using the medication hydromorphone after breaking her arm.

Erik Larsson, 32, called his mother every day. He became dependent on opioids after injuring his leg in a fall.

Matthew Baraniuk, 20, was a former University of Saskatchewan Huskies football player. He used opioids to try and self-medicate to cope with his ADHD.

Jason Bourgeois, 43, a father of two young children.

Lorraine Dawley, 55, known to friends and family as a loving daughter, sister, aunt and friend.

These are but a few of the more than 20,000 people who have died in Canada — more than 16 per day in 2020. The time for action is now, and it is time for us to do something about illegal opioids and carfentanil and fentanyl. It is time for the government to take action. Thank you.

Some Hon. Senators: Hear, hear.

BOVINE SPONGIFORM ENCEPHALOPATHY

Hon. Paula Simons: Honourable senators, this morning, the Canadian Cattlemen's Association announced that the World Organization for Animal Health, the OIE, has declared Canada a country with a "negligible risk for bovine spongiform encephalopathy." That is the lowest possible risk for BSE, a development that we can hope will mark the beginning of the end of trade barriers to Canadian beef around the world. It's an extraordinary tribute to the Canadian prion disease researchers, veterinarians, inspectors, farmers and ranchers who have worked together to achieve this hard-won status.

It was 18 years ago this week that a case of bovine spongiform encephalopathy was first detected by a provincial lab in Alberta. The cow in question had never entered the human food chain. She was an old and sickly dairy cow from a small farm in northern Alberta, who had most likely developed the frightening prion disease from eating infected animal feed. The discovery of this first case sent a shock wave through the entire Canadian beef industry.

I will never forget being at that first press conference in the basement of the Alberta legislature when a staffer ran into the room and broke the news that the Americans had just closed the border. It was like that moment in a movie where someone reads a telegram announcing the sinking of the Titanic.

At first, I'm afraid, some wanted to deny the problem. Ralph Klein was angry that the farmer had ever sent his sick cow for testing. The premier's preferred strategy: shoot, shovel and shut up. But the province came to realize that the only way to defeat the scourge and stigma of BSE was through rigorous surveillance and testing.

Almost 20 years on, it may be hard to remember just how terrifying mad cow disease was. Humans who ate infected beef suffered catastrophic brain damage for which there was no treatment and no cure, and you couldn't kill BSE by cooking it. No amount of braising, broiling or barbecuing could foil the insidious prions.

Small wonder the discovery of, first, one cow and then a handful of others blackened the reputation of Canadian beef around the world. As export markets evaporated, farmers, ranchers, feedlot operators and packing plants faced economic ruin. Many cattle producers lost everything they had. But in that dark summer, Albertans rallied to support their flagship industry. "No one else wants our beef? Fine. We will eat it all ourselves, then." Never have I eaten more steak than I did in the summer of 2003.

Today, and together, we have officially beaten BSE. I want to congratulate the Government of Canada, the Canadian Food Inspection Agency, the Canadian Cattlemen's Association and every single responsible producer who made this victory possible.

Thank you. *Hiy hiy*.

[*Translation*]

THE LATE JOHN GOMERY, Q.C.

Hon. Pierre J. Dalphond: Honourable senators, I, too, would like to pay tribute to my former colleague on the Superior Court of Quebec, the Honourable John Gomery.

[*English*]

Tuesday night of last week, after having received medical assistance in dying, his daughter Elizabeth posted on Twitter:

> He was a giant, an extraordinary man and a superb father and my heart and whole body aches now that he's gone.

That news saddened me, along with many Canadians who feel the loss of this giant.

I met John for the first time in May 1995, at the ceremony where his wife, the Honourable Pierrette Rayle, and I were sworn in as justices of the Superior Court of Quebec in Montreal. By then, John had been sitting on the bench for 13 years. He was already a leading voice in family law as well as commercial cases.

Over the years, I discovered a charming, witty and bright jurist, and a true gentleman farmer.

[*Translation*]

In the late 1990s, he opted to become a supernumerary judge, which is normally a sign that an experienced judge wants to slow down. John, however, saw it as an opportunity to take on a new challenge and become President of the Copyright Board of Canada here in Ottawa, which enabled him to make his mark in a new area of law.

Then, in February 2004, at the age of 71, having only barely recovered from leukemia, he agreed to take on one last challenge by heading up the Commission of Inquiry into the Sponsorship Program and Advertising Activities of the Government of Canada. It was the role that made him a household name.

[*English*]

Throughout the 10-month-long hearings, he created lasting images with his testy exchanges with prominent politicians, business people and backroom figures who were, until then, unknown. Canadians appreciated his candour and occasional fire.

[*Translation*]

Canadian democracy is stronger today because he helped establish guidelines regarding what politicians are and are not allowed to do. He alerted us to the potential pitfalls.

On behalf of Canadians, I offer our condolences and thanks to his wife, my friend, the Honourable Pierrette Rayle, and to his children, Geoffrey, Cymry, Sally and Elizabeth. Thank you. *Meegwetch*.

Hon. Senators: Hear, hear!

• (1340)

[*English*]

THE TRAIL — TRANSITION HOUSING FOR VETERANS

Hon. Larry W. Smith: Honourable senators, I am speaking today in the first of a series dedicated to highlighting the unfortunate plight of many retired Armed Forces members and veterans and what Le Sentier — The Trail Transition Housing for Veterans is doing to help them.

Statistics from 2017 have shown there are 58,000 "traditional" veterans from World War I — The Great War — and World War II, and the Korean War, and 600,400 "modern times" veterans from UN peacekeeping missions and the wars in the Middle East who reside in Canada. Of those veterans, 120,000 live in Quebec. In 2018, veterans accounted for 7.7% of Canadians living with housing problems.

[*Translation*]

In 1979, the non-profit Fondation Maison Biéler Inc. was created with the sole mission of providing affordable housing to independent seniors in downtown Montreal, with priority going to veterans and retired members of the Canadian Armed Forces.

[*English*]

In 2017, to free up funds to realign the foundation's mission to better serve its clientele and since the buildings were no longer housing veterans as was initially intended, Maison Biéler was taken over by the City of Montreal. The same decision was made in 2020 with the transfer of its second facility in downtown Montreal, Maison Jean Brillant. The City of Montreal has maintained these buildings to continue to provide affordable housing in their downtown core.

[*Translation*]

Since then, the foundation has redefined its mandate. It now focuses on helping and serving military members and veterans, young and old, as they transition to civilian life by offering rehabilitation therapies tailored to their needs. This subsidiary of the parent foundation is now called Le Sentier — The Trail Transition Housing for Veterans and will be the subject of this series.

[*English*]

Honourable senators, I look forward to continuing to tell you about Le Sentier — The Trail and their existing services, their therapeutic equestrian centre and their plans for a state-of-the-art facility in Sainte-Anne-de-Bellevue in the next segments of the series. Thank you.

ROYAL CANADIAN MOUNTED POLICE

ONE HUNDRED AND FORTY-EIGHTH ANNIVERSARY

Hon. Bev Busson: Honourable senators, I rise today to mark the one hundred and forty-eighth anniversary of the creation of the Royal Canadian Mounted Police, an organization that I am proud to have been a part of for 33 years. The story of the RCMP is a microcosm of Canada and was born of the most basic of Canadian preoccupations — our neighbours to the south.

The Americans had shown themselves to be forcefully expansionist, marking their occupation of the West by deadly confrontations with Indigenous people through their aggressive government policies. The Canadian government sought a different model. Sir John A. Macdonald considered a police presence in the territory for about eight years before acting. Finally, the House of Commons provided him with the authority to create a police force on May 23, 1873, with hardly a debate and with a unanimous vote.

At this time, the Northwest Territory from Fort Garry in Manitoba to the colony of British Columbia was without a government presence and at the risk of being overrun by invaders from the south. The most infamous of these incursions was the Cypress Hills Massacre, when at least 20 Assiniboine men, women and children were murdered by whisky traders from Fort Benton in Montana. The threat of American annexation of large parts of the Northwest Territory, as had been done in California and Texas, also hung heavily on the minds of the government.

While plans for a railway would soon fill the West with migrants, Ottawa worked to avoid the lawless "wild west" culture and the worst excesses of the American experience.

Into this crisis, Macdonald sent 150 officers and recruits of the newly formed North-West Mounted Police. They were dressed in the red tunic of the British Army to differentiate them from the blue of the U.S. Army. One cannot deny the tragedy of this clash of European and Indigenous cultures, but in 1873, expansion was inevitable. The first members of the North-West Mounted Police built relationships with Indigenous leaders and also offered sanctuary to Sitting Bull when he and his warriors fled over the border into Canada. The force subsequently refused entry to the pursuing 7th Cavalry.

Almost a century and a half later, it is possible that, if the RCMP had not been created, large swaths of Western Canada could now be part of the United States.

Today, the RCMP has approximately 30,000 employees, representative of almost every culture in this diverse nation. They operate in every province and territory in Canada performing duties from school liaison to anti-terrorism, and also conduct UN peacekeeping functions around the world, most recently in April, sending a contingent to help guard civilians against sexual- and gender-based violence in the Democratic Republic of the Congo.

Since its creation, approximately 245 RCMP officers have died in the line of duty, and we thank them for their service and their sacrifice. Thank you, *meegwetch*

THE LATE JIN SOO (STEVEN) LEE

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I am honoured to pay tribute to a respected member of the Greater Toronto region and a national Korean-Canadian leader, the late Jin Soo (Steven) Lee.

I had the privilege of knowing Mr. Lee for more than a decade. From the time I first met Mr. Lee it was clear that he was a man of integrity and humility, a true servant leader.

He graduated from the Korea Military Academy in 1971 and served as an officer in the army until 1981. He was medically discharged as a first lieutenant after a land mine accident which caused a serious leg injury.

In 1983, Mr. Lee immigrated to Canada where the next chapter of his journey began. For 10 years, he worked as a stock market security analyst at IBM Canada. In 2006, Mr. Lee served as president of Korean Veterans Association eastern chapter. For nearly two decades, he continued to play an active leadership role in the Toronto Korean-Canadian community as well as within the national community.

Mr. Lee served as the thirty-second, thirty-third and thirty-sixth President of the Korean Canadian Cultural Association, or KCCA, of Metropolitan Toronto. As president, he successfully ran a fundraising program to renovate the KCCA cultural centre to provide easier access and programs to the community. He believed in the strength of community ties and the importance of culture and educating the future generations to become themselves future leaders of tomorrow.

Mr. Lee also published *50 Years History of Korean Canadians*, which highlighted the Korean immigrant history through dynamic stories of economic, social, arts and cultural significance. His story, like many others, contributes to the beautiful mosaic and colourful fabric of Canadian society.

This past year, Mr. Lee, as president of KCCA, representing the largest Korean community in Canada, was faced with new challenges due to the COVID-19 pandemic. Yet, he remained a pillar of strength for so many people. He successfully operated a Good Morning Campaign and Good Morning seniors with support of provincial- and federal-level grants to help vulnerable communities with food bank donations, PPE supplies and virtual programs during the pandemic.

Above all, he was a loving husband to Ok Jin Lee; devoted father to Sam Sang Yup Lee and Ellen Inshil Lee; and proud grandfather to Edward, Michelle, Alex and Evan. To his family and friends, please know that you are in my prayers. Although he is no longer with us, Mr. Lee's legacy will live on in the lives of all those he touched.

Honourable senators, please join me in paying tribute to the late Jin Soo (Steven) Lee. May he rest forever in peace.

[*Editor's Note: Senator Martin spoke in Korean*.]

Some Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

MAY 2021 REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the May 2021 reports of the Auditor General of Canada.

BUDGET IMPLEMENTATION BILL, 2021, NO. 1

THIRD REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE ON SUBJECT MATTER TABLED

Hon. Peter M. Boehm: Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the subject matter of those elements contained in Divisions 6 and 20 of Part 4 of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures.

(Pursuant to the order adopted on May 4, 2021, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting.)

• (1350)

[*Translation*]

THE ESTIMATES, 2021-22

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

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 the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2022; and
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

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.)

[*English*]

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

CO-CHAIRS' ANNUAL VISIT TO JAPAN, FEBRUARY 11-15, 2020—REPORT TABLED

Hon. Jim Munson: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Inter-Parliamentary Group concerning the Co-Chairs' Annual Visit to Japan, held in Hiroshima and Tokyo, from February 11 to 15, 2020.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to the order of Tuesday, May 25, 2021, I do now leave the chair for the Senate to be put into a Committee of the Whole on the subject matter of Bill S-4. The committee will be presided by the Speaker pro tempore, the Honourable Senator Ringuette. To facilitate appropriate distancing, she will preside the committee from the Speaker's chair.

PARLIAMENT OF CANADA ACT

CONSIDERATION OF SUBJECT MATTER IN COMMITTEE OF THE WHOLE

On the Order:

> The Senate in Committee of the Whole in order to receive the Honourable Dominic LeBlanc, P.C., M.P., Minister of Intergovernmental Affairs, accompanied by at most three

officials to consider the subject matter of Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts.

(The sitting of the Senate was suspended and put into Committee of the Whole, the Honourable Pierrette Ringuette in the chair.)

The Chair: Honourable senators, the Senate is resolved into a Committee of the Whole on the subject matter of Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts.

Honourable senators, in a Committee of the Whole senators shall address the chair but need not stand. Under the Rules the speaking time is 10 minutes, including questions and answers, but, as ordered, if a senator does not use all of his or her time, the balance can be yielded to another senator.

The committee will hear from the President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, accompanied by officials.

I will now ask the witnesses to join us.

(Pursuant to the Order of the Senate, the Honourable Dominic LeBlanc joined the sitting by video conference.)

• (1400)

[*Translation*]

The Chair: We are joined by the Honourable Dominic LeBlanc, P.C., M.P., President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs.

Minister, welcome to the Senate. I would ask you to introduce your officials and to make your opening remarks of at most five minutes.

Also, on behalf of all honourable senators, I want to say how delighted we are that you've recovered. We hope you continue to enjoy good health for a long time to come.

Hon. Dominic LeBlanc, P.C., M.P., President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs: Thank you, Madam Chair.

Honourable senators, I'm pleased to be with you today. I'm also happy to see you chairing this Committee of the Whole, Senator Ringuette. I was thinking of you when I was in your beloved Madawaska region last week. I am glad to see you in the chair, because you have served New Brunswick so well for so many years.

[*English*]

I am pleased to appear before you at Committee of the Whole to discuss Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts. As noted by the chair, I am joined by senior officials from the Privy Council Office: Maia Welbourne, Assistant Secretary of Parliamentary in the Office of the Deputy Secretary to the Cabinet; and Shannon-Marie Soni, Director of Operations, Legislation and House Planning.

I also want to take a moment to thank my friend Senator Harder for his diligent and helpful work in sponsoring this bill. I had the privilege of working with Senator Harder closely in the last Parliament, and it is a privilege to be able to do so again now.

Madam Chair, Bill S-4 is an important next step forward in our government's support of a less partisan and more independent Senate. The Senate, as all of you know better than I do, was created and continues to play an important role in providing sober second thought in legislative review, regional representation and representation of minority voices.

I am a fan of the work you do. My father had the privilege of serving in your chamber for 10 years, from 1984 to 1994, and he always spoke fondly of the work he was able to do for Canadians and of the friendships he formed in those years serving in the Senate.

The Senate is a pillar of our parliamentary democracy. It's the upper house of our bicameral system, and it obviously serves as a representative body to review legislation, champion improvements, correct oversights made in the House of Commons and, additionally, to hold the government to account.

[*Translation*]

In 2016, the government introduced a non-partisan, merit-based process for Senate appointments. The Independent Advisory Board for Senate Appointments plays an important role in our democracy by providing the Prime Minister with non-binding, merit-based recommendations to ensure that Senate appointees reflect Canada's diversity and are able to make a significant contribution, as you all do, to the work of Parliament.

[*English*]

Since then, 52 senators have been appointed to the Senate through that advisory board process, and we expect to have additional appointments in the coming weeks as well. Since 2016, we have seen the creation of three new non-partisan groups in the Senate: the Independent Senators Group, the Canadian Senators Group and the Progressive Senate Group.

Building upon these important steps forward, changes to the Parliament of Canada Act and other acts are required to reflect the current reality in Canada's Senate. The proposed legislation upholds our government's promise to update the Parliament of Canada Act and reflect the current reality in the Senate. Importantly, these proposals are minimalist and incremental. They do not remove any authorities or entitlements. The proposals simply extend some of these to other recognized groups.

[*Translation*]

The goal of the bill is to ensure that the Parliament of Canada Act, which governs key aspects of how the Senate operates, reflects our current reality here in the Senate. The bill seeks to

extend official recognition to the new groups that have formed, specifically ensuring that those groups play a role in Senate governance and the parliamentary appointments process, and that leaders of the groups receive allowances commensurate with the number of seats held by their group in the Senate.

[*English*]

More specifically, the bill amends the Parliament of Canada Act and makes consequential and related amendments to other acts to provide that the leader or facilitator of all recognized parties and groups in the Senate be able to make membership changes to the Standing Committee on Internal Economy, Budgets and Administration and be consulted on the appointments of the following officers or agents of Parliament: the Senate Ethics Officer, the Auditor General, the Commissioner of Lobbying, the Commissioner of Official Languages, the Public Sector Integrity Commissioner, the Privacy Commissioner, the Information Commissioner and the Parliamentary Budget Officer. Such groups would also be consulted about the appointment of senators to the National Security and Intelligence Committee of Parliamentarians.

This legislation would also provide that at least one senator from each group in receipt of the leadership allowance —

[*Translation*]

The Chair: Minister, I'm sorry, but your time has expired.

[*English*]

We will move on to the first block of 10 minutes with the Leader of the Opposition in the Senate, Senator Plett.

Senator Plett: Minister, let me add my voice in welcoming you here today. It is good to see you looking so well, and I hope that will be so for many years to come.

Minister, your father was a senator, as you said. In fact, he was a Speaker of the Senate. I know you have a lot of respect for our institution and its traditions.

However, although I support Bill S-4, I take strong opposition to the comment that the Senate is any less partisan now than it has been since 1867. We may have groups that are not parts of registered parties, but believe me, there isn't a person who serves in this august chamber who isn't partisan.

Since 1867, the functioning of the Senate has been based on the distinctive roles of government and opposition, minister, to which you have referred. Bill S-4 does not change that. There will still be a government and an opposition side, minister, and I would like for you to tell us why you thought it was important to keep a government and an opposition in the Senate.

Mr. LeBlanc: Thank you, Senator Plett and Madam Chair, for your kind comments. I very much appreciate them. I, too, look forward to being able to serve in Canada's Parliament for a number of years, and I thank you for your kind comments.

As you said yourself, senator, there are very proud and long-standing traditions and constitutional realities that have defined our Parliament since Confederation. In this legislation, we decided as a government — and obviously by introducing it in the Senate, we wanted the Senate to be able to pronounce itself on the legislation, since it very much affects the functioning of your chamber — it would be appropriate to have the Senate be able to debate, discuss and/or amend the legislation, as it sees fit, before it comes to our place.

As you noted, senator, we did make a very deliberate decision not to change the fundamental and traditional roles that have existed since Confederation of a government representative group and an opposition. I know that Senator Gold and I, in a number of discussions before the legislation was formulated, talked about the importance of respecting those traditions but also of adding to them, as I indicated, in an incremental way additional responsibilities and allowances that would reflect other groups that have subsequently been formed in the Senate and which don't fit into that particular definition. But in no way did we seek, as you said, to change those traditional and important institutions in your chamber.

I obviously defer to you and your colleagues in the Senate as to how the Senate chooses to structure itself. That's why we thought it was important to have this legislation debated and, ultimately, we hope, adopted by the Senate. Then we'll obviously make best efforts to do the same in the House.

Senator Plett: Thank you, minister. I don't know for sure whether I got my question answered, but that is also common in this chamber; we aren't ever sure whether we get our questions answered, so there is nothing new there. But I certainly appreciate your response.

• (1410)

Minister, you and other government representatives consulted with leaders of all groups and, in fact, consulted with myself. I appreciated that. It was a very frank discussion. I believe you took note of the comments I made.

Would you just confirm, minister, that Bill S-4 represents a consensus of all groups? Why did you feel it was important to get such a consensus — if in fact you would agree with that — before tabling this important bill?

Mr. LeBlanc: Madam Chair, through you to Senator Plett, you're absolutely right, senator. We had what I thought was a productive, constructive conversation. Senator Gold and I had similar conversations with other leaders in the Senate.

We see this legislation as being — I'm trying to think of the right legislative term — born in and of the Senate in the sense that, if the Senate didn't achieve a consensus amongst the different groups and the leaders representing those groups, the House of Commons wasn't going to opine itself on matters that affect directly and only the Senate. We hoped that could be the product of consensus.

As you correctly said, we didn't think it was appropriate, and frankly, we didn't think in a minority Parliament in our chamber it would have been particularly constructive to draft and introduce a bill that couldn't achieve a certain element of consensus in your chamber. Your role as Leader of the Opposition was important therein. Senator Gold is holding the

tiller in this process, as is Senator Harder, but I worked with Senator Gold as our representative to try to find the right balance to reflect — as best as we thought — a consensus in your chamber, but I will obviously be governed by your chamber's voting, if and when the Senate opines itself on this legislation.

Senator Plett: Thank you. You did answer a question that I was going to ask and that is why you chose to table a government bill in this house rather than in the House of Commons, but you pre-emptively answered that, so thank you.

Minister, there are additional allowances contained in section 3 of the bill. Again, I'm supportive of those. But the bill has them coming into force on July 1, 2022. How did you come about picking that date?

Mr. LeBlanc: Madam Chair, through you to the honourable senator, I'm glad you asked that Senator Plett, because in discussions with officials at Privy Council when we talked about this legislation, I asked that same question. Because there is a non-appropriation clause in the legislation, for the reasons I mentioned, this is properly a bill that concerns only the Senate, and we thought it would be respectful and appropriate for the Senate to pronounce itself on the legislation. We hope and believe we can quickly ratify it in the House of Commons, since it affects only the Senate. We hope that our house would be respectful of that consensus that we hope we can develop in the Senate.

However, because there is a non-appropriation clause, the legal advice we got on the way to bring the legislation into effect took into account a number of Speakers' rulings around how these non-appropriation clauses can be used to properly create a legislative framework. We took note of a decision of Speaker Kinsella in your chamber and Speaker Regan in our chamber. The non-appropriation clause would allow us in a subsequent supply bill to attach the appropriation necessary to bring it into effect.

If Senator Gold and leaders in the Senate had a way that would be more certain than July 2022, we would be wide open to looking at it. There is no magic to that date, but that was on the advice we received. Effectively, we will have to pass a supply bill in our house and send it to you to attach the appropriation, and that's what will bring the legislation into effect.

Our thought process was that we don't know what events might happen this fall, when there would be the appropriate supply process, but if there were a reliable way — and we would welcome your suggestions and I'd be happy to work with Senator Harder, Senator Gold and others and yourself — and we could come up with an earlier implementation date, we would be wide open to it. It wasn't ideological. It was the worst case scenario of when a supply bill could properly add the appropriation. But it is no more significant than that. I had the same reaction. It seemed like a long runway, but if there was a way to coherently and properly shorten it, we would be wide open to having those conversations.

Senator Plett: Our chair is really quite punctual with time. I will say this, and you may or may not have time to answer me. Maybe you can answer it down the road.

You did choose to make this a stand-alone bill instead of putting the small changes of the Parliament of Canada Act into the budget implementation act. If you have time, give me a *Reader's Digest* version of whether that would have been a simpler way of doing it.

The Chair: Sorry, your *Reader's Digest* response will have to wait. We are now moving to the next 10-minute block.

Senator Boehm: Minister, it is a pleasure to see you looking so hale and hearty. Thank you for joining us today.

On behalf of the Independent Senators Group, I would like to thank you for your dedication to the issue of Senate reform. It is near and dear to many of us. Senator Plett has asked my question as to why this is being introduced in the Senate and not in the House, particularly since there are financial implications, and you have answered that.

I wanted to pursue the issue of incrementalism. You mentioned incremental changes. If we look at the Westminster system and how that has evolved around the world in former colonies, we see that New Zealand abolished its Senate. Australia decided to hybridize theirs, making it a combination of the British and U.S. systems, but with proportional-type elections and an ability to deny or cast a veto on all bills, if that is the case in Australia.

Are these just baby steps or do you have a longer-term vision of what you would like to see the Senate become? These measures seem fairly cautious when compared to what has happened in some of the other countries. Even in the U.K., there has been extensive polling and a lot of work in the past few years to change the House of Lords. The steps there have been taken gingerly, so I am wondering how you would plan ahead if you could?

Mr. LeBlanc: Thank you, Madam Chair and through you to Senator Boehm, it is a privilege to see you this afternoon. I had the privilege of knowing and working with Senator Boehm when I was a young assistant in Mr. Chrétien's office. Chair, you were sitting in the other chamber then and Senator Boehm was a senior official at the Foreign Affairs Department. He and I did a number of trips together. It's a privilege for me to be able to work with him again in his new role as a parliamentarian.

Senator Boehm, your question is a very good one. As somebody interested in these issues since I was a student, I took note of former Prime Minister Harper's reference case to the Supreme Court around the possibility to change constitutionally the role of the Senate. In that case, there was an issue around potentially electing senators. It's obvious there are limitations around the kinds of reforms that we have seen in other Westminster parliamentary jurisdictions — you mentioned New Zealand and Australia — and obviously those kinds of profound, fundamental changes to a fundamental bargain of Canadian Confederation, which was the Senate, would require a level of constitutional change that we don't think the country is particularly inclined to head into.

The Prime Minister articulated this view five or six years ago. We think the Senate can — as it has, I would argue, in recent years — work well in providing the legislative review that is

fundamental to a bicameral parliamentary system. We believe the Senate, in its current role, can and does play an important part in the parliamentary life of our country.

• (1420)

We don't think Canadians want to have a discussion around constitutional change at this moment. Previous prime ministers have been of the same view as our current Prime Minister.

As a government, Senator Boehm, we very much wanted to focus on what we could do to encourage the Senate to assume its historical role. As someone from a small province, like New Brunswick, for me it is important, as it is for many people across the country.

We're proud of the work the Senate has been doing. We think these incremental and — you're right, Senator Boehm — modest changes, certainly in a constitutional context, have been valuable. We think Canadians have been tuned in to the work the Senate is doing in a way that perhaps we hadn't seen for some time. We think it validates the important role the Senate can play in Canada's Parliament.

However, there is no desire or particular plan to look at more significant renovations. We're happy to allow the Senate to evolve in the way that you, as a member of the Senate, and your colleagues who serve there think is in the best interest of Canadians.

Senator Boehm: Thank you very much, minister.

Madam Chair, I yield the balance of my time.

[*Translation*]

Senator Bellemare: First of all, Minister LeBlanc, thank you for the work you're doing to modernize the Senate. In fact, your conviction with respect to this process, which you articulated so well at the Standing Committee on Rules, Procedures and the Rights of Parliament in February 2016, was the spark that prompted me to become an independent senator.

That being said, Bill S-4 officially recognizes that the Senate of Canada is no longer a duopoly. Bill S-4 allows the Senate to be made up of several groups that are not necessarily affiliated with a political party, and it promotes pluralism, making it more difficult for a government to try to control the majority of votes in the Senate.

Nonetheless, the Senate appointments process is just as important for preserving the Senate's credibility with Canadians.

There is no clause in Bill S-4 that covers the appointment process. My question is the following: Does the government intend to ensure a certain continuity at the Independent Advisory Board for Senate Appointments, and how does it plan to do that?

As you know, the United Kingdom has had a similar appointment process for the House of Lords since 2000. In the United Kingdom, political parties can nominate candidates. Would you be in favour of that option for appointing future senators in Canada?

Mr. LeBlanc: Thank you, Senator Bellemare, for your question and for the work you do on behalf of Canadians.

As you said, the appointment process we introduced following the 2015 election reflects the priorities that our Prime Minister expressed at the time — a commitment we made to establishing a more transparent process that allows people to nominate themselves. It is wonderful that someone can apply to become a senator. This gives people a chance to signal their intention or desire to serve Canadians in such an important role in the Senate.

The members of the Independent Advisory Board for Senate Appointments are appointed by order in council, which makes the deliberations of the advisory boards in each province more official and important. I have the privilege of asking the provincial premiers to suggest people who could represent their provinces. You know the process as well as I do.

Based on advice we received four or five years ago regarding a fundamental constitutional change, the Prime Minister is the one who must appoint senators. In our case, he decided to give a list of highly recommended candidates to this group of distinguished advisers, but ultimately, and legally, the letter that the Prime Minister sends to the Governor General serves as the official recommendation that someone be appointed to the Senate.

I asked why we weren't considering drafting legislation for this process or a version of this process — I don't have the document with me, but I was the House leader in the other place at the time — and I clearly remember the advice we were given, or at least what I was told in a briefing. The Justice Department probably had some misgivings about interfering with the Prime Minister's constitutional discretion. If we tried to draft legislation for this, it was unclear whether it would be easy to do in a constitutionally appropriate way. That is why we decided to use orders in council to establish the board. However, the Prime Minister does follow the advisory board's recommendations.

[*English*]

Senator Tannas: Minister, thank you for being with us today. I want to say how much I appreciated the opportunity during the consultation process to speak with you about the plan.

I have a couple of relatively quick questions. First is a technical question that came up recently.

The bill provides funding for the three largest groups that are not government or opposition based on membership. What if, for the largest groups, there is a tie, so that the two largest groups have the same number of members? Conversely, what if the third- and fourth-largest groups have the same numbers? The bill is silent on that. I wonder if you have given that any thought. Is an amendment required? In your opinion, could we deal with this in the *Rules of the Senate*?

Mr. LeBlanc: Senator Tannas, thank you for the question and for the conversation we had some weeks ago.

The government is not proposing to insert a tie-breaking mechanism in the act, which we are told — and we believe — enables the Senate to determine the appropriate approach and mirrors the situation that would exist in the House of Commons. Because the legislation, as you properly noted, is silent in the case of a potential numerical tie, it would be up to the Senate — referring to any precedents that exist in your chamber — as the Senate sees fit to resolve the issue of a tie. We were told there are ample precedents in the House of Commons for circumstances like that, and we would be governed by the decisions of the Senate and the rules that govern how the Senate itself would resolve that issue.

Senator Tannas: Thank you very much.

For my second question, I found it odd — and increasingly so as the government seeks to help foster a more independent Senate — that the Clerk of the Senate remains a hired position determined by the Prime Minister. Is there any thought of addressing this kind of odd situation in the bill?

Mr. LeBlanc: Thank you, Honourable Senator Tannas, for the question. I wondered the same thing, senator. You're right; these are Governor-in-Council appointments. The decision was that if we opened it beyond the commitment we made to reflect how the Senate has evolved, to properly recognize people who play leadership roles in the Senate and to recognize their service and increased responsibilities, then obviously the Prime Minister would appoint a Clerk of the Senate in consultation with the different leaders in the Senate. Obviously, Senator Gold would be intricately involved and would have conversations with his counterparts in circumstances like that. We wouldn't purport to appoint someone who didn't achieve a consensus.

• (1430)

It should not be a position other than, obviously, a merit-based position where somebody serves the Parliament of Canada in that important role.

Should there be an appointment, the Prime Minister or I would consult Senator Gold, the Speaker and obviously the leadership of the Senate. That would be the way we would operate.

We did deliberately decide to stick to the lane that we'd committed to in the election campaign, reflecting the way the Senate has structured itself and giving the leaders that play roles in the Senate, such as yourself, increased responsibilities and the proper recognition in the legislation. If we got into Governor-in-Council appointments, then the obvious question will be: What about the clerk of the House of Commons?

Again, if the Senate had strong views on that and wanted to pronounce itself on that or if Senator Gold and other leaders in the Senate feel strongly, we're open to having that conversation. We thought if we left the lane of this piece of legislation; we're hoping we can pass this before Parliament finishes in a few weeks. That's very much our intention. We wanted to keep to that minimalist, incremental gesture, but we're wide open to continuing conversations on other matters like that, senator.

Senator Tannas: Thank you, sir. I'll leave it there and yield the rest of my time.

[*Translation*]

Senator Dagenais: Thank you, Minister. I must admit that I'm having trouble understanding, but I will still ask you the question. The Senate is part of Parliament. We know that in most Parliaments, the opposition is represented by the largest group. How can the opposition be represented by a group that is smaller in size? Would senators always be appointed on the recommendation of the Prime Minister? In all honesty, I do feel like we are an independent chamber, but that may not necessarily be the case. I would like your comments on that.

Mr. LeBlanc: Thank you for your question, senator. I agree with you. As you are well aware, senators are constitutionally appointed on the recommendation of the Prime Minister, and your colleagues know that better than I do. The Prime Minister decided to exercise this duty in a different way and to rely on the input of an advisory board, as you know and as I mentioned to your colleague. The Privy Council handles applications from people who wish to signal their intention or desire to serve in the Senate. The change has resulted in greater transparency and an increase in Canadians' participation in this process, but we are bound by the constitutional reality, and the Prime Minister accepts that responsibility.

With regard to the opposition, when I think about what we do in the House of Commons and the way it's set up, you are absolutely right. It's a bit different to imagine the opposition not necessarily being the second-largest group. Honestly, we think it's up to the Senate to decide how to structure itself. We don't think it would be appropriate for the House of Commons or the government to have strong opinions on how the Senate chooses to structure itself or on the groups that are set up.

As I said in response to Senator Plett, we also recognize that there is a great deal of merit in not diminishing, removing or minimizing structures that have existed in the Senate for the last 150 years or so, with a government party and an opposition. We will happily observe how the Senate decides to structure itself over the coming years. As a government, we will try to be as accommodating as possible to the decisions and desires of honourable senators.

Senator Dagenais: Thank you very much, minister.

[*English*]

Senator Cordy: Welcome, minister, it's great to have you in the Senate. I'm sure your dad would be pleased that you are a witness in the Senate, but I'm sure he'd also be pretty surprised that we're meeting by Zoom today.

I will be sharing my time with Senator Dalphond. I want to express my appreciation as others have done for the consultation, minister, that you had with all leaders in the chamber regarding the legislation that will impact all of us. I agree with what Senator Plett said yesterday in the chamber when he said: "The role of consensus-driven change is especially important in the current Senate . . .." I share his view and yours. I know that this is the preferred way to move forward.

I know that many of us have been pleased to see the promised updates to the Parliament of Canada Act that reflect these changes that we've been making to our own rules and practices for quite some time. Indeed, these legislative updates will also reflect your government's commitment to parliamentary reform.

In my speech at second reading, I noted that in your former role as house leader that you reached out to our former colleague Senator Cowan to offer to work with him and others should any changes be required to the Parliament of Canada Act. In response, he called your attention to the 2001 Rules Committee report from the Senate and its recommendation to amend the act to reflect all recognized parties and groups, as is the case in the other place. It was five years ago since that exchange took place and changes within our institution have yet to be reflected in updates, and this bill does that. It's been five years and I'm very pleased that this bill is before us and I'm very pleased with the amendments that you brought forward in this piece of legislation.

I wonder if you could tell us what the delay was? Why did it take five years to bring forward this piece of legislation?

Mr. LeBlanc: Senator Cordy, always a privilege to see you from my neighbouring province of Nova Scotia. I'm very happy to see you and I hope you're well. Thank you again, Senator Cordy.

You and your fellow Senate leaders acknowledged our effort to try and understand priorities of different groups in the Senate by talking to different leaders in the Senate. Senator Gold, with whom obviously I work closely, was very much of the view that that was the best way for the government to proceed. We obviously enthusiastically accepted Senator Gold's suggestion, and he and I were able to have those conversations. He is a very valuable support to me, to the Prime Minister, and to our house leader in terms of how we can achieve consensus in the Senate, where possible, to make legislation better for Canada. That's something that we all have in common.

Senator Cordy, you're right, it's taken too long. In conversations with some of your colleagues, even a year ago, I think we acknowledged that this could and should have been done, perhaps on a more expedited basis. Obviously, in recent months it's been a number of events with the pandemic and so on. You're right, as the new appointees arrived in the Senate, particularly in the 2015 to 2019 period, we saw the Senate structure itself in ways that obviously you and your colleagues thought appropriate. We respected that. It has certainly been clear to us in the last year and a half, and my conversation with Senator Woo and others after the election of 2019 certainly made it clear to me that the government should proceed with this legislation. We're happy to do so. We recognize that it's taken some time and we regret that. Obviously we will be governed by how the Senate pronounces itself, but we, the house leader in conversations with me and Senator Gold and others, hope and will need all honourable senators' help with our parliamentary colleagues in the House of Commons to see if we can't have the legislation adopted, obviously, before we finish in June, go to Royal Assent and then we can work on the supply bill piece. I recognize, Senator Cordy, the delay is not ideal.

Senator Cordy: Thank you, minister. I will hand off the rest of my time to Senator Dalphond.

[*Translation*]

Senator Dalphond: Minister, thank you for being with us today, and thank you for this bill, which incorporates the Senate's new operational reality into the Parliament of Canada Act. Am I correct in assuming from your responses so far that the government intends to leave the rest entirely up to the Senate, and that the next steps in modernization must come from within the Senate and not from the government?

• (1440)

Mr. LeBlanc: Senator Dalphond, as a government, we are constantly on the lookout for good ideas to help improve how Parliament works, and especially to improve the rules governing the House of Commons. As for reforms to the *Rules of the Senate*, we obviously have no opinion on that. It is up to the Senate to make decisions about any changes, modernizations or updates you deem appropriate.

Senator, you know the Canadian Constitution better than I do, but we believe that we are relatively limited in what we can do to change the basic structure of the Senate, as I mentioned earlier when talking about former prime minister Stephen Harper's government.

We believe in the existing system, with a more open and transparent appointment process. We also really enjoyed seeing how the Senate itself formed its own different groups. We think that can improve bills coming from the House of Commons as well as Canadian public policy.

As a result, we are not looking to make other changes to the appointment process. We believe that we took a step in the right direction. We will maintain the appointment process as was announced.

In the coming weeks, we will probably be making other appointments in response to the advisory boards' recommendations. As you said earlier, we'll let the Senate make its own decisions about how to structure its institution. As a show of respect, we have no opinion on the matter, if that's what you were asking.

Senator Dalphond: I have a question about the appointments process, which I fully support. Might there be some way to speed it up a little? We currently have no fewer than 15 vacancies in the Senate, and a quarter of the seats for Western Canada are vacant.

Mr. LeBlanc: Thank you, Senator Dalphond. You're absolutely right. We are about to fill several vacant Senate seats, and I hope that will happen in the next few weeks.

To be honest, it's harder for the advisory boards to discuss potential candidates virtually than in person. The same goes for simple procedures such as background checks. Before someone is appointed to the Senate, security agencies conduct background checks. We're seeing significant delays in getting the results of those background checks from the security and intelligence agencies. It's a completely normal process, but COVID is causing lengthy delays. That is a way too detailed and technical explanation, but we do realize we need to move quickly. I have reason to believe that there will be far fewer than 15 vacancies a few weeks from now.

Senator Dalphond: Thank you, minister. I look forward to the next appointments.

Senator Carignan: Thank you, minister. It is always a pleasure to welcome you to the Senate to discuss the issues.

You spoke very respectfully about the traditions of the Senate, of the opposition. You say that in the bill, there is a consensus and you agree with it. You agree with maintaining the opposition role and giving it critical importance. You talked about the benefits, saying that respecting the opposition traditions has its advantages. Can you describe the advantages of having an opposition in a chamber like the Senate or the House of Commons?

Mr. LeBlanc: Thank you for the question. Senator Carignan, it is always a pleasure to see you. I had the opportunity to be a government backbencher. After that, I spent nine years in the opposition in the House of Commons, and towards the end, I was in the third party in the House of Commons. Then I became a government member and a minister as well. I recognize the importance of having an opposition in a democracy. Obviously I recognize the importance of the House of Commons. During my discussions with Senator Gold and some of your other Senate colleagues, we agreed to uphold and respect this tradition in the Senate, which goes back to Confederation.

As I said in my comments at the start of the Committee of the Whole — I said some nice things about your Chair, but I ran out of time. I also wanted to highlight the importance of the government being accountable to parliamentarians in both houses. As a minister, I have twice had the opportunity to participate in Question Period in the Senate. I really enjoyed the experience, as did my colleagues. It was an important moment in my role as minister. I am certain that everyone found the experience very interesting.

However, be it before a standing committee or a Committee of the Whole, we appear before you to ensure accountability to Parliament, which includes both houses. We have no problem with a parliamentary group in the Senate playing this role to improve bills and public policy. It gives Senator Gold the opportunity to rise and answer questions. Only the Deputy Prime Minister, the Prime Minister and Senator Gold can answer questions on behalf of the government as a whole. I would never presume to take that opportunity from him. I know he loves that role. He gives very precise, detailed answers to all your questions. I would never presume to take that opportunity from him.

Senator Carignan: Thank you. I see that you're meeting your objective. Can you say a few words about the advisory board, which is supposed to submit a report? I see that we haven't received a report since December 5, 2018. You talk about a transparent board, but why hasn't the advisory board submitted a report on Senate appointments to us since December 2018?

I understand that you will be filling seats in the coming weeks, but why didn't you do it sooner? You will be appointing people in June, just as Parliament rises. Why fill these positions before holding an election? I don't understand. Why didn't you make these appointments sooner so the new senators could have a chance to work with us? What's going on with the reports from the advisory board?

Mr. LeBlanc: Senator, I don't know whether there will be an election anytime soon. I'm not as convinced as you are that an election is right around the corner. As Senator Dalphond pointed out, it is not ideal to have a large number of vacancies in the Senate from a representation perspective. It's a lottery as to who will retire and when. This could cause a significant regional imbalance, which is not ideal.

We will be making these appointments. I've had a discussion with Huguette Labelle, the chair of the advisory board. I know she feels that some of the premiers have been slower than expected in sending in their suggestions. I have written to the premiers, but we haven't received responses from across the country as quickly as we would have liked.

Obviously, the background checks for people appointed to the advisory boards, which are order-in-council appointments, take a long time. As I said before, I don't have any reasons to give you. Unfortunately, for the past year or year and a half, this type of appointment has been taking longer than we expected. However, with respect to the committee's report, I will ask Ms. Labelle the question. Honestly, I don't know why the board is independent of the government, but I will ask the Privy Council Office to check with Ms. Labelle, who is doing very important work in this process. I will come back to you later with a more complete answer, because I can't give you an answer at this time.

• (1450)

Senator Carignan: As we are discussing appointment processes for important positions, I wanted to ask you if this bill will be signed into law by a governor general, or will it be signed by the Chief Justice of the Supreme Court?

Mr. LeBlanc: That is a very good question. The Prime Minister asked the advisory board to provide a short list of potential candidates, and that is what the board hoped to do. The board has met 11 times to date. I spoke with the Clerk of the Privy Council earlier today. There will be another meeting of our small advisory board, which consists of six people: four

volunteers, the clerk and myself. We ask these people to volunteer their time. We are coming to the end of our process, which is encouraging. Naturally, the required background checks are under way.

Unfortunately, we were unable to meet the deadlines that I mentioned publicly in media interviews. I don't want to do the same thing before the Senate, but we will probably be able to appoint a new governor general by the end of the session or by Saint-Jean-Baptiste Day, if not before. We still haven't given the Prime Minister a list of candidates. We are finishing up our work, and it will be up to the Prime Minister to think about what will happen next. Of course, even once the Prime Minister has chosen a candidate, the swearing-in process could take some time. Because of the pandemic, we will not be able to organize the same type of ceremony that we have seen in the Senate in the past, which means that the person who is appointed could start serving more quickly than usual. It is not ideal for the Chief Justice to be filling in for months at a time. We will try to get this situation resolved as soon as possible.

Senator Carignan: Thank you. I think that this situation puts the Chief Justice in a very awkward position with regard to some bills that could end up before him one day.

Mr. LeBlanc: I agree with the senator, Madam Chair. The Chief Justice is already busy enough with his regular duties. This is a lot of work for him. It is a completely appropriate arrangement constitutionally speaking, but we are approaching the end of the process for both the Chief Justice and the Governor General of Canada.

Senator Cormier: Good afternoon, minister. I'd like to start by thanking you for your contribution to the modernization of the Senate, and I would be remiss if I didn't thank you for your tireless dedication to New Brunswick, Acadia, and our country.

Let me say that I'm honoured, as a citizen who has never belonged to a political party, to have been appointed to the Senate through a new, less partisan process. Let's hope this process will be permanent, because it truly reflects our country's diversity. That said, minister, let me ask you something. The Senate's mandate is to represent the regions and minorities. Canada's status as a bilingual nation from coast to coast to coast is due in large part to the presence of official language minority communities. Highly qualified members of those communities have all the skills necessary to perform the duties of a senator, and many of them have expressed an interest in the job. Having candidates who represent linguistic and cultural minority communities is considered an important factor in the appointments process. The reform of the Senate must continue to take this cultural and linguistic reality into account to ensure greater diversity. Given all that, how does the government plan to ensure that the advisory board for Senate appointments truly considers the representation of linguistic minority communities in its selection criteria so that its recommendations accurately reflect the linguistic and cultural balance that characterizes our whole country?

Mr. LeBlanc: Thank you, Senator Cormier. I hope that you are indeed in the beautiful town of Caraquet today. I am pleased to see you on the screen, and I look forward to seeing you this summer on the stunning Acadian Peninsula. I am entirely in agreement with you, and your example demonstrates the importance, in the context of nominating and appointing senators, of choosing people who reflect the linguistic duality of the country, but, especially, who represent minority communities. There are people in the Senate, like the Speaker pro tempore, Senator Gagné and many others, like you, Senator Cormier, who are doing a great job of reflecting the importance of official language minority communities. I am thinking, for example, of the Acadian community of Nova Scotia since the retirement of Senator Comeau, whom I liked very much. I often saw him on flights between Ottawa and Halifax. We recognize the importance of making sure these communities are properly represented as senators are appointed. The Prime Minister is absolutely willing to do that.

During discussions we had with Ms. Labelle — Huguette Labelle has a lot of experience in the area you talked about, and we see that in her professional background. I know that for her and her colleagues on the advisory boards for each province, this is an important reality that is given a high priority. When the Prime Minister receives lists of names, I know that he is concerned about the issue too. My House of Commons colleagues and I often take the time to remind our colleagues of the importance of reflecting this duality. Ultimately, as an Acadian like you, Senator Cormier, I fully recognize the guardian role that the Senate has played and the improvements it has tried to make over the years, sometimes even at difficult moments in its history. These are values that we want to enhance and celebrate, not weaken.

Senator Cormier: Thank you for that answer, minister. As you know, francophones are present throughout the entire country, and yet there are currently no francophone senators from west of Winnipeg. Also, you talked about Acadia, so I'm sure my colleagues won't mind me asking you this question. You are aware of the Acadian people's contributions in building our country and their work in the upper chamber since the creation of Canada. As an Acadian, I am very concerned about the fact that New Brunswick is the only Atlantic province that has any Acadian representatives in the Senate. As you yourself mentioned, since Senator Comeau retired, the Acadian community in Nova Scotia is no longer represented. Prince Edward Island and Newfoundland and Labrador have very vibrant, very active francophone and Acadian communities, and these communities have a great deal of expertise. How does the government intend to ensure that when the Independent Advisory Board for Senate Appointments makes its recommendations to the Prime Minister, it quickly corrects this situation by recommending the appointment of Acadians from these provinces to the upper chamber as soon as possible?

Mr. LeBlanc: Madam Chair, I very much share the views expressed by Senator Cormier. Since it is an independent advisory board, it is not up to the government to give it any specific direction. However, we have spoken with Ms. Labelle, the chair of the advisory board, regarding the importance of the reality you just so wisely pointed out.

• (1500)

I am confident that we may see other Acadians appointed to the Senate, and that they will not just come from our province of New Brunswick, but from other provinces as well. I was very

proud when an Acadian was appointed Lieutenant Governor of Nova Scotia for the first time. This position dates back to an era when Acadia was going through some very difficult times. No one could have predicted that Lieutenant Governor LeBlanc would hold this position in Nova Scotia today. It was a first and an important moment. I pointed this out to cabinet when we discussed this appointment.

Senator Cormier, I am very confident that your wish, which is shared by many other people in our community, will come true in the next few rounds of appointments.

Senator Cormier: Thank you, minister.

Madam Chair, I am going to yield the balance of my time to Senator Galvez.

[*English*]

Senator Galvez: Thank you very much for being with us to answer our questions on Bill S-4. I would like you to expand on the government road map for Senate modernization. COVID has exposed how we need our democratic institutions to function efficiently and with independence and agility during crises.

Under the previous government, Stephen Harper had firm beliefs and projects for the Senate that he pushed all the way to the Supreme Court of Canada. How far is your government willing to go in terms of Senate modernization? What are the core principles and legislative competencies guiding your vision on Senate modernization?

Mr. LeBlanc: Madam Chair, I thank the senator for the question. I think our government is always interested in ways to make Parliament more effective and to modernize Canada's Parliament. Obviously, I'm speaking of both houses. The Prime Minister believes that a more independent Senate would offer a legislative scrutiny not only in the strict context of legislative review but in public policy conversations as well and in the accountability of the government to both houses of Parliament — an opportunity for a renewed, more invigorated role.

We certainly believe that has happened. That has been one of the positive evolutions. But as former Prime Minister Stephen Harper found out, senator, the ability of a government to change the fundamental nature of the Senate is very limited by virtue of that reference that Prime Minister Harper sent to the Supreme Court of Canada. We're certainly not interested in opening up a constitutional discussion with provinces. We don't think that's a priority that Canadians would like their government to focus on. They want us to focus on the context of the pandemic and the support in terms of an economic recovery, so that's where we're focused.

But absent constitutional change, we would welcome, as a government, any suggestions, any advice that comes from the Senate on where the government could play a supportive role in the evolution of your chamber. We think it should be in the hands of senators, but if there were, because of a legislative measure — and today's discussion on Bill S-4 is a good example — other opportunities for the government to play a supportive role in working with Senate leaders and with senators themselves, we would be wide open to doing so.

We don't have a master plan for some constitutional change, not at all, but if there were incremental improvements in which the government could be a constructive partner with the Senate, within the existing constitutional framework, we obviously would welcome that opportunity and are always available to work with all honourable senators.

Senator Galvez: Thank you.

Senator Batters: Minister LeBlanc, you're a highly experienced parliamentarian. You know very well that we've had terms like Leader of the Government, Leader of the Opposition, whip and recognized party in the Senate and in many other parliamentary systems and jurisdictions for decades and sometimes for centuries. Yet one of the main features of Bill S-4 is the entrenching of brand new nomenclature in the Parliament of Canada Act, our governing legislation, and basically brand new terms, historically speaking, in Bill S-4 — terms like liaison, Government Representative, facilitator and parliamentary group. These terms were only first used by some in the Senate a few years ago, since the Trudeau government has been in power.

Minister LeBlanc, in Bill S-4, none of these brand new terms are even defined in this bill. As such, if this bill passes, the Parliament of Canada Act would not include definitions for any of those terms. Under Bill S-4, senators appointed to these undefined positions and in unnamed parliamentary groups will receive significant amounts of taxpayers' dollars on an ongoing basis.

Minister LeBlanc, you are a lawyer, a 20-year parliamentarian and legislator and the minister responsible for this bill. Why aren't any of those terms defined in Bill S-4? And what is your government going to do to fix this?

Mr. LeBlanc: Madam Chair, through you to Senator Batters, thank you for the question. We believe that the Senate is perfectly capable itself to define those roles in their own rules and for the people who are ultimately appointed to those functions to decide in collaboration with different groups in the Senate and their colleagues in a particular group, for example, the kind of roles that they want to undertake and the work that they want to do. We didn't think it would be particularly prescriptive to have job descriptions or lists of particular functions. We think that these roles will evolve in a way that senators and the Senate itself see as appropriate.

Obviously, if the Senate wants to amend the legislation and there's a consensus in the Senate to add some particular detail into those functions, we don't particularly have a strong view on that. We were told in the discussion with officials of the Department of Justice, for example, that traditionally the Senate itself and the occupants of those roles, based on convention and rules that prescribe the governance of the Senate and its various committees, for example, would be the best places for those precisions to be brought. If the Senate feels strongly or has strong views in that direction, obviously, we don't have an overwhelming view ourselves.

All of these changes, ultimately, Senator Batters, apply to the Senate itself. As I said in my opening comments, we thought it was important to introduce this government bill in the Senate because it properly affects the functioning of the Senate the way

the Senate wants to structure itself. My own view is that parliamentarians in the House of Commons should very much yield to the Senate the ability to decide how these things should be structured. We will wait to see what legislation the Senate ultimately adopts. My job, with our House leader, will be to see if we can work with other parties in the House of Commons to put the legislation through the House of Commons expeditiously.

Senator Batters: Minister LeBlanc, you held a press conference in December 2015 to announce all of the Trudeau government changes in the "non-partisan" independent Senate.

You said that day:

> . . . we are not going to appoint . . . a Senate whip because there will be no votes that will be subject to a Government Whip. We intend to keep this post vacant. So we see the start of a different relationship.

You then testified at the Senate Rules Committee three months later to try to explain all these newfangled changes to us. You reiterated that day:

> The function of whip, which again is in the legislation, we won't be whipping votes in the Senate. . . . Our instinct is we probably won't appoint the whip function.

When pressed on who would carry out the administrative functions of the Government Whip, you replied, "We thought that those administrative functions could perhaps be assigned to the new deputy government representative."

Yet, lo and behold, just weeks after that, the Trudeau government appointed a chief government Senate whip — I mean facilitator — I mean it's tough to keep track. Then that new "non-partisan" independent government whip was former Senator Mitchell who had left the Senate Liberal caucus only two days earlier and who was just as partisan a Liberal as I am a Conservative — and that's actually a good thing. And this whip position and its new Trudeau government-styled name is now further entrenched in Bill S-4.

Minister LeBlanc, why the major reversal on the vacant Senate whip for the Trudeau government so many months after that promise?

Mr. LeBlanc: Through Madam Chair, thank you, senator, for the question. As you well know, Bill S-4 defines the Government Representative in the Senate, the Legislative Deputy to the Government Representative in the Senate and the Government Liaison in the Senate. That is the way we would propose those titles be styled. Whatever the particular nomenclature, if the Senate wants to amend it and change these titles, it's in the hands of the Senate. We don't think it's constructive because it does not reflect what the Prime Minister, in his conversations with me, Senator Gold and others, spoke about, which is a more independent Senate that doesn't have the government telling individual senators how they should vote on legislation. There are numerous examples in the last Parliament and this Parliament where legislation has been improved by the independent, learned voices in the Senate. We think this evolution is constructive and has been positive but, again, we would be governed by the views of the Senate.

• (1510)

However, I can tell you the Prime Minister, the House leader and I do not spend our time talking to senators about how they're going to vote on particular pieces of legislation, as would a traditional whip function. Senator Gold participates in an appropriate way with the government in terms of understanding the way we can constructively and properly advance legislation important to the government and to Canadians. However, in no way, from my conversations with him — and I know it's the same for the Prime Minister — is there a discussion around how we can convince certain senators to vote in certain ways on particular bills. That traditional whip function is left to the good judgment of senators, and I would think we've had some success in that.

Perhaps your question could be asked at one of the Question Periods that Senator Gold loves. It would be an interesting question to ask him because he is much more involved, obviously, in these daily conversations than I am. However, in no context are we purporting to bring back that particular function. That's why I would have you note that the name has changed appropriately, we believe.

Senator Batters: Minister LeBlanc, when you were actually asked about the Senate structure for Question Period in that 2015 press conference, you said, "They could go to a series of written questions."

> If they decided that from time to time they wanted ministers to go and participate in a Committee of the Whole or some other structure, we would be open to that conversation.
>
> We're open to figuring out a way that works for them, but there will not be the traditional government leader who was a minister who answered.

"We don't want it to be a carbon copy of what's down the hall."

Minister, the Trudeau government's attitude toward the Senate and accountability can be looked at as dismissive, much like we're a middling government department and not an equal and complementary chamber of Parliament. The government Senate leader does not have a permanent seat at the cabinet table. He sometimes cannot answer questions in Question Period, opting instead to give delayed answers from your department, minister, that routinely take six to eight months. The Trudeau government has told us which ministers we can have for Senate Question Period and when they will appear, and it's usually not when they have hot files in their portfolios.

In that initial press conference in December 2015, you indicated that the Prime Minister would not appoint a Senate government leader for another month or month and a half — it took five months, but bygones. In his Bill S-4 speech, former government Senate leader Senator Harder said the changes in Bill S-4 were the result of alignment between you as the minister and the government Senate leader. However, shouldn't that alignment instead rightfully be between the government Senate leader and the Prime Minister? Now we're enshrining this potentially dysfunctional relationship in the bill before us. When

will this Trudeau government show the Senate more respect on this accountability aspect so we can do our best work for Canadians?

Mr. LeBlanc: It will not be a surprise that I have a different view from that of Senator Batters in terms of our respect for the Senate. I would have you note that Mr. Harper, when he was Prime Minister, also had at some point a government leader — as he called it — who was not a cabinet minister. We think we have a function that's respectful and appropriate. We think Senator Gold does very good and important work for Canadians. We're proud of these changes. I don't share the pessimism of Senator Batters. I think our experiment has been very appropriate and constructive for Canadians, and we think that the Senate has done and will continue to do very important work.

It shouldn't surprise you that I don't share her pessimism at all.

Senator Omidvar: Thank you, minister, for being with us today. I join all my colleagues in wishing you continued good health.

I was appointed to the Senate, along with six other colleagues, in April of 2016 as the first seven independent senators. We have been eagerly anticipating this legislation and really welcome it. But even in the short time that I have been a member of the Senate, we've seen the evolution of more groups. We are now three groups, along with the government and the opposition. Why does your amendment reference only three groups, along with the government and opposition, when it is completely likely that more groups will evolve? Will we then have to deal with another amendment to the amendment? What is your thinking behind that?

Mr. LeBlanc: Madam Chair , through you, senator, thank you for the question and for your service to Canada. As has been noted in our discussion this afternoon, in conversations with various leaders in the Senate, we arrived at the number three because we thought it might, in terms of other groups in the Senate, achieve an appropriate consensus. But once again, senator, if the Senate itself decides to amend this legislation, we don't particularly have overwhelming views on what the right balance is. We thought that would achieve a consensus. We hope it has. But if senators feel strongly that there's a better way to do this, we would obviously be open to those conversations. That's why we thought — as I noted earlier — it would be appropriate and respectful to have the legislation introduced in the Senate. We look forward to seeing how it comes out of the third reading stage in your chamber.

Obviously, there was a concern by a number of senators to not — and this was expressed to me and to Senator Gold. I won't speak for him, but he was in some of those conversations with me — inadvertently sort of encourage a fragmentation of different groups that had been forming over the last number of years. However, I'm way out of my lane now offering a view as to how the Senate could structure itself in the views of other senators. You, senator, and others are in a much better place to figure that out than would be a government minister or a member of the House of Commons. We will look forward to seeing the legislation and the shape it's in when it comes out of the Senate, but it was designed to reflect the reality that currently exists and to look ahead.

In answer to your question, senator, it has taken long enough, as some of your colleagues noted earlier. From our view, we recognize it has taken too long to get to this point. We think it's an incremental, positive step to reflect the current reality of the Senate, and there is certainly no plan on our side to have further legislation introduced in the next Parliament or two years from now. We hope that this will allow the Senate to structure itself in a way that it feels is appropriate but reflect the leadership roles that a number of senators are playing in Canada's parliament.

Senator Omidvar: Thank you for that answer. I'd like to support my colleague Senator Cormier in his question to you about continuing to reflect not just the diversity but, I would say, the hyper diversity of this country. We're a big, old, beautiful and diverse country. There are layers upon layers of diversity in our country. I would urge you to consider these layers of diversity, particularly in the context of the narrative of anti-racism that we find ourselves in today. That's not a question; it's an aspiration. I hope you will take it to heart, and I hope we will see the results in your next appointments, that I assume will be soon, from what you've said. Thank you, minister.

Mr. LeBlanc: Senator, thank you, and I won't purport to answer the question other than to say that I agree entirely with your sentiment. I think you expressed it in a very compelling way. I wrote down the term "hyper diversity." I think it's a very good term. I like that term because I think that's where the country is. All Canadians have been shocked by some recent examples of racist behaviour — xenophobia, Islamophobia and anti-Semitism. We've been touched by examples across the country, and all of us have endeavoured to do what we can to speak out against these circumstances. The kind of people, yourself being a terrific example, who are serving Canadians in this Senate now speak to this diversity.

• (1520)

I'm obviously partisan to your friend and my friend, Senator Cormier, who I have admired in his role as a leader in the Acadian cultural community for a long time. He even helped my stepson in a theatre production, some years ago at Memramcook, New Brunswick. His service to Canada's diversity goes way back, as does yours, and I hope this is reflected on an ongoing basis. Thank you for stating it in such a compelling way, senator.

Senator McPhedran: Thank you, minister, for coming with Privy Council officials to speak with us today. You've confirmed that the core issue at the heart of Bill S-4 is the ongoing modernization of the Senate of Canada. This bill formalized some incremental but important changes that have been undertaken in recent years since I became a senator. One welcome change was reflected briefly when the Senate became the second in the world to achieve gender parity — no longer. Hopefully the new appointments you've promised will return us to gender parity and greater diversity for the longer term.

Modernizing the Parliament of Canada Act was part of the government's electoral platform in 2019, and clearly reflected in your mandate letter, to update the Parliament of Canada Act to reflect the Senate's new non-partisan role. My questions build on the fact that you have been encouraged to seek opportunities to work across Parliament in the fulfillment of these commitments and to identify additional priorities.

Minister, you well appreciate that societies grow, expand and evolve, and institutions such as the Senate, as reluctant as some may be to accept it, must likewise modernize. Data and polling such as provided recently by Senator Dasko, show majority support for ongoing Senate reforms and greater independence. Given our current debate on how best to modernize the Senate, I want to focus on additional priorities in your mandate letter.

You have already indicated to us today that the changes in Bill S-4 are minimal and incremental. For those of us who wish that something as significant as opening the Parliament of Canada Act had produced more substantive increments, and believe that truly independent senators would make the best opposition, can we expect any further steps, perhaps more assertive, more visionary, moving forward? And, minister, can you please elaborate on the financial increases attached to the leadership roles listed in the legislation? Are these increases comparable, lower or higher, to allowances for equivalent roles in the House of Commons?

Mr. LeBlanc: Thank you, senator, for the question. As I said, we decided, in consultation with your colleagues in the Senate, that this would be the best way to make an incremental improvement to reflect the current reality of the Senate with respect to these leadership roles. However, I certainly take from your question the suggestion that the government can continue to work with senators on ways that would, as we said earlier, be further incremental improvements to the way the Senate functions or organizes itself.

It would be a privilege for me, as a minister in the government, but working with Senator Gold and his colleagues, to work with you and others on ways to bring further greater transparency and accountability to the Senate and give the Senate what we think is a critical constitutional role. The privileged place that it has in Canadian public opinion is something we would share with all honourable senators, so a chance to work on that with you would be a privilege for us.

With respect to the specific question on leadership allowances, I am told and we believe that they reflect similar allowances that would exist, for example, in our place, in the other chamber. Perhaps Maia Welbourne or my colleagues from Privy Council could specifically answer the question around the allowances, the quantum, the amount.

Madam Chair, if you allow me, I will step out of the chamber, virtually, for about 15 seconds to vote virtually on the Budget Implementation Bill. We have 3 minutes and 14 seconds left in the House of Commons voting, and I would be happy to come back and answer a last question if you wish. However, Maia Welbourne can certainly provide the precision you need.

The Chair: We will move to the next block of 10 minutes, or should we suspend for the time that —

Senator Plett: We agree to suspend for the 15 seconds that it takes for the minister, or even if it takes him 45 seconds.

The Chair: I tend to agree, Senator Plett, so unless a senator is opposed to suspending for, let's say, one minute, to allow the minister to vote and then we will resume the last 10 minutes of questions. If you are opposed, say "no."

We will suspend for one minute.

(The committee was suspended.)

(The committee was resumed.)

Senator Wallin: Thank you, minister, for being here with us, and I'm very pleased at the state of your good health. Now to my question: Only one of your House colleagues stood this week to deny unanimous consent for the BQ's proposal to unilaterally declare Quebec a nation. The member accused all of you of abandoning core legal norms and my question follows from that, about legal norms in practice here in the Senate.

Recent court rulings have declared that the Senate is not subject to the Charter, and that the rights granted and protected for all Canadians do not hold for senators. Do you believe the Senate should be above the law?

Mr. LeBlanc: Senator Wallin, thank you for the question and your kind words as well. I did take note of the Bloc Québécois attempt to get unanimous consent this week. I would have given my consent to that particular request. Again, I understand that there was not a consent and that's one of the challenges in a virtual Parliament. I'm sitting in front of a screen in New Brunswick, trying to follow those proceedings, so we took note of that and I also took note that the Bloc Québécois and the House of Commons are purporting to bring that back in one of the supply days or on opposition day, and we'll see that.

Senator, it is obviously a fundamental question you just asked: Do I think the Senate should be above the law? My instinctive answer is no, but, to be honest, I am not familiar with the specific case and how the Charter was applied in that circumstance to the Senate. Therefore I'm not in a position to offer up a significant view. If you're interested in some sort of legal analysis, I would be happy to ask the Department of Justice to provide some detailed information, but I do not have a personal view on that because I'm not familiar at all with the particular case to which you refer.

Senator Wallin: I will yield the balance of my time to Senator Downe.

Senator Downe: Minister LeBlanc, it's wonderful to see you again and wonderful to see you looking so well, as others have indicated.

• (1530)

I'd like to return to the theme of diversity. We're missing major voices in the Senate of Canada. We're missing farmers, people who get up every day and work the land. We're missing fishers, men and women who contribute so much to our economy.

We're missing veterans and current members of the Canadian military. As you know, minister, most of the problems Veteran Affairs Canada hears are in the lower ranks, below the rank of warrant officer. We don't need any generals, majors or colonels; we need the voices of enlisted men and women in the Senate.

As you know, as of 2018, agriculture was 7.4% of Canada's GDP. One in eight jobs is in the agriculture and agri-food sector in Canada.

There are gaps. Only one or two of our members have experience in unions, which is a very important part of Canadian society. Given upcoming appointments, I would hope you would consider such gaps in the Senate's representation as one of your key criteria on future appointments.

Mr. LeBlanc: To my old friend Senator Downe, it is a privilege to see you, sir, from the great province of Prince Edward Island.

It won't surprise you, Senator Downe, that I share your views about the exact types of people you described who can provide enormous perspectives and insights into legislative discussions and deliberations into the advancement of good public policy that benefits all Canadians.

It's a constant challenge. I look around our chamber in the House of Commons, and some of those same people are probably not sufficiently represented there. That's a function, obviously, of those who are elected in individual constituencies.

A conversation I've had with Madam Labelle, who chairs our independent advisory group, is that the onus should be on the advisory group and the Privy Council supporting the advisory group for making it known to many of the exact kinds of people you described that they should feel able to indicate their desire to serve Canadians in the Senate and their willingness to serve their province or territory, should they be appointed. We can all perhaps do a better job of encouraging such folks. There's a vacancy I noticed, senator, in your own province of Prince Edward Island. I would hope you are encouraging some of those very people to submit their names.

We, as a government, need to do more to make people understand that you're absolutely right: Those communities of interest are absolutely appropriate ones to have their voices represented in Canada's upper house.

I would welcome any ideas you or others have as to how we can better balance those voices.

I hope in some of the upcoming appointments — I don't think final decisions have been made — that some of that diversity can be reflected. But we can always do a better job, senator.

The Chair: We are out of time for that block. Senator Klyne has the last five minutes.

Senator Klyne: Welcome, minister, and thank you for joining us. We're grateful for your time.

My first question is along the lines of questions from my colleagues Senators Cormier, Omidvar and Downe.

In the last number of years, Indigenous representation in the Senate has been at a level unprecedented in history. It occurs to me that one advantage of an open and unbiased merit-based application and nomination system is that the process can attract strong candidates from many walks of life, maybe those who have not necessarily had deep involvement with a political party. For example, you might see candidates who do not meet the criteria but ultimately contribute to the makeup of a Senate that more closely represents Canada's demographics for gender, race and broader representations within regions.

Could you comment on this point?

Mr. LeBlanc: Thank you.

Senator, it shouldn't surprise you that I share entirely your view that all of us can and should do everything we can to encourage all of those voices to apply to this independent process to indicate their willingness to serve. Certainly, I think I can speak for the government when I say that once the independent advisory group reviews the different applications and gives the Prime Minister a list of names, I know he is also focused on those very values that you properly described, as have a number of your colleagues in our conversation this afternoon.

There's an opportunity for all of us to work to encourage those persons to indicate their desire to serve in the Senate, but as somebody sitting inside the cabinet and the government, if and when I were consulted, I would have views not dissimilar to yours or those of your colleagues who have spoken today, such as Senator Downe just before you and a number of others.

In your chamber, there are examples, as you said, of extraordinary Canadians who are serving Canada in a way that makes our Parliament a much better place, and our legislation and public policy that much stronger.

Insofar as anything we can do as a government to continue that important evolution, we would want to do everything we can.

Senator Klyne: Thank you, minister.

Second, one thing I appreciate about the current organization of the Senate is that no group has a majority, which encourages senators to work together, pragmatically. In my view, this leads to more than reaching out to build support for proposals; it leads to the vibrant and productive exchange of ideas and the need to make the case on substance. With no group having a majority, there is the reduction of dynamics of discipline and even the reduction of peer pressure or groupthink.

Do you have any thoughts on the risks of "majoritarianism" in the Senate, and how does this plurality of parliamentary groups address that risk?

Mr. LeBlanc: Thank you for a very thoughtful question.

My insights into this are informed from the conversations I have had with a number of friends I've developed over the years who serve in the Senate with you. You're right. As someone who follows these issues and is an observer of Senate deliberations and discussions around government legislation, we have seen a constructive process of improvement taking place in terms of legislation that ultimately gets adopted and proceeds to Royal Assent.

I'm not sure how appropriate it is for a member of the House of Commons to have views on different Senate groups. None of them is in a majority context at the present moment, but should one land in that particular context, I have every faith and confidence that the Senate as an institution will find the right and proper way to reflect that circumstance. But our job as a government is to receive the benefit of the deliberations of the Senate and to receive the important work done by committees of the Senate in terms of public policy studies. I know that my cabinet colleagues are very enthusiastic about their opportunities to appear before committees or to work with committees that prepare very important public policy reports.

That is a constant source of nourishment and improvement for us as a government, but I will watch with great interest how the Senate decides to structure itself according to those different groups. It's a good question. I never actually thought about it, but I hope Senator Gold was squirming in his chair, because I'm sure he has thought about it.

The Chair: Honourable senators, the minister has now been with us for 95 minutes. In conformity with the order of the Senate, I am now obliged to interrupt proceedings.

Minister, on behalf of all senators, thank you for joining us today to assist us with our work on the bill. I would also like to thank your officials.

Hon. Senators: Hear, hear!

The Chair: Honourable senators, is it agreed that I report to the Senate that the witnesses have been heard?

Hon. Senators: Agreed.

• (1540)

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

[*Translation*]

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Pierrette Ringuette: Honourable senators, the Committee of the Whole, which was authorized be the Senate to study the subject matter of Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts, now reports that it has heard the witnesses.

[*English*]

QUESTION PERIOD

HEALTH

COVID-19 VACCINE ROLLOUT

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, you will be pleased that I am going to return to the topic of vaccines. I think I heard Minister LeBlanc say that you would answer our questions today. I'm sure I heard that.

Senator Martin: I heard it too.

Senator Plett: Leader, the number of Moderna deliveries for June, which Minister Anand announced earlier today, is less than had been expected. The Johnson & Johnson doses which Health Canada pulled from distribution remain in a safety check almost one month later. We've been told the review could take several more weeks, leader. The government has also not provided details on the AstraZeneca delivery for the month of June.

Only 4.5% of Canadians are fully vaccinated. According to the Trudeau government, it will be months before Canadians can receive their second dose.

Leader, you talked the other day about the so-called success of your diverse portfolio of vaccines. If you only have reliable deliveries from one vaccine manufacturer, first of all, how is that diverse? Second, how is 4.5% fully vaccinated a success?

Hon. Marc Gold (Government Representative in the Senate): I am pleased to answer your question. I will do my best. With regard to the Johnson & Johnson vaccine, which is under review, surely all senators and all Canadians are glad that we have a robust system in place to make sure the vaccines that do come to our country are reviewed for their safety. This government makes no apologies for the fact that it's taking its time to make sure that the supply of vaccines is safe for Canadians.

The Minister of Public Services and Procurement and this government, indeed, on numerous occasions, have indicated that there have been, are and will be bumps along the road — especially with regard to Moderna, which is experiencing issues with supply chains, but remains of the view that we will end this quarter with the appropriate number from that source.

The government continues to be of the view that its decision to seek numerous sources of vaccines from numerous countries was the right approach. The fact that, in my province for example, two thirds of eligible citizens have already received their first dose and more are coming — I would further add, honourable senators, that the fact that many provinces have, as a result of the

ongoing progress of our vaccination efforts across the country, seen fit to relax the constraints they imposed on citizens is further testimony to the fact that we're making good progress in that regard.

Senator Plett: You, of course, didn't touch the second half of my question.

According to federal government statistics, almost 2,600 people were infected with COVID-19 on Wednesday, and another 38 of our fellow Canadians died. Meanwhile, over half of our American neighbours are fully vaccinated. It's more than a little difficult to hear the government try to congratulate itself over and over again on the vaccine rollout when so many are still getting sick, families are still losing their loved ones and the need for vaccines remains great.

Leader, yesterday Senator Ataullahjan asked you about helping people in Windsor, Ontario, to get surplus vaccines from Detroit. On Tuesday, I asked you about helping Manitobans get surplus vaccines from North Dakota and Minnesota. Premier Pallister said there was an immediate need to get those vaccines into our province. That was almost a week ago.

Leader, you said on Tuesday that you'd make inquiries and you would let us know if the Prime Minister would call President Biden. What have you found out, leader?

Senator Gold: Thank you for that question, but let me make a number of points.

When I answer your questions, honourable colleague, I'm not congratulating the government. I'm responding to a persistent pattern of questions, all of which appear to be placing the situation that Canada is in, and has been in with regard to vaccines, in the worst possible light. The fact remains, the record will show, in fact, that my answers have been accurate in terms of the progress that we've been making.

Every life lost to COVID, indeed, to anything, is one too many. My answer remains that I do not know the status of the conversations of the Prime Minister or the Minister of Public Services and Procurement and their counterparts. They're in constant contact with their American counterparts to ensure that Canadians get access to vaccines, and they remain focused on continuing the work we're doing to continue to bring vaccines to this country for the benefit of Canadians.

INTERNATIONAL TRADE

SOFTWOOD LUMBER

Hon. Yonah Martin (Deputy Leader of the Opposition): I have a question for the government leader as well. There are many urgent issues that have been put on hold or set aside because of the COVID pandemic, but this is quite a serious one, leader. On Friday, the U.S. Department of Commerce announced plans to more than double its countervailing and anti-dumping rates later this year on softwood lumber imports from Canada, from 8.99% to 18.32%. That's more than double. The B.C. Lumber Trade Council said in response:

> We find the significant increase in today's preliminary rates troubling. It is particularly egregious given lumber prices are at a record high and demand is skyrocketing in the U.S. . . .

Leader, Minister Ng has said the Government of Canada will vigorously defend its forestry sector, but I would like to know specifically how the government will do that. What exactly will the Trudeau government do before the U.S. Department of Commerce finalizes these tariffs in November?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator. This is a serious issue, but not a new one between our countries, as we well know.

The importance of the forestry sector to Canada's economy, to the men, women and families that depend upon it is well-known, and we all understand it. The government, as you point out, is committed to vigorously defending their interest.

I've been advised that Minister Ng is raising this issue at every possible opportunity, including with President Biden, Ambassador Tai and Secretary Raimondo. The government believes that a negotiated agreement is possible. We've seen that in the past. It's in the best interests of both countries. The government looks forward to and will continue to be working closely with the United States to protect Canadian interests in this regard.

Senator Martin: Minister Ng's saying that she will vigorously defend, but I have information that counters this. That's my question: What is she doing? This was a recent announcement about the more than doubling of the rates. But over five years ago, in March 2016, Prime Minister Trudeau promised a softwood lumber deal with the U.S. in 100 days. But the United States has had three presidents since that promise was made. The mandate letters from the Prime Minister for Minister Ng and Minister O'Regan in 2019 did not mention softwood lumber and neither do the supplementary mandate letters issued in January of this year.

• (1550)

When I asked about a deal, Katherine Tai, the U.S. Trade Representative, told the U.S. Senate Finance Committee two weeks ago:

> In order to have an agreement and in order to have a negotiation, you need to have a partner. And thus far, the Canadians have not expressed interest in engaging.

Leader, in all honesty, has your government written off negotiating a softwood lumber deal with the Biden administration?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. In matters of this kind, as experienced senators would know, there is a certain degree of posturing in certain places and at certain times.

I have been advised that Minister Ng is raising this issue with her counterparts and that Canada is pursuing all of its options, including the interest in a negotiated settlement in the interests of protecting this vital industry for the benefit of Canadians.

[*Translation*]

TRANSPORT

REVIEW OF PORT GOVERNANCE STRUCTURE

Hon. Renée Dupuis: My question is for the Government Representative in the Senate. Senator Gold, we just heard the President of the Privy Council, Minister LeBlanc, remind us of the importance of government accountability, which means that it must answer to the Senate. The minister also said that his fellow ministers were "enthusiastic," his own word, about the idea of being accountable to the Senate.

With that in mind, I will ask you the following question. When the Senate received the Minister of Labour and the Minister of Transport in Committee of the Whole to discuss the special back-to-work legislation for longshoremen at the Port of Montreal, I asked both ministers what the link was between the governance structure at the Port of Montreal and the impasse that led to the strike. The Minister of Transport was very direct in his answer, which I truly appreciated, and he told us that there was a governance issue at the Port of Montreal. I quote:

[*English*]

> . . . we are currently in the process of reviewing the port structure. There is a proposal that we're studying to modernize how ports are governed, and we're certainly always looking for ways to enhance the governance structure.

[*Translation*]

That tells me that the minister is currently working on the governance problems at the Port of Montreal and at Canadian ports in general.

My question is as follows: What is the proposal that Transport Canada is currently studying on reviewing port governance? When will a decision be made about that proposal? Is it an internal proposal? If not, was it proposed by an outside person or organization, and who will be responsible for studying it?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question, senator. Your advance notice allowed me make some inquiries with the government, but I have not yet received the details you are asking about. The issue of ports is important to me for several reasons. I will get back to you at the earliest opportunity, once I have received an answer from the government.

Senator Dupuis: Senator Gold, could you find out for me which documents the Department of Transport is willing to present to the Senate regarding this review? Would the Minister of Transport be willing to come answer senators' questions about this matter?

You and I both know that it has become urgent to review these decades-old governance structures, and I think that senators have a duty to look into these issues. Is the minister willing to meet with senators to discuss the review of these governance structures?

Senator Gold: Regarding your question about the documents, I will have to make some inquiries and get details from the minister and the department, and then I'll get back to you with an answer. I completely agree with Minister LeBlanc, so I can't do more than echo his statement that if any committees or even this chamber were to invite a minister, they would be pleased to appear.

[*English*]

HEALTH

LONG-TERM CARE SYSTEM

Hon. Tony Dean: My question is for the Government Representative in the Senate.

Senator Gold, a paper titled *Investing in Care, Not Profit* was recently published by the Canadian Centre for Policy Alternatives offering recommendations for transforming long-term care in Ontario in the wake of the devastation of COVID-19.

The COVID pandemic has made it clear, hasn't it, that Canada has a fundamental problem in providing a consistent high-quality level of long-term residential care to those whose lives and well-being depend on it.

Over two thirds of Canada's overall death rates occurred in long-term care homes, a ratio more than 50% higher than in other OECD countries.

This catastrophe and tragedy are rooted in decades of underfunding and neglect as the recent reports by Ontario's Auditor General and Ontario's Long-Term Care COVID-19 Commission have made clear.

We know that we have a key problem here and that is that long-term care falls outside of the Canada Health Act.

Senator Gold, long-term care is obviously an essential component of Canada's health care system. In a recent budget, the federal government committed $3 billion over the next five years for long-term care, while the provinces will spend more than $30 billion in each of those years.

An important component of our response to this crisis is the provision of predictable, meaningful and sustained federal funding and associated national standards. Is the government examining how and when these important components in rebuilding our system of long-term care will be put in place?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government is well aware of the importance of protecting those who are living in long-term care facilities and making sure that they meet appropriate standards. The government indeed is working with the provinces and the territories to advance discussions on national standards, and by supporting this process of developing national standards, the $3 billion in the budget to which you referred will contribute, we hope, to permanent changes.

As well, the Fall Economic Statement of November 2020 committed $1 billion to create the Safe Long-term Care Fund which helps provinces and territories to protect people in long-term care. The government will continue to work with governments and stakeholders on this important initiative.

Senator Dean: One of the problems that we have, Senator Gold, is that long-term care falls outside of the predictable federal transfers that we'd find under the Canada Health Act. Is the government contemplating including long-term care as part of the Canada Health Act? If it isn't, will it otherwise commit to long-term sustainable and predictable funding for the operation of Canada's long-term care homes?

Senator Gold: Thank you for your question. As I mentioned, honourable senators, given the constitutional jurisdiction over health, the Government of Canada is working with the provinces and territories on the issue generally, which includes questions of funding both short- and longer-term.

Senator Dean: Thank you, Senator Gold.

AGRICULTURE AND AGRI-FOOD

MANDATORY ISOLATION SUPPORT PROGRAM FOR TEMPORARY FOREIGN WORKERS

Hon. Robert Black: Thank you, Your Honour. Thanks to Senator Simons for sharing some good news about the agricultural sector with our honourable colleagues. This new status of negligible risk of BSE is great for the sector and a great day indeed for the Canadian beef industry.

• (1600)

My question today is for the Government Representative in the Senate. I rise today to again highlight the integral role of temporary foreign workers in our agricultural industry.

Last year, the agricultural sector struggled while temporary foreign workers waited out their mandatory quarantine periods. This year, as the growing season begins, many temporary foreign workers and their employers find themselves in a similar situation once again.

The Ontario Fruit and Vegetable Growers' Association has highlighted that, while the government is supporting employers by providing financial assistance for temporary foreign worker isolation, the funding available through the Mandatory Isolation Support for Temporary Foreign Workers Program will phase out when the program ends on August 31, 2021. Unfortunately, planting, growing and harvesting do not end on that date.

Honourable colleagues, our farmers completely understand the need for quarantines, but they are already struggling to make ends meet — even with government support. Quarantine requirements have forced some employers to take out loans and dip into savings so they can attempt to secure a workforce for the 2021 growing season. Some may even have to stop production.

Unfortunately, the associated costs of the 14-day mandatory quarantine, and potential additional quarantine days in the event of an infection or failed test, cannot be recovered through the marketplace, and growers need assurance of support to maintain stable production.

My question today, Senator Gold, is this: Will the government commit to maintain the available funding at a minimum of $1,500 per worker as long as there is a quarantine requirement? Will they also investigate the possibility of providing supplementary funds to offset costs associated with potential quarantine delays?

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for raising this issue. Since the beginning of the pandemic, the government has been continuously looking at options to help Canadian farmers ensure that every foreign worker has a working and living environment that ensures the safety and dignity of those workers.

Over a year ago, in April 2020, the government announced the initial $50 million to help employers offset costs associated with the mandatory 14-day isolation period for workers entering Canada. An additional $34.4 million was committed to this program through the Fall Economic Statement. As you mentioned, Budget 2021 allocated an additional $57.6 million to further extend the support program until August 31, 2021.

Thanks to your advance notice, I've made inquiries of the government and this is what I have been advised. The program will continue to provide — and here, honourable colleague, I have to correct you — a maximum of $1,500 for each eligible worker until June 15, but as of June 16, 2021, the maximum amount will be reduced to $750 until the program ends on August 31. I am advised there are no plans beyond August 31. That said, the government remains seized with the issue.

CANADA MORTGAGE AND HOUSING CORPORATION

NATIONAL HOUSING STRATEGY

Hon. Patricia Bovey: My question is also for the Government Representative in the Senate.

Senator Gold, a Scotiabank report issued on May 12 of this year suggests that Canada has the lowest number of homes per 1,000 people in the G7. The report suggests that while the pandemic has exacerbated the situation, the underlying cause of supply and demand had existed before the pandemic manifested itself in Canada.

The report also states that as we become vaccinated and our country begins to open, the demand for housing will grow as immigration rises.

The report concludes:

> . . . house prices are likely to trend upward for the foreseeable future given the years it would take to close the gap between supply and demand. Much more policy focus should be devoted to finding ways to increase the responsiveness of supply to demand.

We are also witnessing a bidding war across the country on existing housing, which is pushing prospective homeowners out of the market. I also worry about the lack of transparency in that bidding process.

Is our National Housing Strategy addressing these new realities?

Hon. Marc Gold (Government Representative in the Senate): Senator, thank you for your question. The government knows that maintaining the stability of Canada's housing market is essential to protecting middle-class families and to our broader economic recovery. The government remains firmly committed to tackling the crucial problem and issue of housing affordability in Canada.

In terms of the supply side of the issue, the government is committed to ensuring that Canada's residential housing stock is not used unproductively by foreign, non-resident investors. That is why Budget 2021 introduces a national, annual 1% tax on the value of non-resident, non-Canadian-owned residential real estate that is considered to be vacant or underused, effective January 1 of the coming year.

Budget 2021 also builds on the National Housing Strategy by providing an additional $2.5 billion, as well as the reallocation of $1.3 billion in existing funds to speed up the construction and repair of 35,000 affordable housing units.

With regard to the bidding process, colleague, which I know can be frustrating — certainly for buyers, if not, on the other hand, for sellers — these operational policies, as you know, are under exclusive provincial and territorial jurisdiction.

Senator Bovey: I thank Senator Gold for his answer. I appreciate that the Scotiabank report suggests the housing shortage should be a national priority. They're suggesting the government should create a round table of federal, provincial and municipal governments — working with private-sector developers, investors and not-for-profit organizations — to identify and tackle the obstacles to more responsive supply in all segments of the housing market.

I know we have the National Housing Strategy, but I do wonder if such a round table has been or will be struck, considering the current and growing implications of housing shortages. Is there an appetite for such a response from the federal government?

Senator Gold: Thank you, senator, for raising this issue. Frankly, I do not know what the appetite may be, but I will certainly make inquiries and report back.

PUBLIC SAFETY

CANADA-CHINA RELATIONS

Hon. Thanh Hai Ngo: My question is for the government leader in the Senate.

Two scientists at the National Microbiology Laboratory in Winnipeg were fired in January following an investigation into concerns about their work with China's Wuhan Institute of Virology. We are aware that CSIS first raised this concern and recommended their security clearance be revoked. The Trudeau government has refused to release uncensored documents on why they were fired.

Last week, *The Globe and Mail* reported that seven scientists at the Winnipeg lab were working in collaboration with the Chinese military, including one from the People's Liberation Army Academy of Military Medical Science. Once again, the Trudeau government has refused to say how the Chinese military scientists received clearance to work in our most important lab.

My question to you, Senator Gold, is this: How could the government ever allow this to happen? Will you stop hiding the truth from Canadians about the collaboration of Canadian government scientists with the Chinese military and the Wuhan Institute of Virology?

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

I don't accept the premise that the government is hiding. With regard to security issues, not every issue relevant to security can be safely released to the public. The steps that have been taken were designed to ensure both the security of our facilities and the national security of Canada.

Senator Ngo: Last September, the Trudeau government released its *Policy Statement on Research Security and COVID-19*, which mentioned the actions of hostile actors targeting this research in Canada.

In March, the Trudeau government brought forward another security policy statement, warning Canada's research community about foreign spying and interference.

Fay Hu Yang, a researcher with the People's Liberation Army Academy of Military Medical Science, was cleared to work at the Level 4 facility — the only one of its kind in Canada — while most Canadian scientists could not get into that lab. Also, unfortunately, the two people he's working with — Dr. Qiu and her husband, Dr. Cheng — were fired because CSIS was concerned they were handing over our intellectual property to the Chinese government and the Wuhan Institute of Virology.

Senator Gold, this is a case of too little, too late. When will the Trudeau government put our national security first and ban all research cooperation with the Chinese communist regime and its military?

• (1610)

Senator Gold: The Canadian government puts our national security first and has a robust system in place to protect Canadians. The threats that have been identified by CSIS and noted by the National Security and Intelligence Committee of Parliamentarians are testament to the fact that the growing understanding of the nature of the threats to Canadian national security from foreign agents is real and steps are being taken to protect Canadians.

DELAYED ANSWERS TO ORAL QUESTIONS

(*For text of Delayed Answers see Appendix*.)

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Peter Harder moved third reading of Bill S-4, An Act to amend the Parliament of Canada Act and to make consequential and related amendments to other Acts.

He said: honourable senators, I do not intend to speak on third reading and look forward to its early passage.

(On motion of Senator Martin, debate adjourned.)

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Patti LaBoucane-Benson moved second reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

She said: Honourable senators, it is my profound honour to rise in this chamber today as sponsor of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

Before I begin, I'd like to acknowledge the work of the Standing Senate Committee on Aboriginal Peoples, which has undertaken an extensive review of the subject matter of the bill. I thank all of my colleagues on the committee, particularly the leadership of Senator Christmas as chair for the good work we've been able to achieve.

Colleagues, this is an historic government bill that will provide a solid foundation for the Government of Canada's implementation of the declaration. You may recall that the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP, was adopted by the General Assembly in September 2007 after decades of work by dedicated Indigenous people across Canada and globally. I would like to specifically acknowledge Cree lawyer Chief Dr. Wilton Littlechild, who chaired many tables at the UN and has worked tirelessly for over four decades with the ultimate goal of realizing true human rights for the Indigenous peoples of Canada.

Canada adopted the declaration in 2010 with some reservations and fully in 2016. I remind honourable senators that in 2019 the House of Commons extensively studied and passed Romeo Saganash's private member's bill, Bill C-262. It was also studied by the Senate, but died on our Order Paper at the end of Parliament.

You will also remember that the Government of Canada committed to introducing similar legislation as a government bill in June 2019 in this very chamber, in fact, and further reiterated in the 2020 Speech from the Throne that the UN declaration is key to advancing reconciliation in Canada. I want to acknowledge the many Indigenous people who have worked on the adoption and implementation of this critical human rights instrument in the Canadian context.

In addition, many prayers have been offered at traditional ceremonies across the country to support this effort. I feel humbled to be a very small part of this important movement and help Canada get to the next step in the reconciliation process.

I want to thank you in advance, honourable senators, for your thoughtful consideration of this momentous bill. I wish to acknowledge the efforts of the Minister of Justice, who introduced Bill C-15, supported by the Minister of Crown-Indigenous Relations. Using Bill C-262 as the basis for discussions and dialogue, the Government of Canada held over 70 engagement sessions with Indigenous leaders and other Indigenous partners including modern treaty and self-governing groups, rights holders as well as Indigenous women's organizations, Indigenous youth and LGBTQ2S+ groups.

Much of the input and advice that was heard is reflected in Bill C-15. Changes made to Bill C-262 include clearly recognizing in the preamble the inherent rights of Indigenous peoples and reflecting the importance of respecting treaties and agreements, emphasizing the need to take the diversity of

Indigenous peoples into account during implementation of the bill and more robust provisions relating to developing and tabling the action plan and annual reports, to name a few.

The Government of Canada also held discussions with natural resource sectors and provincial and territorial governments. However, I would be remiss if I did not mention that it is also true that some treaty rights holders do not feel that they have been properly consulted in the development of this bill. In their written submissions and witness testimony, they made it clear that while they support UNDRIP, they are not satisfied with the way in which this bill was developed.

In my discussions with chiefs, particularly in Alberta, it has become clear they worry that the work on UNDRIP will become a distraction for the federal government from their duty to fulfill the obligations of the treaty, some of which have been outstanding for over a century. Truthfully, though, the UNDRIP articles should help treaty rights holders to finally realize the promise of treaties.

But I do not blame any chief or leader who does not trust any government. There is a long-standing history that needs to be healed, and I hope the federal, provincial and municipal governments use the articles of UNDRIP to participate in the healing of these treaty relationships. Clearly, the way in which the federal government engages and meaningfully consults with not only the national organizations but the rights holders needs to be improved in the development of the action plan.

Honourable senators, Bill C-15 is a framework to promote the self-determination of Indigenous peoples within the Canadian legal and social context. It is about creating the methodical, thoughtful and respectful spaces where Canada can work with Indigenous peoples to harmonize federal laws with the articles of UNDRIP.

It's also about creating an action plan where we can work collectively on the deeply entrenched systemic issues that continue to cause trauma and trauma-based outcomes in Indigenous communities. Bill C-15 calls on the Government of Canada to do all of this in consultation and cooperation with First Nations, Métis and Inuit people. Bill C-15 acknowledges and builds upon section 35 of the Constitution, it embraces the jurisprudence regarding the government's duty to consult and it reiterates that Canada must use the declaration to interpret Canadian laws.

Unfortunately, when many Canadians hear the phrase "Indigenous self-determination" the information is always in the context of major projects and the definition of consent. We appear to be stuck in a Free, Prior and Informed Consent, or FPIC, rut and unable to discuss UNDRIP in any other context. I happily offer another way to think about the implementation of the declaration.

Honourable senators, in February we were seized with a bill that had many of us — properly so — discussing suicide and the services we need to address mental health issues. Many of us spoke passionately about Indigenous peoples in this context and the need to have culturally appropriate interventions.

Interestingly, in 1998, authors Chandler and Lalonde published the findings of a study whereby they noticed that when considering British Columbia's nearly 200 Aboriginal groups, some communities showed suicide rates 800 times the national average while in others suicide was essentially unknown. And they wanted to find out why, so they investigated specific indicators in those communities such as self-government, land claims, ownership of their own culturally based police, health, cultural and social services. They found that communities that had taken active steps to preserve and rehabilitate their own cultures were those in which youth suicide rates were dramatically lower. Each of the six markers of cultural continuity were found to be associated with a clinically important reduction in the rate of youth suicide.

• (1620)

That is all to say what they found is that a powerful way to address hopelessness, helplessness and powerlessness that Indigenous youth experience living in communities that are struggling under the Indian Act is to create the space for the self-determination of those communities.

Bill C-15 calls on the Canadian government to harmonize existing and future Canadian legislation with the UNDRIP articles, to create all the enabling legislation we require to finally repeal the Indian Act.

For my colleagues who are concerned about economic development, UNDRIP compels Canada and industry to bring Indigenous people to the decision-making tables at the very beginning of a project. Working within this consent framework ensures that all concerns are equally weighted and solutions include all perspectives. Rather than a veto, it provides a viable, logical way to get to a project approval.

Bill C-15, therefore, would enable enhanced participation of Indigenous communities in the Canadian economy, which would over time help to create stronger and healthier communities, and contribute to jobs and economic growth, ultimately benefiting Canada as a whole. Working within a consent-driven framework is perhaps the only practical way to move important projects forward now and in the future.

It is true that there is a desire from both Indigenous and industry leaders to find a definition of FPIC. It's also true that we don't have to reinvent the wheel. We need only look at the work between Indigenous communities and LNG in Canada to see how UNDRIP would work. In addition, the international global compact demonstrates how companies can operate in ways that meet standards in the areas of human rights, labour, environment and anti-corruption. Over 13,000 businesses have already joined the global compact, including many Canadian companies.

As this is a second reading, I would like to quickly provide an overview of the purposes of the bill, the obligations it sets out and how amendments made in the other place have strengthened the bill that is now before us.

Clause 4 outlines the bill's purpose. It affirms the declaration as a universal international human rights instrument with application in Canadian law. This recognizes that the UN declaration can be used to help interpret Canadian law just like other international human rights instruments. In this way, Bill C-15 reflects existing practice and legal principles that are already being used by the courts today. I want to be clear. Bill C-15 would not transform the UN declaration into Canadian law itself. This means that the declaration would not become legally binding and that it would not be directly enforceable by Canadian courts.

At the same time, the second purpose of Bill C-15 is to provide a framework for the Government of Canada's implementation of the UN declaration. This framework has two dimensions.

First, the Government of Canada would begin the revision of laws to reflect the standards set out in the UN declaration, while at the same time also respecting the rights that are already recognized and affirmed in section 35 of the Constitution Act. Honourable senators, this process will take some time and will support self-determination and the exercise of self-government, moving us toward a day that the Indian Act will be obsolete. I would remind the chamber that this work is already underway, and as of April 2020, nine federal laws already referred to and were created within the spirit of the UN declaration.

Second, once Bill C-15 comes into force, the Government of Canada is required to work in consultation and cooperation with Indigenous peoples to prepare and implement an action plan to achieve the objectives of the UN declaration. While the specific contents of the plan will be developed collaboratively, the bill sets out broad minimum standards that must be included in the plan. These include: measures to address injustices, combat prejudice and eliminate all forms of violence, racism and systemic discrimination, including systemic racism against Indigenous peoples; measures that promote mutual respect and enhance our understanding through human rights education; and, measures related to monitoring and accountability.

In describing these requirements, the bill highlights that we must consider the specific needs of elders, women, individuals who identify as two-spirited or otherwise representing gender diversity, children and youth and people with disabilities. Through a consultation and cooperation with Indigenous peoples, these minimum standards will be elaborated upon and turned into a plan for action.

The action plan would also include measures for monitoring the implementation of the plan itself and for reviewing and amending the plan. This means the plan can be updated and adjusted over time as priorities change. Honourable senators, if we have learned anything from the past year, it is that we must be able to adapt to change globally, nationally, regionally or even local circumstances.

In response to Indigenous witness testimony, Bill C-15 was also amended at committee in the other place. The amendments include: changing the timeline for the development of the action plan from three years to two years — this is a welcomed amendment heard from witnesses, Indigenous leaders and partners; the addition of specific references to racism and discrimination, including systemic racism in clause 6 of the bill, to ensure consistency — the same language was added to the preamble; adding specific references to the doctrine of discovery and terra nullius in the preamble paragraph referring to all doctrines, policies and practices based on ideas of racial superiority — explicitly referencing these doctrines reinforces that the doctrines have no place in informing our ongoing relationship with Indigenous peoples; the addition of an acknowledgement in the preamble that Canadian courts have stated that Aboriginal treaty rights are not frozen in time and are capable of growth and evolution, which aligns with the recognition of the role of section 35 as a key component of the Canadian constitutional framework. The last amendment was adopted as a grammatical change in the purposes clause, clause 4.

Finally, colleagues, I want you to know that the process of formally implementing the declaration is long overdue. As the Great One, No. 99, famously said, "I skate to where the puck is going . . .." Canadians are ready for the implementation of UNDRIP and Bill C-15 is truly a reflection of what the majority of Canadians already believe.

A 2020 Nanos poll found that almost two out of every three Canadians agree or somewhat agree that the Government of Canada should implement the UN declaration.

In 2015, the Truth and Reconciliation Commission, after speaking with over 7,000 survivors as well as historians, legal experts and public servants, issued 94 Calls to Action for healing and reconciliation, part of a substantive report about the intergenerational effects of residential schools on Indigenous survivors and their families and communities. The TRC called upon federal, provincial, territorial and municipal governments to fully adopt and implement UNDRIP as a framework for reconciliation.

Colleagues, Bill C-15 is a concrete, legislative response to the findings of the TRC. The TRC also called on all faith groups in Canada to formally adopt and comply with principles, norms and standards of UNDRIP as a framework for reconciliation. Since then, the Canadian Council of Churches, representing 25 member denominations and more than 85% of the Christians in Canada, has supported UNDRIP and more recently supported Bill C-15. The Centre for Israel and Jewish Affairs Canada also published a letter supporting UNDRIP and Bill C-15. There is indeed broad, faith-based support for UNDRIP, such as the coalition called Faith in the Declaration, which is composed of Canadian faith

houses and organizations working together to support the implementation of UNDRIP. Faith in the Declaration has stated that:

> . . . C-15 provides the federal government with the framework to create the paradigm shift required for a reset; a framework to build trusted working relationships with Indigenous nations and communities that are essential for the pathway away from colonization.

Colleagues, church support for UNDRIP is important. For over a century, religion was used as an instrument of colonization. Children were abducted, forced into residential schools and taught that their spiritual expression — the understanding they had of the Creator and of all creation — was heathen and a form of evil. It is significant that the same churches who led the spiritual colonization of children have not only apologized for their actions, they are also taking action to raise awareness and support the right of Indigenous people to be free from assimilation in Article 8 of the declaration, the right to practise their traditional beliefs through Article 12 and the right to educate their own children through Article 14. This is reconciliation in action.

In conclusion, it is time to commit to upholding and protecting the human rights of Indigenous peoples and to collectively address the impacts of colonization, systemic racism and discrimination. It's time to meaningfully respond to the Truth and Reconciliation Commission's Calls to Action, as well as the report into the National Inquiry Into Missing and Murdered Indigenous Women and Girls. It is time to honour the UN declaration and continue to renew and strengthen the nation-to-nation, Inuit-Crown and government-to-government relationships. The time has come to formalize our commitment and create a framework that sets us on a path towards real reconciliation.

• (1630)

Honourable senators, I thank you in advance for the contributions that this chamber is about to make toward the study of Bill C-15. *Hiy hiy*.

Hon. Mary Jane McCallum: Honourable senators, I rise today to speak at second reading of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

I would like to start by reading a relevant quote from author Augie Fleras from the heading "Remaking Canada: Muddling Through Models" found within *The Politics of Jurisdiction: Pathway or Predicament*. The author states:

> Canada is a test case for a grand notion – the notion that dissimilar people can share lands, resources, power, and dreams while respecting and sustaining their differences.

The author goes on to say:

> To be sure, the condition of Aboriginal Peoples continues to represent Canada's great moral failure, of a people both demoralized and dispossessed by a division of wealth in the land that has passed them by . . . . [However] . . . Governments have accepted the idea that Aboriginal Peoples (a) are a distinct society, (b) possess a threatened culture and society, (c) depend on government trust responsibilities for survival, (d) desire more control in line with local priorities, and (e) prefer to achieve their goals in partnership with central authorities. Government acknowledgement of aboriginality as a government-to-government relation is a positive sign (Fontaine 1998) as is the promise to treat Aboriginal Peoples as equal partners in all relevant constitutional talks.

Honourable senators, First Nations in Canada have and continue to look at ways of decolonializing within our own country. As sovereign First Nations, we have been and are still focusing our relationship with Canadians and Canada in a manner that curtails state jurisdiction while reaffirming implementation of our own models of true self-determination. This includes, for many, a re-establishment of their Indigenous legal traditions to ensure that they are a basis of regeneration and reform, both at the local level as well as the national level.

Honourable senators, it's now time you let us go. We've had enough of being kept penned up and unable to fully exercise many of our rights, especially within our own territories. We are tired of fighting oppression in its many forms and want instead to walk ahead into our future with our rights intact and substantive, whether they are human rights, land rights or natural resources.

To quote again from author Augie Fleras's aforementioned work, he states at page 107:

> Indigeneity as a principle not only challenges the legitimacy of the sovereign state as the paramount authority in determining who controls what and why (Maaka and Fleras, 1997) but also provides the catalyst for advancing innovative patterns of belonging that reflect and reinforce the notion of a "nation" as a shared sovereignty. The emphasis in the ". . . demands for indigenous self-determination is focused . . . on establishing non-dominating relations of relative autonomy between fundamentally autonomous peoples by constructively engaging with differences in a spirit of give-and-take."

Honourable senators, when we look at jurisdictions as a basis for sorting out state-Indigenous relations, the disengagement process that has been ongoing in Canada for many years diminishes when this process is overly defined by competitive power struggles over who gets what and who controls what, as we see now happening with Bill C-15 and the proposed action plan.

This is true whether we are considering federal, provincial, territorial or First Nations interests.

Astonishingly, industry also seems to wield massive input, contrary to the tenets of self-determination.

The adversarial relationship that has been generated with Bill C-15 only serves to reinforce the very colonialism that is allegedly being challenged. There remains no clear vision nor firm principles defined by this bill and this serves to gloss over the key elements that we need to see to confirm this is the start of a new and improved relationship, a relationship in the spirit of

cooperative coexistence that would lead to forging a partnership between peoples on a government-to-government basis. This is what First Nations want.

To quote again from author Augie Fleras, he states:

> Delgamuukw acknowledged the validity of Aboriginal claims to lands, together with the associated powers that have never been ceded by treaty or agreement. Such an admission confirms Aboriginal perceptions of aboriginality (indigeneity) as one of three orders of government in Canada, alongside the provincial and federal, each of which is sovereign within its own jurisdiction yet shares in the jurisdiction of Canada as a whole (RCAP, 1996).

The author continues:

> Aboriginal leaders are pursuing a national political agenda that focuses on wrestling jurisdiction away from federal and provincial authorities while reaffirming Aboriginal peoples as fundamentally autonomous political communities, both sovereign of society by way of multiple yet overlapping jurisdictions.

Honourable senators, does Bill C-15 accomplish this? No, it does not. Bill C-15 is a benign arrangement that seeks to give more delegated authority and responsibility for our human rights.

I want to confirm that many Indigenous leaders have played an instrumental role in the development of UNDRIP and its adoption by the United Nations General Assembly.

As stated by the Indigenous Bar Association:

> Their advancements of the recognition and respect for, and implementation and enforcement of, Indigenous rights has laid a strong foundation for Canada and the world to follow. We recognize and honor their work in bringing us to where we are today.

I too recognize and honour their work. That is why I stand here today to state that Indigenous peoples want to work in full partnership with Canada as this process advances. We don't want words only without meaningful action, as has happened in the past. We don't want other parties' interests, like industry, to supersede the implementation of our human rights.

However, this bill itself, not UNDRIP, is the problem. It is still unclear to me why the language is softer and more ambiguous in Bill C-15 than is typically found in the vast majority of Canadian federal legislation. Why is this bill worded the way it is? The ambiguity is apparent and has been noted by lawyers and parliamentarians alike. Many of us see only aspirational clauses and not enough tangible and clear insight into how the implementation will actually occur.

Colleagues, what happens the day after the bill is passed? What will change to make Indigenous rights further upheld and Indigenous lives better protected? Without the explicit wording that this bill would ensure UNDRIP would have full force and effect in Canada, it remains toothless.

Through the lack of clarity and direction in this bill, we are once again left to trust the paternalistic will and prescription of the government of the day. This is something I simply cannot and will not continue to do.

Therefore, I want to state my intention to bring forward and support the amendments to this bill that have been requested by the Indigenous Bar Association. If they are not adopted at the committee stage, I will be bringing them forward for consideration at third reading. Thank you.

• (1640)

The Hon. the Speaker pro tempore: Senator McCallum, will you take a question from Senator Coyle?

Senator McCallum: Yes, I will.

Hon. Mary Coyle: Thank you, Senator McCallum, for your remarks. This is a tough one and we've been through this now together twice, with the former bill and with this bill. It's perfectly understandable why many Indigenous people distrust the federal government. You mentioned Canada's great moral failure and we've looked at this in-depth and we will continue to look at this.

In our pre-study of Bill C-15, we heard testimony from some Indigenous witnesses who spoke against passing Bill C-15, others who wanted amendments considered, which you have mentioned, and others have said they just want to see this historic human rights legislation passed now without further delay. They are tired of waiting and they're afraid that if we put forward amendments we may not have time to pass this legislation yet again. For instance, Professor Pam Palmater said: "It's long past time that Canada took the necessary steps to implement UNDRIP into domestic law." Then she said, rhetorically:

> Will Bill C-15 help us move in the right direction? Yes, it will. . . .
>
> Do I trust governments in Canada to interpret, implement and respect the rights? Absolutely not. We only know from history, they will fight us every step of the way. But that's the next stage. We need the first stage to have the tool with which to defend our human rights.

Senator McCallum, given the points made by Professor Palmater and so many other witnesses who are supporting this bill and saying, "let's get this done now," could you tell me why you would support the possible delay and possibly not even getting this bill passed by introducing amendments? Thank you.

Senator McCallum: I disagree with that. I have swayed with this bill back and forth. I was going to vote for it, then I was not going to vote for it. It's my fourth time where I said okay, I need to look at what is bothering me. I delivered my speech today to once again bring the relationship that Indigenous peoples have with the Government of Canada and raise the concerns we've always had and that we have moved ahead despite not having UNDRIP. It's the determination and the reclamation of power and spirit by Indigenous people that have taken our movement forward.

When I read about some of the Indigenous people who have supported the bill, I support it, but they want full involvement from the Métis Nation and the territories. They want full involvement for the development and delivery of programs for our members. There has been a lack of action by Canada and it's troubling, and they are hopeful this accountability framework would work.

The Whapmagoostui said the same thing. They want Canada to adopt an honourable approach and address the conditions of Indigenous peoples. And we need to bring this to the table because all everyone says is we have support but almost all of them have conditions in place. They're very trustful. They're fearful, but they're willing to move ahead. I will bring the amendments forward. Whether or not they are adopted, that is up to the Senate to decide. Those amendments were tabled at the House of Commons and not considered.

I have looked at those amendments, I have met with the Indigenous Bar Association and we're going to meet with them again. At this point, placing this question on my shoulders to say, well, if you bring these amendments forward you may stop this bill — Do you know what? I say Canada should have adopted those amendments so that they do not place me in this position and I have to speak up.

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

(On motion of Senator Patterson, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 26, 2021, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 1, 2021, at 2 p.m.

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMISSIONER FOR CHILDREN AND YOUTH IN CANADA BILL

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Margaret Dawn Anderson: Honourable senators, I rise in the Senate today to speak to Bill S-210, An Act to establish the Office of the Commissioner for Children and Youth in Canada.

I want to acknowledge that today I speak from my home community of Tuktoyaktuk, Northwest Territories, on the settled land claim territory of the Inuvialuit.

To begin with, I wish to acknowledge Senator Moodie's efforts and work on this bill.

• (1650)

I rise today to give voice to the Indigenous peoples and groups in my territory who, both historically and in the present, are disproportionately impacted, impaired, restricted and denied our inherent right to self-determination by federal colonial legislation. Additionally, I wish to make clear that I have engaged in discussions with land claim holders, Indigenous stakeholders, representatives and elected ministers within the Government of the Northwest Territories, or the GNWT, as well as federal government representatives on this specific bill.

However, these discussions should not be conflated with meaningful consultation.

Honourable senators, before I delve into the specifics, it is important to understand the complex governance landscape of the Northwest Territories when looking at legislation with a national impact. Indigenous self-determination and self-government in the N.W.T. are complicated, complex and, more than ever, demanded by Indigenous peoples, groups and governments within the Northwest Territories.

For example, Inuvik is the capital of the Beaufort Delta Region, an administrative region of the Government of the Northwest Territories that encompasses both Gwich'in and Inuvialuit traditional territory. Inuvik is home to both the Inuvialuit Regional Corporation and to the Gwich'in Tribal Council, which administers the Gwich'in Comprehensive Land Claim Agreement. However, the community itself lies on Gwtch'in-owned land; Inuvialuit land begins at the town boundary.

The Inuvialuit are negotiating a regional Aboriginal self-government agreement for all six Inuvialuit communities. The Nihtat Gwich'in of Inuvik are negotiating a form of community government. The Gwich'in Tribal Council is negotiating a

regional government for the three other Gwich'in communities in the Beaufort Delta. And this is just one administrative region of the territory.

Currently, the N.W.T. has four modern treaties: the Inuvialuit Final Agreement, the Gwich'in Comprehensive Land Claim Agreement, the Sahtu Dene and Metis Comprehensive Land Claim Agreement and the Tlicho Land Claims and Self-Government Agreement.

Since the Sahtu land claim agreement was finalized, the community of Déline has also finalized a self-government agreement. In addition to this, there are 13 open negotiation tables. The tables deal with lands, resources and self-government agreements as well as transboundary negotiations. As I alluded to earlier, some self-government negotiations are laying out the framework for a community public government with municipal powers; others are laying the foundations for a regional Aboriginal government that would, due to the importance of economies of scale, provide services to both Indigenous and non-Indigenous residents of its territory through program- and service-delivery arrangements.

Indigenous peoples in the N.W.T. are also negotiating for jurisdictional authorities around program and service delivery that have historically been held by the federal and territorial governments. While Canada, the GNWT and the Indigenous rights holders are all party to self-government negotiations, because of devolution there are times when the negotiations, particularly those for programs and services portfolios, take place between the GNWT and Indigenous rights holders.

One of these key areas is child and family services.

Honourable senators, Bill S-210 would directly affect negotiations of Indigenous rights holders in the Northwest Territories. This is of concern not just for the rights holders, but also the GNWT Because of the lack of consultation at the national, provincial, territorial, municipal and Indigenous levels of government, this bill fails to consider the implications to the inherent rights, including the right to self-determination and the ongoing negotiations for devolution of programs and services to Indigenous governments.

The demographics of the N.W.T. is also relevant. While approximately 50% of the population in the N.W.T. is Indigenous, 98% of children receiving services in the N.W.T. are Indigenous — a hugely disproportionate number. This means that this bill could have profound impacts not just to Indigenous children, youth and families, but also the governments who are responsible for their care. In addition, we have 11 official languages that are integral to our identity, culture and kinship. Language must be a factor when considering any legislation.

In 2019, two bills that recognized the inherent rights of Indigenous peoples passed: Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families; and Bill C-91, An Act respecting Indigenous languages. Both bills were government bills.

When speaking to Bill C-92 in June 2019, Minister Seamus O'Regan emphasized the extent of his department's engagement on the proposed legislation, stating:

> This legislation is an accumulation of intensive engagement, including nearly 2,000 participants across 65 sessions, from elders, youth, women, grandmothers, aunties and from those with lived experience in a broken child and family services system. We heard what needed to be included in the bill to make successful the exercise of jurisdiction that is already an inherent right of first nations, Inuit and Métis people.

In relation to Bill C-91, the Honourable Pablo Rodriguez also outlined the extent of meaningful engagement, stating:

> In over eight months, the Department of Canadian Heritage led more than 20 round tables across the country with a wide range of experts, practitioners and academics of indigenous languages. The feedback from those sessions, as well as those conducted by each of our partners, was used as the basis of the 12 fundamental principles that set the foundation for this legislation.
>
> My officials also conducted some 30 intensive engagement sessions across Canada with first nations, Inuit and Métis participants. Our online portal collected some 200 questionnaires and electronic submissions. Sessions were held, and presentations were made, as requested, with self-governing and modern treaty groups.

When I spoke with GNWT officials about Bill S-210, they raised with me the issue of the cost of implementing new legislation. While Canada has an overall responsibility to children and youth in Canada, the responsibility for child and family services lies with provinces and territories. In terms of this bill, those costs would include additional N.W.T. data collection and increased reporting to the office of the Commissioner. In a written statement submitted to my office, the N.W.T. Department of Health and Social Services, which is responsible for providing child and family services across the territory, noted:

> Our most significant concern with Bill S-210 is that it appears to be a step back in Canada's distinctions-based approach to ensuring the rights, interests, and circumstances of First Nations, Inuit, and Métis children and youth are properly acknowledged and implemented.

The department also noted that different regions, histories and cultures present many unique needs and challenges and acknowledged the necessary involvement of First Nations, Inuit and Métis governing bodies in the implementation of Bill S-210, stating:

> This participation cannot succeed without proper funding, which needs to be identified and established in collaboration with Indigenous governments.

Additionally, the department completed a clause-by-clause consideration of Bill S-210 with 16 key observations and issues contained within the bill that they have shared with me. This clause-by-clause analysis further supports the need for greater consultation at a provincial and territorial level.

What I have learned through discussions with stakeholders across the territory speaks to a glaring weakness of this bill: namely, the lack of consultations. I would submit that this is a fundamental flaw of proceeding with this issue as a Senate public bill as opposed to a government bill. As we all know, government bills deal with matters of national interest whereas Senate public bills are used to grant special powers, benefits or exemptions to a person or persons, including corporations. It is safe to say that Bill S-210 deals with matters of national interest.

If the Government of Canada is truly committed to reconciliation, this bill must proceed by way of a government bill. This would allow for the commitment of necessary resources, personnel and the time to engage in respectful and meaningful consultations that are absent in this current process. It would also allow for a comparative review of how this bill would work alongside, and complement, Bill C-91 and Bill C-92 as well as other existing legislation that impacts Indigenous children, youth and families.

We often speak of the importance of hearing from those who are affected by the bills we debate and pass in Ottawa. I would like to relay the gracious and thoughtful words of those I have spoken with about this bill.

• (1700)

Before I do, I would like to convey that there is support for the intent of this bill and recognition that the safety, protection and well-being of all children is paramount. However, those I have spoken with agree Bill S-210 in its current form and the process as a Senate public bill is problematic and troublesome.

Dene National and AFN Regional Chief Norman Yakeleya stated of this bill, “This is a step backwards in the process.” Chief Yakeleya spoke to the importance of adequate and thorough consultation with the Dene Nation that includes chiefs, elders, communities and Indigenous leaders. He noted that they have plenty to say and it is best done in their traditional Dene language.

Chief Yakeleya agreed that Canada has an obligation to children, and their rights, well-being and protection is paramount. However, he noted that federal legislation does not coincide with tradition teachings and current laws do not encourage, recognize and reflect traditional Dene values and beliefs of child rearing. Chief Yakeleya described this as an important bill with huge implications for the Dene if it proceeds without adequate consultations.

Acho Dene Koe First Nation Chief Gene Hope also identified the need for proper consultation with Indigenous groups. Chief Hope sees consultation as a multi-tiered reciprocal process that includes the provision of information, adequate time to review and consider implications, taking feedback and concerns, and meeting face to face. He noted that a failure to consult would have devastating effects. The Gwich’in Tribal Council Grand Chief Ken Kyikavichik also expressed concern with this bill and the lack of consultation.

As Indigenous people in the North, we have for over a century been the subject of various legislation and policies which have impacted and continue to impact our children. This includes residential school, Indian day school, child welfare legislation, Eskimo Identification and the Sixties Scoop. We know what the challenges are. We continue to speak up about our challenges, perpetuated and exacerbated by Canadian legislation and policies.

This leads me to the question I initially had upon reading this legislation: Why do we need another layer of the government to speak on our behalf? Are our voices not strong enough? We know the price of being silenced. As Indigenous people, our grandparents, parents, children and communities continue to pay an immeasurable price.

In the supplementary mandate letters released in January of this year, the Prime Minister reiterated the importance of the relationship between Canada and Indigenous peoples, stating that he expects all ministers to work “in full partnership” with Indigenous people. He also emphasized the important role that ministers play in helping to advance self-determination, closing socio-economic gaps and eliminating systemic barriers facing First Nations, Inuit and Métis people.

If reconciliation is to be achieved, it must happen at all levels of government. This requires meaningful consultation on Bill S-210. It is unfathomable to think that we would support a bill that clearly fails to meet the duty to consult. In doing so, this chamber would be maintaining and propagating the historical wrongdoings that we as Indigenous people have suffered and that continue to impact us today. We as legislators, who are constitutionally responsible to give voice to minorities, cannot continue to operate as if all Canadians, provinces and territories, communities and individuals are equal. I can attest as an Indigenous person and as a resident of the N.W.T. that we are not equal. Inequality and disparity are alive and well.

Legislation such as Bill S-210, that continues to treat all Canadians, especially Indigenous and minorities, as equal and equitable, will continue to exacerbate the divide, further placing individuals, communities and families at risk, challenging our inherent right as Indigenous people to self-determination and Canada’s promise of reconciliation. Substantive equality should not only be considered in this bill but all legislation that affirms that we are equal and equitable in Canada.

I leave you with the words of U.S. President William H. Taft:

> My observation of new reform legislation of meritorious character is that Congress and its members must be educated up to its value by those who have studied and become convinced of its wisdom.
>
> The world is not going to be saved by legislation . . . .

I would add that those who study and are convinced of its wisdom listen to those of us who have lived, continue to live and are directly impacted by legislation we as senators pass.

Quyanainni, Mahsi, thank you.

(On motion of Senator McCallum, debate adjourned.)

INCOME TAX ACT

BILL TO AMEND—SECOND READING

Hon. Diane F. Griffin moved second reading of Bill C-208, An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation).

She said: Honourable senators, I rise today to speak to the second reading of Bill C-208, An Act to amend the Income Tax Act (transfer of small business or family farm or fishing corporation).

Similar legislation has been introduced in past parliaments by NDP M.P. Guy Caron, Bloc Quebecois M.P. Xavier Barsalou-Duval, and Liberal M.P. Emmanuel Dubourg. This iteration of the bill was introduced by Conservative M.P. Larry Maguire.

Bill C-208 effectively makes it easier to hand a business down from generation to generation, and as someone who grew up on a family farm, I'd like to thank Mr. Maguire for introducing this bill and sticking up for family businesses.

Bill C-208:

> . . . amends the income tax in order to provide that, in the case of qualified small business corporation shares and share of the capital stock of a family farm or fishing corporation, siblings are deemed not to be dealing at an arm's length and are related, and that, under certain conditions, the transfer of these shares by a taxpayer to the taxpayer's child or grandchild who is 18 years of age or older is to be excluded from the anti-avoidance rule of section 84.1.

• (1710)

Colleagues, the bill addresses an issue that has persisted for years. It is financially more advantageous to sell one's business, farm or fishing operation to a third party rather than to pass it on to the next generation. In his second-reading speech, Mr. Maguire explained it in this way:

> Bill C-208 would allow small businesses, farm families and family fishing corporations the same tax rate when selling their operations to a family member as they would if they sold it to a third party. Currently, when a person sells their small business to a family member, the difference between the sale price and the original purchase price is considered to be a dividend. However, if the business is sold to a non-family member, the sale is considered a capital gain. A capital gain is taxed at a much lower rate and allows the seller to use the lifetime capital gains exemption.

As the Conference for Advanced Life Underwriting, the CALU, explained in a brief prepared for the House of Commons Finance Committee:

> . . . business owners may feel they have no other choice but to sell the business to non-family members in order to preserve the more advantageous capital gains treatment. Alternatively, the business owner is forced to structure the sale to a family member in a way that significantly increases the after-tax costs of financing the sale, straining their financial resources and those of the business.

There is significant benefit to the community when businesses are handed down from generation to generation. As Mr. Richard Lehoux, Member of Parliament for Beauce, said in his second reading speech in the other place:

> Everyone in the House knows a factory, a family restaurant, a corner store or a farm in their riding that has been around for generations. These family businesses are well liked and extremely important to the local economy. These small businesses are the backbone of our society. Some of these businesses not only help feed our communities, but they also provide important jobs for the people in our ridings.

I bet that while you listened to that, you had one or two businesses from your home community come to mind. I know I did. Small businesses are so important to our local economies. As Cindy David from the CALU told our colleagues in the other place:

> . . . small businesses employ 70% of the private sector and have been major contributors to employment growth over the past decade. A vast majority of those businesses have fewer than 20 employees. They play a significant role in supporting the economies of smaller communities across Canada.

I thought, too, of all the family farms in Canada owned by farmers who are nearing retirement age. I know from my work on the Agriculture and Forestry Committee that they are plentiful.

As Scott Ross, Assistant Executive Director of the Canadian Federation of Agriculture, told the House Finance Committee:

> . . . the average age of Canadian farmers now exceeds 55 years of age, and the opportunities these businesses face will carry into the next generation. As a sector where the vast majority of businesses remain family owned, maintaining the financial health of these businesses across generations is critical. This is in the interests of all Canadians, as studies show that family farming encourages sustainable growth, environmental stewardship and increased spending within one's local community, not to mention its contributions to the social fabric of rural Canada.

In an interview that appeared in the Charlottetown *Guardian* this week, Ron Maynard, President of the P.E.I. Federation of Agriculture, pointed out that many farmers plan to retire on the proceeds of the sale of their farm. He said, "It's our pension." He went on to say:

> If you look at what it means to an individual, if I were to sell my business to family, the difference could be as much as $300,000 in what I would be left.

And, of course, being from Prince Edward Island, I am sympathetic to the challenges facing our fishermen and fisherwomen. As Mr. Gord Johns, the NDP Member of Parliament for Courtenay—Alberni, pointed out in his second reading speech in the other place:

> . . . in fishing, if a person were to sell a family fishing operation to someone in their family, they would keep the quota and the jobs in the family. However, if a family member had to pay more tax, they would be more likely to sell to an international company or large conglomerate, which would hoard fishing licences and then lease them out to fishers.

And as Xavier Barsalou-Duval, Bloc Québécois Member of Parliament noted, "Fifty years ago, fisheries were flourishing in the regions, but today, fishing villages are disappearing one after the other."

I know that in my province of Prince Edward Island, fishing is an incredibly important vocation, especially in our smaller communities. I would not want those communities to suffer because of a lack of action in our chamber. Jennifer Dunn, a tax partner at BDO in Charlottetown, told *The Guardian*:

> Bill C-208 is a significant win for the small business community ... it's about bringing fairness and equity, from a taxation perspective, to the transfer of a family farm, corporation, fishing enterprise or small family business.

A 2018 survey conducted by the Canadian Federation of Independent Business found that 72% of business owners plan to exit their businesses within the next 10 years, but about half do not have a succession plan and only 8% have a formal written plan. Dan Kelly, CFIB's President and Chief Executive Officer, told the House Finance Committee:

> Far too few businesses operate with a proper formal succession plan. It is a concern for us. Tax policy plays a role in this. We want to make sure that the barrier to transferring your business from one family member to the next is smooth.

The bill has built-in safeguards that provide that the family member who buys the business must keep their shares for at least five years so as not to be penalized, except in the event of the buyer's death. Brian Janzen, Senior Tax Manager at Deloitte, told the House Finance Committee:

> This bill . . . has some caps on value, which is great. This bill is helping the lower end of the small business community. It is not helping the huge, rich companies, even if they're family owned. The impact of section 84.1 on them is a drop in the bucket. This is helping the smaller families.

In the other place, this bill received support at third reading from all members of the Conservative Party, all members of the Bloc Québécois, all members of the NDP, all members of the Green Party, and 19 Liberals. The government had reservations, but to quote the Honourable Wayne Easter, my friend, fellow Islander, and the chair of the House Finance Committee:

> . . . the finance committee held a very intensive hearing into this. We passed it back to Parliament. We looked at the tax implications.
>
> The bottom line is what this bill means for the community. The backbone of the community is small businesses, farmers and fishermen, and especially those who can pass a business down from generation to generation. This is an issue of tax fairness and should be supported fully.

• (1720)

Colleagues, this bill has now been introduced four times. Let's get it to committee and across the finish line before the clock runs out on this Parliament. We owe our communities no less.

[*Translation*]

Hon. Éric Forest: Honourable senators, I am pleased to speak to this bill, which seeks to resolve a problem that has been of concern to me for a long time, because it is basically a matter of fairness.

It is wrong that it is more advantageous to sell a small family business to a stranger than to a family member.

According to the Canadian Federation of Independent Business, nearly half of small business owners would like their children to take over their family business. However, the current rules in the Income Tax Act hinder the sale of a business to family members because selling it to a third party is more advantageous from a tax perspective. The sale of shares to a family member is considered a dividend, whereas the sale to a third party is considered a capital gain. As a result, business

owners who sell to their children are unable to benefit from the lifetime capital gains exemption, which means they have to pay a much higher tax bill.

In his testimony before a House of Commons committee, a Department of Finance representative, Trevor McGowan, a senior director at the Tax Legislation Division, acknowledged that, for a top-marginal-rate taxpayer in Ontario, there is a huge difference between a tax rate of approximately 47% on dividends and a tax rate of approximately 26% on capital gains.

Here's a concrete example. A farmer who opts to transfer a medium-sized farm valued at $10 million to his children rather than a third party would sacrifice $1.2 million outright. That is a big deal considering that, for many business owners, it is the only asset they have to fund their retirement.

Bill C-208 would level the playing field for an owner who has to choose between their retirement fund and passing their business on to their children. We need to keep in mind that this bill is good for society as a whole because it supports economic activity and protects Canadian ownership of our businesses.

Consider the agricultural sector. Quebec loses one farm every week. The situation is probably similar in the rest of Canada. Now, you may ask, if our agricultural system can keep producing just as much with fewer farmers, why we should worry about disappearing family farms?

It is important to realize that family farms and small businesses have always played more than just an economic role. When we lose a family in a rural community, we lose schools, services and jobs. The lack of services makes communities less attractive. It's a vicious cycle we call "devitalization."

Having witnessed the Operation Dignity campaign in the Lower St. Lawrence and the Gaspé in the 1970s, which arose in response to the Government of Quebec's stated intention of closing around 100 "devitalized" municipalities, I can assure you that our constituents instinctively understand how much family businesses contribute socially and economically and that they expect governments to support this business model, which is essential to the prosperity of Canadian communities.

If we want to ensure the future of our agriculture sector, and if we are serious about food security, as we have so often repeated during the pandemic, then at the very least, we must ensure that our tax rules do not penalize family farm transfers and do not facilitate the takeover of our farmland by foreign interests.

Governments are bringing in programs to stimulate entrepreneurship and support new businesses, but they would be well-advised not to torpedo the efforts of business owners who are already in business and are simply trying to pass the torch to people they have often trained at their own expense for years.

I would like to mention that every party in the House of Commons recognizes the problem. The bill was introduced by a Conservative member, who borrowed it from an NDP MP — who was the MP for my riding at the time — who based his version on a Liberal bill that was introduced in 2015.

All the opposition parties supported Bill C-208. While the Liberals voted against the bill, they do acknowledge that there is a problem, and they are trying to find a solution. In his mandate letter to the Minister of Finance, the Prime Minister specifically asks her to do the following:

> Work with the Minister of Agriculture and Agri-Food on tax measures to facilitate the intergenerational transfer of farms.

Nothing could be clearer. The bill also has significant support in the business community. It is supported by the Canadian Federation of Independent Business, chambers of commerce, the Association des marchands dépanneurs et épiciers du Québec, the Insurance Brokers Association of Canada, the Canadian Federation of Agriculture, the Union des producteurs agricoles, and various fishers' associations, including the Nova Scotia Fish Packers Association.

There is a broad consensus on the need to restore tax fairness so that a business owner who sells their business to their children is not penalized. For the past decade, this consensus has been coming up against the fear that exempting family transfers from the anti-avoidance rules in section 84.1 of the Income Tax Act would encourage tax fraud.

According to the Canada Revenue Agency, the worst-case scenario would be that the parent handing down the business would be able to extract the business' retained earnings by merely pretending to hand over the business to their child. Then, after a series of complex transactions, the individual would withdraw the earnings from the business without paying taxes, thanks to the lifetime capital gains exemption. They would then be able to continue operating the business without the child's involvement, which is normally impossible when there is a foreign purchaser.

Clearly, no one wants to create that kind of loophole, which is why some guardrails have been put in place. For example, the bill requires that the purchaser retain their shares for a minimum of five years. If the purchaser retains their shares for that period, that provides some assurance that this is a genuine family transfer and not a scheme to avoid paying taxes. Other conditions could potentially be added, requiring that purchasers demonstrate a minimum level of control over the business. Our friends at the Canada Revenue Agency are creative, and I am sure that they will have some thoughts on this.

• (1730)

It is also important to understand that Bill C-208 applies only to SMEs that have less than $15 million in taxable capital, which reduces the pool of businesses that can afford to pay the transaction fees associated with the implementation of this type of very complex corporate tax arrangement.

With regard to the risk of tax evasion related to Bill C-208, I would like to quote what Brian Janzen, a senior tax manager at Deloitte, told the House of Commons Finance Committee. He said, and I quote:

> . . . I do think Bill C-208 does have enough guardrails, at least initially. As someone who has practised for 34 years, I'm going to preface this by saying that someone will always find something. Even if you think you have the proper guardrails now, you may have to tweak them later. . . .
>
> With the guardrails . . . I think this is perfect for the beginning of the bill. If it does need to be tweaked later, so be it. For now, though, this is a great limitation for any abuse, in my mind.

We are in a unique situation. We have never been this close to getting rid of this thorn that is hindering the transfer of SMEs in Canada. However, we need to recognize that there is a very real chance that there will be an election in the fall, and so we need to step on the gas in order to resolve this problem once and for all.

If you agree that it is necessary to correct this inequity, I urge you to send the bill to committee quickly. We can then hear from tax experts who can help us assess the guardrails that were put in place, so we can see to it that the bill restores tax fairness for our business owners, while making sure that everyone pays their fair share of taxes, no more, no less.

Thank you. *Meegwetch*.

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

Senator Forest: With pleasure.

Senator Cormier: Thank you for your speech, Senator Forest, and I also thank Senator Griffin.

Like you, I am concerned about the issue of small and medium-sized businesses in our regions. For example, the fishing industry is having problems related to the transfer of family businesses, especially in the region I am from.

You've given us some explanations for why the government hasn't made any changes for so many years. In doing your research, did you find any data showing how many cases of tax fraud there may have been? Have there been enough cases to justify the government waiting so long before making this change?

Senator Forest: There is no data on the number of cases of fraud that have occurred. The factor we are basing this on is the deferral of this change, which would address a fundamental issue of inequity between the two tax rates. With respect to tax rates on a transaction, if we're talking about dividends, the rate is 47%, but for capital gains, it is 26%. There is a pretty big gap between the two.

From what I recall, the revenue losses on these transactions were estimated to be over $1 billion. They were revised by the Parliamentary Budget Officer, significantly downward, in my opinion — and I am again quoting from memory — to somewhere between about $163 million to just over $200 million. An assessment not has yet been done, but perhaps further research into the number of cases of fraud that may have occurred would provide clearer answers. However, since the law has not been changed regarding the Canada Revenue Agency's role, this limits our expertise somewhat.

Senator Cormier: Thank you.

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

Some Hon. Senators: Question.

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 and bill read second time, on division.)

REFERRED TO COMMITTEE

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

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

[*English*]

CANADA REVENUE AGENCY ACT

BILL TO AMEND—SECOND READING

Hon. Leo Housakos moved second reading of Bill C-210, An Act to amend the Canada Revenue Agency Act (organ and tissue donors).

He said: Honourable senators, I rise today to speak in support of Bill C-210, An Act to amend the Canada Revenue Agency Act (organ and tissue donors). I chose to become the sponsor of this bill not as a favour to a caucus colleague but as a benefit for Canadians because I believe so strongly in what this legislation seeks to do.

Upon reflecting on this bill, I think most, if not all, of us would agree that this is one of those special pieces of legislation that truly transcends political lines. It is a very simple bill that could very simply save an immeasurable number of lives.

I would like to start by giving you a little history on the bill itself. It's not the first time we've seen it come to this chamber for consideration. Its predecessor was Bill C-316 in the last Parliament. It was actually the same bill, and it passed with all-party support through every stage in the House of Commons.

As a matter of fact, the current government believed in and supported this legislation to the point that they set aside funding for its implementation in the Fall Economic Statement 2018, so confident were they that it would pass. Kudos to them for taking that initiative.

Unfortunately, it did not pass, not because it faced opposition or contained flaws but, rather, because it died on the Order Paper, a victim of nothing more than a circumstance. Colleagues, it would be a real travesty to see this legislation come all this way again only to suffer the same fate.

This legislation and its consequences have been thoroughly examined. It has faced a level of scrutiny rarely seen by other bills. That's not to suggest that we should just wave it through here. On the contrary, we are looking for your support to send this to committee so that it may receive its proper consideration in a timely fashion.

What Bill C-210 seeks to do is rather simple. It seeks a legal exemption to the Canada Revenue Agency Act that would allow an addition to the front page of the personal income tax return form. This line would grant individuals the ability to indicate their desire to become an organ donor.

Colleagues, I want to be clear: This would not in itself be consent for organ donation because, of course, that falls under provincial jurisdiction, varying from province to province, and would continue to do so under this legislation.

Under Bill C-210, the federal government would take the information it receives and relay it to the provinces. Depending on the manner in which the provinces conduct their registries, they will then be able to connect with Canadians who have indicated their desire to be organ donors. This is simply about providing greater exposure to the issue of organ donation with an emphasis on the voluntary nature of doing so and connecting Canadians with the resources to make their wishes known. That's the goal of this legislation — to reach the 90% of Canadians who say they wish to be organ donors, while only 25% have actually registered.

One of the biggest complaints as to why there is such an expansive gap in those two numbers is that many Canadians don't actually know how to go about becoming an organ donor. What this legislation will do is to close that gap by connecting people to the information they need to give consent for donation, no matter which province they reside in.

• (1740)

Colleagues, despite that overwhelming number of Canadians who say they would like to donate their organs, Canada has one of the lowest organ donation rates in the industrialized world. Meanwhile, more than 4,600 people in Canada are on a waiting list, hoping and wishing to receive organs. Sadly, while a single donor can save the lives of as many as eight people, in 2016, 260 Canadians died while awaiting organ donations.

Right now in Canada, it is estimated that only one out of six potential donors actually end up being a donor. How very tragic is that statistic? Imagine the lives that could be saved if we can close that gap.

Here we are with a second chance to do just that — close the gap between a desire to do so and the tools with which to do it. The manner in which this legislation seeks to accomplish this goal is simple and cost-effective, making it virtually seamless to implement — so much so that if we pass this legislation before we adjourn for the summer, the Canada Revenue Agency would be able to include it in next year's package.

This wouldn't require fancy system updates or huge additional costs. There also won't be any privacy issues, since the federal and provincial governments already share the critical information gathered on tax returns.

This would solve the problem that comes from people moving from one province to another without updating their organ donation status. It would also address the issue of would-be donors who don't have a driver's licence, which is the method of registration currently used by most provinces. With more and more Canadians taking public transit and fewer and fewer getting their driver's licence, this is a practical solution to identifying those Canadians who are unable to indicate their desire to be organ donors.

Allowing Canadians the opportunity to indicate their intention on a mandatory tax form is the simplest and most effective way to ensure they are able to follow through on properly and formally expressing their intentions.

If we do not pass this bill in a timely fashion, if we allow it to suffer the same fate as its predecessor — and I do not believe it is hyperbole to say this — tragically and needlessly it will cost the lives of many Canadians.

Dear colleagues, we have an opportunity to pass a piece of legislation that has come from the House of Commons with unanimous support. Getting the bill through in a timely fashion will be critical in fulfilling the desperate wishes of the thousands of Canadians who are waiting for a donor. Thank you, colleagues.

Hon. Stan Kutcher: Honourable senators, I rise today in my role as the critic of Bill C-210, An Act to amend the Canada Revenue Agency Act (organ and tissue donors), to criticize it constructively, to endorse it and to urge all of you to support it and promote its timely passage through this chamber.

As we have heard from Senator Housakos, Bill C-210 allows the Canada Revenue Agency to assist provinces and territories that are interested in gathering information for their respective organ donor registries. This is done with two simple changes to the existing tax form: first, to allow a one-line addition to the tax form indicating intent to be an organ and tissue donor; and second, allowing that information to be shared by the Canada Revenue Agency with interested provinces and territories.

The bill is simple and sensible and it will have a substantial impact on vulnerable Canadians. It will help promote the availability of organs — such as kidneys, heart, lungs, liver and pancreas — and tissues — such as cornea, skin, bone and tendons — for those Canadians whose lives will be lengthened and improved by us passing it in time for the necessary changes

to be made for the next taxation year. This bill will give gifts to many Canadians: the gift of life to some and, to others, the gift of meaning to a life lost.

Before I go any further, I want to remind all my colleagues in this place; if you have not already done so, to consider registering yourself as an organ and tissue donor, through whatever mechanism is in place in your province or territory. If you are from Nova Scotia, as am I, you are already opted in. If all other provinces and territories had a similar approach, we would not need this bill. However, until such time as that might occur, we do need this bill and we need it now.

Bill C-210 is simple. Rarely do we see such a straightforward legislative intervention that could have such a profound impact on improving and lengthening the lives of vulnerable Canadians. It will not force Canadians to register, thus it is permissive and not prescriptive. It does, however, provide another vehicle through which many Canadians can be nudged to consider donating their organs and tissues at the time of their death. With this simple option, those Canadians who choose to do so can easily opt in to provide the gift of life to others.

Dr. Stephen Beed, Medical Director of the Nova Scotia Organ Donation Program, calls this initiative "perfect, a way forward to address this substantive need."

Bill C-210 is sensible. It does not force provinces or territories to modify or change their existing methods of organ and tissue donation requests. It does not intrude on provincial or territorial health care authorities. It does not force provinces or territories to accept or use the data that has been collected. It does, however, increase the pool of organ and tissue donors that each province and territory can call on to meet organ transplantation and tissue utilization needs in their jurisdictions.

Bill C-210 is substantial. It will have a positive impact on increasing the pool of potential organ and tissue donors to meet the needs of seriously and terminally ill Canadians who are waiting patiently and anxiously for the pager beep or phone call that tells them that a kidney or heart or lung has been matched to them, and that they can rapidly be taken into surgery and within a day or two emerge with a new lease on life.

Here I want to recognize the excellent work that Senator Mercer did in his pre-Senate life as executive director of the Kidney Foundation of Nova Scotia in promoting organ donation, and that he has continued to do during his Senate career. According to the Canadian Transplant Association, Canadian Blood Services, the Kidney Foundation of Canada and other data sources, the demand for organ donation falls well short of supply. Aggregating this data, we see that over the past few years about 4,500 Canadians annually are waiting for organ donation. Sadly, hundreds die before they can receive their life-saving transplantation — simply because there are not enough Canadians who have registered to donate.

This is a problem not of interest but of action. According to the Canadian Blood Services, about 90% of Canadians report that they support organ donation, but fewer than one third have registered their decision to do so. Often this is because it is not a convenient process. Improving opportunities to easily register to become a donor can help improve organ and tissue availability.

Let's reflect on how organ donation occurs and the metrics around it. Some organs, such as kidneys, can be provided using a live donor. However, this makes up the minority of organ donation. Clearly, if a person has two of the same organs and can live a healthy life with only one of them — such as with kidneys — there may be a possibility that the person will part with one of their kidneys to save the life of someone who is in total kidney failure. Obviously, that cannot happen with a heart or lungs. Thus, organ and tissue donation that occurs at the time of death provides the majority of what is available to help others. One death donor can potentially provide enough organs and tissues to help up to 70 other people.

However, not everyone who dies is eligible to donate, for many different reasons, including but not limited to the presence of existing chronic or infectious diseases that make their organs and tissues unsuitable for donation. Some who die do so in extreme circumstances, so that their organs and tissues do not survive in a condition to support their use for donation. Some have family members who will not agree to the donation.

There is also not a simple one-to-one ratio between donor and recipient. The recipient must be a match for an organ from a donor, and that is not always easy to obtain. There are logistical and technical problems in obtaining, transporting and transplanting organs and tissues that create additional challenges. This is why there needs to be a much larger group of potential donors than recipients to meet needs.

• (1750)

Yet, the need for organs and tissues is not only currently unmet but is increasing. With an aging population and ongoing improvements in medical and surgical care, there is a greater call for organs and tissues. Currently, the available methods for obtaining registered donors are insufficient and the gap will only widen unless action is taken.

I have reviewed the importance of Bill C-210 and the positive impact that it will have; now for some constructive criticism.

This bill will be helpful but by itself it will not solve the mismatch between the need for organ and tissue donation and the availability of organs and tissues for donation. More action by provinces and territories is needed. Across Canada, a variety of different options for registration of varying degrees of effectiveness are in place. These include driver's licence registration, health card registration and online portal registration. Nova Scotia is the only Canadian jurisdiction that uses an automatic opt-in approach to organ and tissue donation, and this approach is only about a year old. Other jurisdictions could study and learn from Nova Scotia's pioneering approach.

Additionally, Bill C-210 does not address the complexities related to organ donation, including obtaining, transporting and transplanting. Canadian Blood Services operates the National Organ Waitlist and additional resources may be needed for that organization to support that work as numbers increase.

There will also be some costs incurred by the Canada Revenue Agency with the changes that this bill will require. I understand that the necessary funds have already been allocated since the 2018 Fall Economic Statement for this purpose and continue to be available today waiting for this bill to pass.

I thank Senator Housakos for his review of this and for his sponsorship of this bill and I thank all of you in advance for your support of it.

I would like to close by sharing some stories.

As you may recall, I made a statement in this chamber a few weeks ago in support of improving organ and tissue donation. In that statement, I recounted my personal journey through the untimely and tragic death of a young and wonderful human being, Hannah, and the gift of life that her death gave to others. I also recounted the gift of sight that her father received from tissue donors some years after her death.

I asked Hannah's sister Martha, as someone who has both personal and professional experience with organ and tissue donation, to share her experiences with you. Here is a brief synopsis of what she would like us to know:

> Proceeding with donation and knowing other families were getting the call they had been waiting for was the only silver lining in Hannah's death. I still think of her recipients 10 years later, wonder if they made it and how their lives are going (her liver recipient was a little girl), so I am still constantly reminded of the gift of life she gave.

Speaking about her father's receipt of the corneas, she writes:

> The gift of sight is life-changing — dad would never have seen his grandkids without it, he would not be able to care for mom.

Now, speaking as a physician, she writes:

> We see people die every year waiting for the life saving transplants they are hoping for . . . anything that increases the chance of us making our wishes known will likely increase the number of transplants available and the lives saved or improved.

Like some of you in this chamber, I have lived the grief that untimely and tragic death brings, but at the same time have experienced some comfort in knowing that this loss has resulted in a gift of organ and tissue donation — parenthetically, a gift to both those who have lost a loved one and those that have regained a life.

We in this chamber can be part of these human stories that will play out across Canada now and for decades to come because of the passage of Bill C-210.

Please join me and Bill C-210's sponsor, Senator Housakos, in supporting the rapid transit of this bill through our chamber by now voting to refer it to committee for study and return. Thank you. *Meegwetch*.

Some Hon. Senators: Hear, hear.

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.)

REFERRED TO COMMITTEE

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

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

CANADA LABOUR CODE

BILL TO AMEND—SECOND READING—DEBATE

Hon. Judith G. Seidman moved second reading of Bill C-220, An Act to amend the Canada Labour Code (bereavement leave).

She said: Honourable senators, I am honoured to rise today as the sponsor in the Senate of Bill C-220, An Act to amend the Canada Labour Code related to bereavement leave.

The bill was introduced in the other place by my colleague, member of Parliament Matt Jeneroux. It builds on work he began in the Alberta legislature and work he is now endeavouring to expand to the national level.

The objective of this bill is very simple: It is to improve support for workers in our country who are faced with the loss of a loved one.

The loss of a loved one, whether such a death occurs suddenly or has been anticipated for some time, can be a terrible shock and a highly emotional experience with many demands of both family and a practical nature.

What this bill aims to do is to increase the amount of bereavement leave an employee is entitled to take in the circumstance of the death of a family member.

Currently, under section 210(1) of the Canada Labour Code, employees are entitled to up to five days of bereavement leave in the event of the death of an immediate family member. The bill before us proposes to do two things.

First, it would expand the period of bereavement leave from 5 working days to 10 days, with 3 days paid — this for all employees who fall under the Canada Labour Code; that is, about 18,000 federally regulated employers and up to 2 million workers who would qualify in Canada. This leave must be taken within six weeks of any funeral, burial or memorial service of the deceased family member.

Second, the bill would also expand entitlement to bereavement leave to any employee who may already be on unpaid compassionate care leave, taking care of a family member who is experiencing a critical illness. Under this bill, those employees would now be entitled to up to 10 days of bereavement leave when the member they were caring for has died.

In addition, it is important to note that within the Canada Labour Code, for the purposes of compassionate care leave, the definition of family member is larger in scope than that of immediate family member. An immediate family member applies to spouses and common-law partners, parents, parents-in-law, grandparents, children, grandchildren, siblings and to relatives residing permanently with the employee.

The definition of family member additionally incorporates aunts and uncles as well as nieces and nephews. It also includes a person whom the employee considers to be like a close relative or who considers the employee to be like a close relative.

Under the code, employees can take unpaid compassionate care leave to look after such family members. When these members die, the new provision in Bill C-220 ensures job-protected bereavement leave to this group of employees.

Bill C-220 has attracted widespread support and all parties in the other place praised its compassionate objectives.

In fact, all parties worked together in committee to improve the bill through amendments which incorporate the provisions we have before us today.

Speaking to his bill at second reading, Mr. Jeneroux told the story of when he was a young man and his grandmother became seriously ill. He wanted to spend time with his grandmother but was confronted by the reality that, at that time, there was no job protection —

• (1800)

The Hon. the Speaker pro tempore: I'm sorry, I must interrupt you.

Honourable senators, it is now 6 o'clock, and pursuant to rule 3-3(1) and the order adopted on October 27, 2020, I am obliged to leave the chair until 7 o'clock, unless there is leave that the sitting continue. If you wish the sitting to be suspended, please say "suspend."

Some Hon. Senators: Suspend.

The Hon. the Speaker pro tempore: We are suspended and shall resume at 7 o'clock.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1900)

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Seidman, seconded by the Honourable Senator Martin, for the second reading of Bill C-220, An Act to amend the Canada Labour Code (bereavement leave).

The Hon. the Speaker: Resuming debate on Bill C-220. For the balance of her time, Senator Seidman.

Hon. Judith G. Seidman: Honourable senators, speaking to this bill at second reading, Mr. Jeneroux told the story of when he was a young man and his grandmother became seriously ill. He wanted to spend time with his grandmother, but was confronted by the reality that, at the time, there was no job protection in such circumstances in Alberta. He was therefore compelled to stay at his job, just like so many other Canadians have been compelled to do in similar circumstances.

I would venture to say that all senators in this chamber have likely faced family illness and the loss of a loved one. We all recognize that some employers will be very giving and compassionate in such circumstances, while others may not be. We know that workers who take care of family members or take time off upon the death of a family member make a major sacrifice when this time is unpaid. What this bill does is to expand their legal protections.

When the bill was reviewed by the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities in the House of Commons, it received widespread support. Mr. Paul Adams, a member of the Canadian Grief Alliance, told the House of Commons Human Resources Committee in February that:

> Almost every one of us has suffered grief in our lives: the loss of a mother or father, a spouse or a partner, a child or perhaps a close friend. If we have the time and the space to grieve, and if we are lucky enough to have the support of family and friends, after a time we rejoin the trajectory of our lives, even if the ache of loss never entirely disappears.
>
> What the research tells us is that when grief is complicated, if circumstances prevent us from having the space or the support to grieve, it can transform into depression or anxiety, dependence or addiction, and self-harm or the thoughts of it. When this happens, it can create burdens in the workplace in terms of productivity and days of work lost. Of course, it imposes a weight of avoidable anguish on the grieving and those close to them. . . .
>
> This bill will create a right for a significantly large number of Canadians to a more generous period to grieve, to collect themselves and to rejoin the world of work.

Other witnesses at committee also pointed to the indirect benefits that unpaid caregiving already provides in Canada.

Ms. Kelly Masotti, Vice-President of Advocacy at the Canadian Cancer Society, noted that the economic value of unpaid caregiving in Canada exceeds $25 billion annually. She said:

> By making leave for caregivers more flexible, more Canadians will have access to the time necessary to heal, minimize economic hardships and help take care of some of the most practical business, such as planning a funeral and contacting banks and services providers following a loved one's death.

Bill C-220 maintained unanimous cross-party support at third reading. Speaking to the bill at third reading, Mr. Daniel Blaikie of the NDP stated that the current pandemic has taught us that it is important for us all to create the space to care for each other. I agree with Mr. Blaikie.

Perhaps the strongest acknowledgement of what has been achieved through cooperation in the other place came from Mr. Anthony Housefather, Parliamentary Secretary to the Minister of Labour, when he expressed his personal thanks to Mr. Jeneroux by saying that:

> . . . he never made this a bill about himself. He never made this a Conservative bill. He made this a Canadian bill.

Indeed, colleagues, it has been heartening to see so many Canadians come together on this bill. While we might find ourselves with different perspectives on many national issues, I believe we should reflect the non-partisan spirit with which this matter was approached in the other place by acting collectively in this chamber to pass Bill C-220.

Honourable colleagues, I urge you to support this simple yet very important piece of legislation— one that will benefit so many Canadian workers and their families.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Paula Simons: Honourable senators, I'm honoured to speak today at second reading of Bill C-220, An Act to amend the Canada Labour Code (bereavement leave).

I would like to begin by thanking Senator Seidman for her speech. I confess that I had been proceeding on the assumption that I would be the sponsor of this bill — a role I had been personally asked to take on some months ago and one I was happy and honoured to assume. However, last night I was surprised to find myself the critic of the bill instead — a role I am still happy to take on, even though it might be a harder task since the bill, frankly, does not provide much opportunity for a tough critique.

Bill C-220 is a simple and straightforward proposition. As Senator Seidman explained, it amends the Canada Labour Code by adding five more days of unpaid bereavement leave for any worker whose employer is federally regulated and hence regulated by our federal labour code. That would encompass roughly 18,500 employers and about 6% of Canada's workforce including people who work in the air transportation sector such as those who work for airlines and airports; anyone who works for a federally regulated bank; people who work for most Crown corporations such as Canada Post, VIA Rail or the Canada Mortgage and Housing Corporation.

It also includes people who work for federally regulated grain elevators, feed and seed mills. It encompasses First Nation band councils, those who work at maritime ports, and people who work in radio and television broadcasting and those employed by railways across provincial or international borders such as CP or CN. It also applies to those who work in telecommunications companies such as telephone, internet and cable companies.

That's not a complete list, but it gives you some sense of the scope of this legislation.

Currently, employers who are governed by the Canada Labour Code are required to give employees who are mourning the death of an immediate family member five days of bereavement leave. Of that time, three days are paid leave and two are unpaid.

Bill C-220 would give employees in mourning the option of adding another five days of unpaid leave to the total, which would give them the opportunity to take two full weeks off work to cope with the practical and emotional consequences of the death of a close relative. Mostly, as Senator Seidman said, those relatives would be people you would imagine: parents, children, spouses, common-law partners, siblings, grandparents and grandchildren.

However, Bill C-220 would also allow you to take the extra bereavement leave if you had previously been on a formal compassionate care leave to look after someone else close to you who was not technically part of your immediate family. If, for example, you had already received official compassionate leave to care for your favourite aunt or best friend, you would also qualify for bereavement leave.

Workers who were to ask for this new bereavement leave wouldn't be required to take it all at once continuously; they could break up their leave. For example, a person might take a few days off to deal with the immediate shock of a loss and then take a few days more weeks later perhaps to plan a funeral, move their elderly mom's furniture out of the assisted living facility or to organize after-school care for a child who has lost a parent.

Until you have lost a family member yourself, you might not realize how much hard work there is to do in the aftermath of a death. You don't just need time off to mourn; you need time to take care of dozens of bitterly practical matters, whether that's dealing with the phone company to try to disconnect a dead relative's phone, dealing with a bank as you try to close accounts or packing a lifetime of mementos and tchotchkes into cardboard boxes.

In our post-COVID future, when travel becomes easier and safer again, such extended or delayed leave could also be helpful for someone who needs to travel across the country or around the world to attend a loved one's memorial.

• (1910)

As long as the bereaved employee took their 10 days within 6 weeks of their loved one's death, they would have the flexibility to use the time as their family and cultural circumstances demanded. The leave would be available for all people in an employment relationship with a regulated employer. That includes people who work part-time, on contract or even on a casual basis. If you are unlucky enough to lose two parents in the same calendar year, you would still be accommodated. Bereavement leave could take place any time they suffered the loss of an immediate family member, even if they endured multiple losses in a year.

That, honourable senators, is Bill C-220 in a nutshell. If or, I hope to say, when it receives Royal Assent, it will come into force three months after the date on which it passes into law, to allow employers sufficient time to adjust their workplace policies and to work with unions to modify collective agreements to align with the changes. It is not a complicated piece of legislation. It's a simple acknowledgement that the death of a loved one is a universal human experience and that most of us humans need a little time as we mourn and as we deal with the paperwork, the planning and the probate.

Every person, every family, every culture grieves differently. Some people, in truth, hate the idea of taking two weeks off from their regular routine in the wake of a passing. Some might find the idea of throwing themselves back into work and into some semblance of normalcy far more therapeutic than two weeks at home to cry and brood. But, of course, no one would be required or pressured to take the full 10 days of leave. It would simply be an option open to them.

For others, it must be said, two weeks away from work wouldn't begin to be enough time to process their sorrow and loss. The death of an elderly parent is sad. The loss of a young child; that's a grief of a very different kind.

This compassionate extension of bereavement leave could be helpful to many of those who feel overwhelmed, not just emotionally, but by the crushing number of stressful tasks they have to complete in the aftermath of a family death.

There is a practical benefit for employers, too. An employee dealing with the strong emotions that often accompany a death or an employee simply distracted by the stress and burden of all the hundreds of responsibilities, large and small, that can come in the wake of a loss, might be a liability on the job. It may actually be easier for supervisors and colleagues and clients if someone coping with profound bereavement isn't rushed back to work before they are psychologically ready.

In this year of COVID-19, we have all come face to face with our own mortality and the fragility of life itself. Quite a few of us here in this chamber are mourning for friends and family lost during this difficult year. There could be no more apt moment than this to debate Bill C-220 and to make it law.

Bill C-220 is the brainchild, or perhaps I should say the "heart child" of Matt Jeneroux, the MP for the Alberta riding of Edmonton Riverbend. Like me, he lives in Edmonton, *amiskwaciy-wâskahikan*, in the heart of Treaty 6 territory. The intertwined issues of compassionate care and bereavement leave have long been his preoccupation.

Before entering federal politics, Matt Jeneroux was a Progressive Conservative member of the Alberta legislature in the governments of Alison Redford, Dave Hancock and Jim Prentice. That's when I first met him, when he was a young MLA and I was a not-quite-so-young journalist writing about Alberta provincial politics.

As a backbench MLA, Matt Jeneroux introduced a private member's bill entitled Compassionate Care Leave legislation, the first of its kind in the history of Alberta. The legislation provided a leave of absence for an employee while taking care of a terminally ill loved one. The Employment Standards (Compassionate Care Leave) Amendment Act gave Albertans eight weeks of job-protected time off to care for a family member with a serious or fatal condition.

The law amended Alberta's Employment Standards Act so that people thrust into the role of caregiver could devote their time to the person they loved without fear of losing their job, seniority or pay level. In fact, Alberta became the very last province in Canada to legislate compassionate care leave when the act came into effect in 2014. It was Mr. Jeneroux's efforts as a backbench MLA that allowed the province to finally catch up with the rest of the country.

When Matt Jeneroux became a member of Parliament, he wanted to address a different gap. He wanted to ensure that someone who had been granted a compassionate care leave to help a loved one dying of a condition, such as cancer or arterial lateral sclerosis, wouldn't have to rush back to work after a death. To him, it made no sense to give a person time off to perform the difficult, stressful task of caring for a dying family member and then rush that same person right back to their office or job site the moment their vocation as a caregiver had reached its sad conclusion.

The original intent of this bill was simply to extend compassionate care leave to cover off the time after a family death. Hence the bill's original title, an Act to amend the Canada Labour Code (Compassionate Care Leave). It was a worthy idea, but it made for a somewhat complicated bill because the extended leave had to be related to the length of the original caregiver leave. As well, the original bill would only have helped those who had been designated official caregivers and who were on a formal compassionate leave. It wouldn't have applied to someone who had been doing a lot of caretaking while also working. It wouldn't have helped people who had lost a family member to a sudden death: to a heart attack, a car accident, to suicide or COVID-19.

But a quite inspiring thing happened when Bill C-220, a private member's bill from a Conservative MP, hit the committee stage in the other place. MPs from all parties, including the government, came together to pass amendments and make this a better, more inclusive bill.

Now, Bill C-220 applies to all who mourn someone very close to them, even if that person died suddenly or unexpectedly. Indeed, it may be argued that those who lose a family member without warning may often be the ones in the greatest need of bereavement leave since they're dealing with the greatest shock and haven't had any time to prepare themselves.

Even though it was a bill drafted by a member of the official opposition, Bill C-220 earned the support and endorsement of Anthony Housefather, the Parliamentary Secretary to the Minister of Labour, and of the Labour Ministry itself. Working together, MPs from all parties got behind Matt Jeneroux and passed this bill unanimously through the other place.

Is this a perfect piece of legislation? It is not. And in my sudden and unexpected role of critic, I do have some critiques to offer. Unpaid leave is a start, but some might well advocate for 10 days of paid leave so that people already facing extraordinary stresses would not have to give up some of their income in order to get time off. For some people, giving up a week and a half of salary would be an insurmountable obstacle which would render them unable to take advantage of this new entitlement. As the bill stands now, it might be quite useful to people who have well-paid jobs and savings in the bank, and much less useful to those who are living paycheque to paycheque.

In a perfect world, some would doubtless want to see this kind of bereavement leave extended to all Canadian workers, not just the 6% of those governed by the Canada Labour Code.

On the other hand, there will also be smaller employers, in particular, who may feel that they just can't manage to give people two weeks off, especially in this COVID era when some employers have been scrambling to fill positions while workers are ill or in quarantine.

Because Bill C-220 began its life as a private member's bill and not government legislation, there has frankly not been a lot of time for consultation with the various labour unions who represent the eclectic range of workers covered by the Canada Labour Code.

So, no, this bill isn't perfect, and now that I am the critic, it's my job to point that out. But it is an important first step and a model of what future policies might look like — an inspiration for lawmakers and contract negotiators across the country.

This bill? It's a start. And you don't go anywhere until you start. Because if one thing unites us all, my friends, it is the inevitability of death and the inevitably of mourning. When we love, if we are lucky enough to love, we know that grief could very well be the price that we pay for our love. We know that death eventually parts us all.

And that is why our collective efforts on this bill as a whole Senate are so important. When we grieve, we don't grieve as members of the ISG or the CSG or the PSG or the CPC. We grieve, not as acronyms or ideologies, but as people, touched and linked by our common humanity and our common mortality, because all of us go into one place. All are of the dust and all turn to dust again. For everything, after all, there is a season and a time to every purpose under heaven, a time to be born and a time to die, a time to weep and a time to laugh, a time to mourn, and a time to dance, a time to kill and a time to heal, a time to break down and a time to build up.

For so much of this year, Canadians have known a time to weep and a time to mourn. It has been a year of death and loss and sorrow. We have all been bereaved in one way or another. Now, my friends, as we begin, slowly, slowly, to put the horrors of this year behind us, it is time to build together, a time to build the foundations for the future we wish to share, a time when we can come together to give Canadians a time to heal.

That's why, even though I wasn't allowed to keep my promise to Matt Jeneroux and serve as sponsor of this bill, I am still deeply honoured to serve as its critic. And I am deeply thankful to Senator Seidman for her commitment to serve as sponsor, also at very short notice.

Working together as a team in a cooperative and nonpartisan way, I hope we can move Bill C-220 through the Senate as quickly as possible and make it a reality for thousands of working Canadians. Thank you. *Hiy hiy*.

[*Translation*]

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

Senator Simons: Absolutely.

• (1920)

[*English*]

Hon. Marty Deacon: Thank you, Senator Seidman and Senator Simons, for such eloquent speeches this evening. It sounds like you're digging into this and really having a look at what has been done at committee so far in the House, and some of the improvements that you have discussed.

I have worked away at this in a large employer in trying to get that sweet spot between grieving loss and bereavement and how different it is across populations. I continue to look at this from an equity and inclusion perspective.

You talked at the beginning of many examples of who is included, and you gave us an idea of the great width of organizations and companies included. Could you tell me, as you go through this, who you think might feel excluded or might feel the gap of hope in being able to deal with loved ones has widened even further for them, or might have the perception?

Senator Simons: The challenge of this bill, of course, is that it only applies to the 6% of Canadians who are governed by the Canada Labour Code because that is what is in our purview as federal politicians to regulate. The hope has to be that if the federal government takes the first step, this will serve as a model for people who are governed under provincial labour regulations.

Yes, it will leave out 94% of Canadians, but as I say, it is a first step. Maybe if other Canadians say, "Hey, how come my friend who works for CHUM gets this leave and I don't?" "How come people who work for CP get this leave but people who work for Loblaws do not?" It serves as a model. There is only so much a private member's bill can do, and I think Mr. Jeneroux has taken this bill where it can go.

Senator M. Deacon: Excellent. That 6% is important. I was wondering if, at the committee level, they have started some of the provincial TSO conversations. Thank you very much.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

REDUCTION OF RECIDIVISM FRAMEWORK BILL

BILL TO AMEND—SECOND READING

Hon. Yonah Martin (Deputy Leader of the Opposition) moved second reading of Bill C-228, An Act to establish a federal framework to reduce recidivism.

She said: Honourable senators, I am honoured to rise today to speak as the sponsor in this chamber of Bill C-228, An Act to establish a federal framework to reduce recidivism. "Recidivism" is defined as "The tendency of a convicted criminal to reoffend." I'm hopeful that this bill will receive strong support here in the Senate.

As honourable senators may be aware, this bill received overwhelming support in the other place and has also received strong support from civil society groups across the political spectrum. I believe this is because Bill C-228 aims to achieve an objective which all of us in this chamber will agree is a laudable goal — to reduce recidivism among federal parolees who reintegrate into the community.

I will begin by briefly outlining what this bill specifically does.

As drafted, the bill requires the Minister of Public Safety and Emergency Preparedness to consult with representatives of the provinces and territories, with a variety of Indigenous governing bodies and Indigenous organizations and with other relevant stakeholders including non-governmental, non-profit, faith-based and private-sector organizations, in order to develop and implement a federal framework to reduce recidivism.

The framework proposed must include the following measures: The initiation of pilot projects and the development of standardized and evidence-based programs aimed at reducing recidivism; the promotion of the reintegration of people who have been incarcerated back into the community through access to adequate and ongoing resources as well as to employment opportunities in order to lessen the likelihood of their reoffending; the support of faith-based and community-based initiatives that aim to rehabilitate people who have been incarcerated; the review and implementation of international best practices related to the reduction of recidivism; and the evaluation and improvement of risk assessment instruments and procedures to address racial and cultural biases and ensure that all people who are incarcerated have access to appropriate programs that will help reduce recidivism.

Within one year after the day on which this act comes into force, the Minister of Public Safety and Emergency Preparedness must prepare a report setting out the federal framework to reduce recidivism. That report must be tabled in Parliament, and the minister must publish the report on the departmental website.

Lastly, within three years of this act coming into force, and every year after that, the minister must prepare a report on the effectiveness of the federal framework to reduce recidivism and set out his or her conclusions and any further recommendations.

Member of Parliament Richard Bragdon is the sponsor of this bill in the other place. I have had the opportunity to get to know Mr. Bragdon as we both attend the weekly parliamentary prayer breakfast together, a weekly gathering introduced to me by former senator David Smith and former senator Don Oliver, both of whom we miss very much in this chamber.

This morning, Mr. Bragdon delivered a powerful message of hope at the annual National Prayer Breakfast, a message which moved me to tears. As a former pastor and a man of faith, he understands the important impact this bill will have in helping those who need the support and opportunities to better their lives. He has worked with many parolees and activists who have helped and inspired him on a personal and professional level. They are the true impetus behind Bill C-228.

One of the people who motivated Mr. Bragdon to introduce the bill we have before us was the late Monty Lewis, who started an organization called Bridges of Canada. Mr. Lewis had himself served time in federal prison. Like so many offenders, he had a difficult upbringing, but after his release from prison, he was able to turn his life around and started a ministry and non-profit organization to help those in similar circumstances reintegrate into the community with greater success.

Mr. Lewis also encouraged a young Richard Bragdon to become involved in these important efforts. Mr. Bragdon told the House of Commons Public Safety Committee that since getting involved in such work, he has seen ". . . many lives that have been changed, and for the better."

Through Bill C-228, Mr. Bragdon is now seeking to build on the work that so many organizations are already doing, as outlined in the preamble to the bill, to:

> . . . contribute to the maintenance of a just, peaceful and safe society by assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens . . .

It is a fact that still today nearly 25% of offenders who have been incarcerated reoffend within two years of their release. Among Indigenous offenders that rate is nearly 40%.

I am one who believes that a return to a crime-free life must begin with accountability and personal responsibility. However, I also acknowledge that many people who have been incarcerated still lack support and don't have the employment opportunities that will facilitate their successful transition back into the community.

Criminality leaves many victims in its wake. As Mr. Bragdon has stated, one of the best ways to help prevent further victimization is to put measures in place that will tangibly reduce both crime and recidivism. This bill seeks to do exactly that.

• (1930)

It seeks to establish the basis for cooperation and coordinated action between both federal, provincial and territorial governments, as well as between government and the multiple civil society organizations that are working in this area.

Speaking for the Liberal Party, MP Majid Jowhari indicated his support for the bill by stating:

> The proposed federal framework in Bill C-228 is a reasonable and welcome suggestion that would complement existing efforts to reduce recidivism.

New Democratic Party member of Parliament Jack Harris commended Mr. Bragdon for introducing the bill and noted his party's support for it. Subsequently, Mr. Harris, with Mr. Bragdon's support, introduced a friendly amendment to the bill that added language specifically noting that it is important to:

> . . . evaluate and improve risk assessment instruments and procedures to address racial and cultural biases and ensure that all people who are incarcerated have access to appropriate programs that will help reduce recidivism.

The committee unanimously agreed that this amendment strengthens the bill. It is essential for the success of the framework that governments and civil society groups can work together cooperatively and collaboratively in its implementation.

Regardless of our different perspectives on what constitutes the best criminal justice system, where I think we can all agree is on the point that we want to see results when it comes to reducing recidivism.

This point was effectively made by Tina Naidoo, executive director of Texas Offenders Reentry Initiative when she testified before the committee studying this bill in the House of Commons. That program has been active in Texas since 2005, and over the years it has produced remarkable results in reducing recidivism among offenders who are able to benefit from the program in that state. The program is tailored to focus on what works and on consistent engagement with offenders, particularly those who are ready to accept and benefit from the help that is offered.

Catherine Latimer, Executive Director of the John Howard Society of Canada, told the House of Commons committee:

> The provisions of the bill that would require the Minister of Public Safety to report back on progress on the implementation of the framework would be an important impetus to having the framework as something more than words on paper. We could actually see progress being made.

Ms. Latimer noted that the John Howard Society of Canada enthusiastically supports Bill C-228, particularly its collaborative approach between governments and civil society organizations.

I am hopeful that this bill creates the basis for a positive step forward, and I hope that several years down the road we can all look back with pride on a framework that we have collaboratively put in place.

I would like to congratulate and thank member of Parliament Richard Bragdon for introducing this bill, the work of the critic, MP Majid Jowhari, and the members of the Defence Committee who studied and strengthened the bill, as well as members of the House from all sides who strongly supported the bill. I wish to thank our critic, Senator Jim Munson.

I look forward to examining this bill at committee in the hopes of seeking broad support for the bill at third reading, and that it will make a difference in the lives of Canadians returning to society after serving their time, and help their families, their neighbours and the communities in which they will live.

Honourable senators, I hope we can refer Bill C-228 for further study with your consent. Thank you.

Hon. Jim Munson: I recognize we are gathered this evening on the unceded territory of the Algonquin Anishinabeg people.

I am grateful to speak tonight as the friendly critic of Bill C-228, An Act to establish a federal framework to reduce recidivism. I thank my dear friend Senator Martin for sponsoring this bill in this Senate. Collaboration can be a good thing when there's a good thing on our agenda, like this bill.

This legislation is meant to establish better outcomes for individuals, their families and our communities. As Senator Martin has said, It would ask the federal government to proactively outline ways for inmates to succeed upon release from their institutions.

I see this bill as a way to encourage change in our correctional system toward what it should be — a place for rehabilitation. I happen to believe in second, third and even fourth chances, because it can work.

In her remarks, Senator Martin covered the intent of this legislation by the sponsor in the other place and my fellow New Brunswicker — even though I'm an Ontario senator, my heart is always in New Brunswick — MP Richard Bragdon. Therefore, I would like to use my speaking time to focus on my personal observations in relation to the principle of the bill at second reading. I hope by sharing my experiences, senators will see why this legislation deserves the Senate's study and attention.

I'd like to reflect on my time as chair of the Senate Human Rights Committee when we undertook a massive study of Canada's federal prisons. The study has continued past my membership on the committee, but I know my time working on that study made me — not an expert, but I understood, when I walked inside these institutions, what was taking place. It gave me an opportunity to learn on the ground about experiences in federal institutions.

These experiences have stayed with me and have had a profound effect on how I see our institutions. Along with other senators, I was able to visit and engage directly with correctional staff, as well as men and women incarcerated in federal institutions in both Ontario and Quebec. Much of what I learned and observed can be directly linked to why this private member's bill deserves our support and vote.

Through our committee's hard work at that time, we had conclusions — it's not finished yet, but there was an interim report that came out in February 2019. In those conclusions, we observed, during our visits to minimum-, medium- and maximum-security institutions, there were many concerns, and they were universal. Some of the most important included the lack of availability of and access to adequate education, meaningful training and relevant skills development. One example that stood out for me was the lack of or minimal access to computers and relevant technologies. Even this one thing can be a large hurdle to finding employment once released.

Removing barriers to vocational training and education would have a major impact on the success rate of inmates finding employment once released, and it will help reduce recidivism. In fact, according to the Office of the Correctional Investigator, or OCI, in their most recent report, 2019-20, Correctional Service Canada's, or CSC's, learning policies are outdated despite the fact that a CSC evaluation found that, "Involvement in correctional education, vocational training and apprenticeship programs decreases recidivism," and, "The more education, the greater impact on recidivism."

I would like to talk briefly about the vulnerable groups. This bill would have an impact for vulnerable and marginalized Canadians as well. Inmates living with a disability, particularly a learning or cognitive disability, are at an even greater disadvantage when it comes to accessing programming and educational services.

We were told that resources, training for teachers and the process of getting formal diagnosis for a disability in our federal institutions are all barriers. There's something missing here. I think this bill will really help this out.

Resources and diagnostic challenges, as well as treating mental health for addiction issues were also brought up during our visits. Without suitable treatment and care, mental health issues can become barriers for individuals to successfully integrate back into a community when they are released.

Inadequate training and resources for persons living with a disability or mental health illnesses are particularly relevant given a 2016 study that found that both men and women with a traumatic brain injury had more than twice the risk of ending up in a federal prison in Ontario than their uninjured peers.

We also know, honourable senators, that about 25% of people released from federal prisons end up back in prison within two years. This number rises to 40% for Indigenous persons who are released. The Indigenous community continues to be overrepresented in federal prisons, representing about 30% of our federal prison population. There are many unjust reasons for these numbers.

In creating a framework for addressing recidivism, our federal institutions would be required to look at programs that do work. I felt it profoundly on one of our visits to a healing lodge in the province of Quebec, north of Montreal. I'm thinking of our committee visit to that healing lodge — a place that gave focus to rehabilitation through cultural connection, spiritual guidance and community supports, and providing better outcomes for those who are able to participate. Having the opportunity to visit the healing lodge was a positive light in my learning experience. I hope this legislation will play a part in stopping the unfair cycle that has too many Indigenous Canadians in federal prisons.

• (1940)

In conclusion, I believe that Bill C-228 will help some of the most marginalized and vulnerable persons in this country. This bill is about building better people, families and communities in Canada. The Senate has already given attention to some of the issues this bill raises, and I know this legislation will benefit from our study at committee. I want to personally thank MP Richard Bragdon for this initiative and the support that came from all corners of the other place. I am ready to support this bill at second reading, senators, and I hope you are too. Thank you.

[*Translation*]

The Hon. the Speaker pro tempore: Will the senator take a question?

Senator Munson: Go ahead.

Hon. Marie-Françoise Mégie: Senator, you just said that educational services are very important to the reintegration of inmates. That is well established. However, we are now talking about cuts that the government will soon be making to the educational system in federal institutions. Don't you think those cuts fly in the face of what is advocated in Bill C-228?

[*English*]

Senator Munson: Thank you very much for that question. Absolutely, I believe these cuts go against what this legislation entails. The work of our Human Rights Committee and the work that was done by Senator Bernard and other members, Senator Ataullahjan and Senator Cordy, when this final report comes out — and I wish it would come out during this session because there has been a delay in it — it will show that the last thing we need in this country right now is more cuts within our federal institutions. I want to thank you for that question.

These private members' bills — and I'm a living example — really can change lives with initiatives like this. For me personally, the initiative on autism it took some time but it changed the face of the autism community in this country. Kindness — well, it couldn't be a better place. I look across the way at the smiling faces of Senator Martin and Senator Plett and a few of us who are in this wonderful and kind place. That, too, will change the face of this country each and every week.

I am happy you asked this question, Senator Mégie, because prisoners are people just like us. Maybe a mistake has been made in life, but why should you be punished for the rest of your life if you are willing to take a program of rehabilitation?

Regarding computer technology, when we were in a prison in Kingston, they didn't want them to have these computers because they could connect with the outside world and create mischief. Why not? Perhaps there is some in-house computer technology that you can connect with the outside world and they could create mischief. Why not have some in-house computer technology where you could use those skills at the rapid pace we're working at in social media?

A prisoner who went to prison 15 years ago is now walking out and facing iPhones, iPads and so many different things. It's absolutely frightening for those of us who are getting older and trying to deal with these things. Thank you for that question. We should not have these cutbacks, and particularly in educational programs in Canada's prisons.

Hon. Julie Miville-Dechêne: Senator Munson, may I ask you a question about this bill? First of all, I agree completely with the objectives of the bill. Rehabilitation and the means to return into society are important. I have a technical question. It seemed to me that in private bills you could not spend money, and in this case you want to make a framework but you also want more services for inmates. How do you do that in a private bill such as this one?

Senator Munson: Thank you for the question. That's what these bills are about, because it is about the framework. If you set a table with a framework and people come to that table with new and different ideas and share experiences, the table is then set for the government to move forward on the framework that this bill describes.

I have come to this bill late, but certainly not late in terms of supporting it. The money aspect I get, but then maybe the government will get what this bill is about. That's where the individual initiative counts so much, and I think that is what we're missing in both houses. We sometimes look at these bills and say, "Can we get them in and get them passed?" I know if you keep trying you can, and I know that governments and other institutions pay attention to what we're saying here. So let's set the table for the government, let's get on with the job and spend some real money on rehabilitation.

Hon. Patti LaBoucane-Benson: I have a question.

Senator Munson: I will take the question. I thought Senator Martin should be answering all these questions. Now that I'm on board, yes, absolutely.

Senator LaBoucane-Benson: Thank you for taking my question, senator, even though you are the critic. I'm happy that you mentioned Waseskun House and the healing lodge that you went to visit. I don't want to criticize the clause that talks about funding faith groups, but I wonder how that interacts with Indigenous self-determination.

My understanding is that Waseskun House focuses on an Indigenous way of knowing and Indigenous ceremony. It talks about traditional Indigenous teachings. They are very focused on helping people, and the men who live there reclaim their positive identities as Indigenous people. Much of that is done through ceremony. As the critic, do you have some concerns that this bill does not include Indigenous healing lodges or Indigenous ways of knowing?

I will preface that by saying that this was part of my life's work before I started, and I know the success that comes from helping Indigenous people using their own teachings and their own understanding of who they are. Recidivism is greatly reduced when people have that opportunity. I wonder if you could comment on that for me, and maybe that's something that could be studied at committee. Thank you for your time.

Senator Munson: Thank you very much for that. I'm looking at the content of the bill, and clause 2(c) says, "support faith-based and communal initiatives that aim to rehabilitate people who have been incarcerated".

• (1950)

I would think that "communal initiatives" would have a deep and abiding respect for the Indigenous community and the healing that goes on within that environment.

What I found out in that particular lodge area that you mentioned is that in and around the area there were no fences; there was no barbed wire. The people in that community were not fearful of those living in that environment because I think they recognized the initiatives that were being taken by Indigenous leaders within that particular healing lodge area. So I would think that we should take a close look at those "communal initiatives." In fact, I think those of us who come from a different faith, even myself as a rebellious United Church minister's son, could learn a lot more from the healing aspects of the Indigenous community and the help that goes on there. I'm not fearful of it and I think we should embrace it.

I think that as quickly as we can get this to committee and discuss it, perhaps we can again be at the forefront of helping those who need help from us. Thank you.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: My question is for Senator Munson. I'm a strong supporter of this bill, but there is one thing that worries me a lot. My question stems from the 2019 Auditor General's report, which told us something we already knew: None of the stats on the risk of reoffending take into account those serving a sentence of less than two years. According to information I found, we know that 50% of inmates serving a sentence of more than two years in federal institutions had previously received sentences of less than two years. That means our understanding of recidivism rates for former federal inmates is inaccurate.

Shouldn't the committee look at that issue too? If we're looking for ways to reduce recidivism but our understanding of recidivism in Canada is inaccurate or incomplete, shouldn't we take a close look at this issue to make sure we have an accurate and complete understanding of recidivism rates?

[*English*]

Senator Munson: Thank you, senator. I appreciate your question very much. I am on a learning curve as well when it comes to dealing with this particular bill. Through my experience as a journalist — and I've been inside prisons before as Chair of the Senate Human Rights Committee — I've seen individuals reaching out wanting to almost touch you in the sense of "I don't want to come back here again. I don't want to come back to this institution. I really want to settle in society." I don't think that we have enough instruments of education in terms of rehabilitative programs inside our penitentiaries.

I look, though, at clause 2(a), to "initiate pilot projects and develop standardized and evidence-based programs aimed at reducing recidivism . . . ."

That is my short answer. I wish I could give a longer answer, but I'll probably get myself into trouble because I like to speak to what I know. I think that your observations, Senator Boisvenu, and the history that you have and your expertise with this would be very important to present to the committee and discuss. Thank you very much.

Hon. Kim Pate: Thank you, Senator Munson, for your leadership in initiating the study with the Human Rights Committee that you spoke about and that you thanked other senators for as well.

As you will also probably recall from that study, there are three main challenges to reintegration for individuals coming out of prison: a place to live, a community of support and education and employment opportunities that provide something meaningful for people to be able to engage in.

I'm curious as to how you see this fitting with Bill S-208, which talks about the ability to move on from records, particularly in light of the report that was just released in Ontario about the challenges of people being able to get housing or undertake employment or education because of criminal records?

Senator Munson: That's a very tough question for me. I don't really have a complete answer. Senator Pate, you've had a lot of experience with this. Again, if I look like I'm bobbing and weaving, well I am because I cannot give an honest answer to your question; I think you know the answer to that question.

I think, once again, as I said to Senator Boisvenu, that the place for that question and to build on this particular bill — it's a framework. It's setting a table, as I said. It's a framework for governments to put into their budgets the things that you're actually talking about so that people who are leaving prisons never have to return again. They don't currently have the tools to walk back into society. I think that's what we should be looking at.

I want to thank you for it. I was sitting here tonight thinking that Senator Martin, who proposed this bill — and she's looking at me here in the Senate— would rather answer all of these questions too. But after 17 and a half years in the Senate, I have learned from former senator Allan MacEachen — who is one of my heroes — who said, "You don't get into trouble for what you don't say." So I'm not going to say anything more.

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.)

REFERRED TO COMMITTEE

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

(On motion of Senator Martin, bill referred to the Standing Senate Committee on National Security and Defence.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE FUTURE OF WORKERS ADOPTED

On the Order:

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

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

(a) how data and information on the gig economy in Canada is being collected and potential gaps in knowledge;

(b) the effectiveness of current labour protections for people who work through digital platforms and temporary foreign workers programs;

(c) the negative impacts of precarious work and the gig economy on benefits, pensions and other government services relating to employment; and

(d) the accessibility of retraining and skills development programs for workers;

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

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

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.)

• (2000)

THE SENATE

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

On the Order:

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

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

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

Hon. Wanda Elaine Thomas Bernard: Honourable senators, I stand in support of Motion 40 brought forward by Senator Francis. Thank you to Senator Francis and Senator Christmas for bringing this very important issue to our attention last fall. I stand in solidarity with Mi'kmaq fishers and the Mi'kmaq community.

As an institution, many of us have vocalized the desire to address systemic racism. Supporting this motion is one of the ways that we can do that. Systemic racism and colonialism are intrinsically linked, and one cannot be addressed without examining the other. The racism and violence faced by Mi'kmaq fishers are forms of unacceptable colonial violence and are a result of generations of systemic discrimination and normalized marginalization. As an institution, we should be standing up against this violence and resisting the denial of treaty rights.

I wanted to speak today to stress the importance of upholding and respecting treaties. We all live on Indigenous land. We are all treaty people. As Canadians, we are responsible to respect treaties, and as senators, we are responsible for upholding these agreements. Treaties are agreements or promises made to respect Mi'kmaq rights to land and resources. Living in Nova Scotia, living on Mi'kmaq land, I am responsible to those historic treaties.

In addition to being a treaty person, I firmly believe in the strength of cross-racial allyship. As many of you are aware — especially Nova Scotian and East Coast senators — I live in East Preston, an African-Nova Scotian community. African Nova Scotians and Mi'kmaq are deeply linked, dating back to the early 1600s, when the first African person to come to Canada, Mathieu Da Costa, served as an interpreter between Mi'kmaq and Europeans. Given our shared history, I support Mi'kmaq because I understand the multi-generational impact of colonization and the colonial context in which this violence exists. I honour our shared history, and I honour our differences.

Honourable colleagues, I support Motion 40 to uphold the Mi'kmaq rights to a moderate livelihood fishery as established by the Peace and Friendship Treaties signed in 1760 and 1761. I urge the Senate to condemn the violence and support the protection of Mi'kmaq fishers and communities. *Asante*. Thank you.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker pro tempore: On debate, Senator Wells.

Hon. David M. Wells: Honourable senators, I rise today to speak to Motion 40 put forward by Senator Francis, in collaboration with Senator Christmas, pertaining to the Mi'kmaq fishers and communities. I would like to thank Senator Francis and Senator Christmas for their advocacy and dedication to the Mi'kmaq. I would also like to thank Senator Patterson and, indeed, all of my colleagues for recognizing the importance of this issue.

As many of you know, I've spent much of my career, over 35 years, involved in Canada's fishing industry, and I understand the importance of this resource of ours. I spent many years running fish plants off the coast of Newfoundland and Labrador — the first time when I was 21 years old in the remote community of Black Tickle on the coast of Labrador.

For many years prior to my Senate appointment, I served as Chief of Staff and Senior Policy Adviser to the Ministry of Fisheries and Oceans, as well as Director of Regional Affairs for Newfoundland and Labrador. Additionally, in the early 1980s, I bought and sold herring in the Bay of Fundy. I was based in Yarmouth, in southwest Nova.

These experiences allow me to advocate for positive change on issues not just affecting Newfoundland and Labrador but Canada as a whole. My ties to responsible resource development, long-term sustainability and conservation have been cemented throughout the entirety of my career, and I therefore recognize these issues when I encounter them. We are encountering these issues here today.

I have seen first-hand the devastation that is too frequently the result of not respecting conservation and environmental best practices. I witnessed the collapse of the Atlantic cod fishery in 1992, which had terrible consequences, damaging communities, families and the livelihoods of thousands. It has affected the very fabric of my province.

Colleagues, treaty rights are important and must be respected, full stop. The Supreme Court decision in *R. v. Marshall* confirmed that Indigenous rights transcend food, social and ceremonial rites, which is what is known as FSC. The decision went further to include the right to "moderate livelihood." While the court did not define this, I understand what that means and why it is important. This landmark decision, which I applaud, was reached on September 17, 1999, and this decision is quoted by many as the backstop for Indigenous fishing rights.

As many colleagues know, two months after this, on November 17, 1999, the Supreme Court issued a clarification to that decision. The highest court in the land stated:

> The federal and provincial governments have the authority within their respective legislative fields to regulate the exercise of a treaty right where justified on conservation or other grounds. The *Marshall* judgment referred to the Court's principal pronouncements on the various grounds on which the exercise of treaty rights may be regulated. The paramount regulatory objective is conservation and responsibility for it is placed squarely on the minister responsible and not on the aboriginal or non-aboriginal users of the resource.

Canada's Supreme Court felt it necessary to clarify its own previous decision due to the way it could be interpreted. It is clear from this that there are boundaries on treaty rights because there are many objectives that must be balanced when governing, including both conservation and treaty rights.

The court ruled that sustainability and conservation of a resource are not left up to the individual users of that resource: Indigenous or non-Indigenous. This clarification of the *Marshall* decision gives us the ability to balance the objectives in a way that would lead to responsible fishing practices that will be sustainable for the future.

There will be no such thing as a commercial fishery or a moderate livelihood fishery for anyone in the long run if we don't manage the stock as regulated. Since 1844, approximately 109 species native to Canada have vanished from our country and many more are endangered or at risk. Fishing regulations exist for a reason. These rules are not simply red tape and bureaucracy; they are designed to conserve and lead to the long-term sustainability of the resource, and they are designed so there is fairness in a complex industry.

The regulated fishing season in southwest Nova Scotia typically runs from late November to late May. This is intentional. Lobsters are most likely to molt during the harvesting off-season, which is why it is, in fact, the off-season. Harvesting during the off-season period is prohibited due to soft shells from molting.

There are other regulations in place as well, including bans around harvesting roe-bearing female lobsters. There have been reports of this happening in Nova Scotia, and the practice is hurting our lobster population, as fishing one egg-bearing female immediately takes multiple out of our future stock.

In Newfoundland and Labrador, we have a practice called v-notching, whereby if a harvester catches a roe-bearing female, the tail is clipped with the v-notching tool and the lobster is put back in the water. It is illegal to catch and retain a lobster with this feature. It is responsible resource management in practice.

On March 3 of this year, DFO released a decision regarding the issue and outlined a plan meant to balance the various objectives at hand. These are, from DFO, ". . . implementation of First Nations treaty rights, conservation and sustainability of fish stocks, transparent and stable management of the fishery."

• (2010)

The plan notes that conservation underpins everything at DFO and that lobster stocks are healthy on the East Coast largely due to fishing limits and best practices, which must be adhered to in order for the goal of conservation to be consistently achieved.

The decision explains that moderate livelihood fisheries will be supported and licensed, but that all fisheries must operate within the established seasons. And I quote from that from DFO.

> Seasons ensure that stocks are harvested sustainably and they are necessary for an orderly, predictable and well-managed fishery. In effort-based fisheries such as lobster, seasons are part of the overall management structure that conserves the resource, ensures there isn't overfishing, and distributes economic benefits across Atlantic Canada. . . .

So what exactly is Motion 40 asking us to support? It states, as many of my colleagues have stated as well, that the Senate should affirm and honour the *Marshall* decision. Colleagues, I could not agree more. But we must affirm it in its entirety, which includes the principle that ". . . governments have the authority . . . to regulate the exercise of a treaty right where justified on conservation or other grounds," and that responsibility for conservation ". . . is placed squarely on the minister responsible and not on the aboriginal or non-aboriginal users of the resource."

We must therefore carry out this task that has been delegated to us by the Supreme Court to uphold the paramount regulatory objective of conservation. As I stated earlier, colleagues, treaty rights of our Indigenous communities are important. Let's be absolutely clear, though, what this motion is asking us to support and/or condemn. Criminal acts are never acceptable and should always be condemned and it is extremely troubling to hear about the conflicts in Nova Scotia surrounding these issues. We are all here because we believe in the rule of law and must condemn any criminal act carried out by any individual.

We are a body that makes laws. Is this motion asking us to be blind to the legislation that was affirmed in this very chamber, to be blind to what the Supreme Court confirmed and then further clarified, and to be blind to the recent decision from DFO that was balanced and sensible? Are we being asked to look past all of this?

It is for the reasons that I've outlined in this speech that I am putting forth an amendment to the motion. I am doing this not to take away from it but to affirm what's there and make it stronger. Colleagues, I have done this in conjunction with Senators Francis and Christmas, and others. My amendment respects the *Marshall* decision, making clear the importance of striking the right balance between upholding conservation and empowering moderate livelihood fisheries. The amendment also serves the purpose of clarifying that criminal acts, including those that interfere with treaty rights, are condemned by the Senate.

I believe we can all agree, colleagues, that the role of the Senate is to make things better, whether that means making legislative advancements or pushing for change that will improve the day-to-day lives of Canadians. We strive to uphold the law in its entirety and it's in everyone's interest that the law be followed by all. It is this principle that is at the heart of my amendment.

MOTION IN AMENDMENT ADOPTED

Hon. David M. Wells: Therefore, honourable senators, in amendment, I move:

> That the motion be not now adopted, but that it be amended by replacing the second paragraph by the following:
>
> > "That the Senate condemn all criminal acts, including those interfering with the constitutional treaty rights and protections for Mi'kmaw communities and fishers, and call upon all to respect and uphold the *Marshall* decision in its entirety.".

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Dan Christmas: Honourable senators, I rise today to speak in support of Senator Wells' proposed amendment. I will speak to the original motion shortly, when we return to debate after the vote on this proposed amendment has taken place. However, it bears noting that Senator Wells' amendment adds clarity to the motion and it supports the notion that respecting and maintaining peace and order is a shared community responsibility.

I respect such clarity and I support the adoption of this motion.

I call the question on the amendment.

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

Hon. Senators: Agreed.

(Motion in amendment of the Honourable Senator Wells agreed to.)

MOTION PERTAINING TO MI'KMAW FISHERS AND COMMUNITIES, AS AMENDED, ADOPTED

On the Order:

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

That the Senate condemn all criminal acts, including those interfering with the constitutional treaty rights and protections for Mi'kmaw communities and fishers, and call upon all to respect and uphold the *Marshall* decision in its entirety.

Hon. Dennis Glen Patterson: Honourable senators, I rise today to speak to Motion 40, now as amended, introduced by our colleague Senator Francis. As this motion has been debated, I've listened carefully and heard colleagues speak with obvious passion and conviction. I think it is fair to say that we all stand united in condemning violence against any Canadian, and I certainly condemn the violence against Indigenous fishers that we had sadly seen in the months prior to this motion being introduced last fall.

I knew that I wanted to speak in support of this motion but I wanted to listen and consider the positions of those who are from the Atlantic provinces to understand the positions of those whose lives are more directly affected either by this conflict, the lobster fishery or both. In preparing for this speech, I read again the motion itself and took particular note of the first paragraph, which calls upon the Senate to:

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

But before the Senate can affirm and honour the *Marshall* decision, I feel it is important to understand what we are being asked to support. It is also important to point out that history is once again, unfortunately, repeating itself. First, there are two *Marshall* decisions. The original decision was rendered on September 17, 1999. Following confusion and violence, the Supreme Court of Canada issued *Marshall II*, which sought to clarify and explicitly address points of contention — points that, to this day, continue to be confused.

As several senators have pointed out, the *Marshall* decision did make an allowance for Indigenous fishermen to fish for "necessaries" or what is also known as a "moderate livelihood." However, the *Marshall* decision is equally clear that these treaty rights can be subject to regulation. It states what is contemplated is not a right to trade generally for economic gain, but rather a right to trade for necessaries. The treaty right is a regulated right and can be contained by regulation within its proper limits. Catch limits that could reasonably be expected to produce a moderate livelihood for individual Mi'kmaq families at present-day standards can be established by regulation and enforced without violating the treaty right. Such regulations would accommodate the treaty right and would not constitute an infringement that would have to be justified under the *Badger* standard.

Following the *Marshall* decision, differing interpretations and a lack of leadership and direction from the Department of Fisheries and Oceans, or DFO, led to violent clashes between Indigenous and non-Indigenous fishermen. There was confusion surrounding what "moderate livelihood" meant and whether or not a treaty right could be limited by DFO conservation regulations.

The West Nova Fishermen's Coalition filed for a rehearing seeking clarification on whether the Mi'kmaq fishing rights were subject to regulations on conservation and other grounds. Their request for a rehearing was denied. Instead, on November 17, 1999, the Supreme Court of Canada released *Marshall II*, which contained the sought-after clarifications:

> The Crown elected not to try to justify the licensing or closed season restriction on the eel fishery in this prosecution, but the resulting acquittal cannot be generalized to a declaration that licensing restrictions or closed seasons can never be imposed as part of the government's regulation of the Mi'kmaq limited commercial "right to fish". The factual context for justification is of great importance and the strength of the justification may vary depending on the resource, species, community and time.

• (2020)

> The federal and provincial governments have the authority within their respective legislative fields to regulate the exercise of a treaty right where justified on conservation or other grounds. The *Marshall* judgment referred to the Court's principal pronouncements on the various grounds on which the exercise of treaty rights may be regulated.

I would stress the following passage to you, honourable senators, some of which Senator Wells has recited:

> The paramount regulatory objective is conservation and responsibility for it is placed squarely on the minister responsible and not on the aboriginal or non-aboriginal users of the resource.

I know the Mi'kmaq are committed to conservation and a sustainable fishery, as well as any other fishers in the lobster fishery.

The case goes on to say:

> The regulatory authority extends to other compelling and substantial public objectives which may include economic and regional fairness, and recognition of the historical reliance upon, and participation in, the fishery by non-aboriginal groups. Aboriginal people are entitled to be consulted about limitations on the exercise of treaty and aboriginal rights. The Minister has available for regulatory purposes the full range of resource management tools and techniques, provided their use to limit the exercise of a treaty right can be justified on conservation or other grounds.

Upon hearing that, what are we left with? To me, we are left with a lack of leadership from the responsible department.

I want to say this about Aboriginal and treaty rights: I was there during the repatriation of the Constitution. I participated in those meetings as a representative of the Government of the Northwest Territories. I worked with past colleagues, such as retired senators Serge Joyal and Charlie Watt, to have section 35 rights included in the Constitution. I was there when Canada's Aboriginal Affairs ministers who met together failed to define — time and time again, over the course of three years — what those rights were. This inability to define the rights of Indigenous peoples has led to court challenge after court challenge over the past almost 40 years, including the *Marshall* case.

The Fisheries and Oceans Committee in the other place — led by Wayne Easter, who serves as an MP to this day — conducted a study on the impacts of the *Marshall* decision and issued a report in December of 1999. In it they discussed the narrowness of the applicability of the decision and highlighted the responsibility of the minister to regulate the fishery for compelling and substantial objectives other than conservation. Indeed, in their summation of the case, the report points out that:

> The Court affirmed that the decision did not confer any right to a separate commercial fishery. "The Mi'kmaq treaty right to participate in the largely unregulated commercial fishery of 1760 has evolved into a treaty right to participate in the largely regulated commercial fishery of the 1990s."

The report makes it evident that some Indigenous groups would consider negotiating the terms of such regulations and limitations on their treaty rights, while others, such as Esgenoopetitj First Nation, Burnt Church, rejected this.

Among those witnesses who were open to such negotiations was Bernd Christmas, who is quoted in the report as stating:

> I said that we will negotiate the rules and agree to the rules, one set of rules, if there are good faith negotiations. If that includes seasons, well, possibly, but again, I want to stress at this point that we will agree to one set of rules — not the status quo right now — if there are good faith negotiations on the part of the Government of Canada.

This, along with other evidence presented to the committee, led to recommendations, including 5 recommendations relating to integrating Indigenous fisheries into existing fisheries, 21 recommendations relating to conservation and stock management, and 3 recommendations relating to remaining issues, which included a recommendation that stated, "The concept of moderate livelihood must be clarified or better defined." The government did act on some of these recommendations, buying back commercial licences as they became available and helping support new Indigenous fisheries with boats and fishing gear.

DFO, in its Integrated Fisheries Management Plan from 2019 regarding lobster fisheries in the Atlantic stated that, "Commercial access to this resource is managed as a limited entry, competitive fishery." There is no recreational access. DFO does, however, note that it "provides regulated access to lobster for Aboriginal people." However, there is no enforcement of any of the above from the responsible minister, and those months last fall, while tensions rose, violence erupted and warehouses burned, the Minister of Fisheries and Oceans and all of DFO seemed "slow and uncertain" and "caught off guard" while "chaos and confusion ruled." That is just as they were described in 1999 in the Easter report from the other place.

Senator Richards, who knows this story first-hand in speaking to this motion, succinctly called DFO "inept."

How is it, colleagues, that we find ourselves here again today? How have we not negotiated in good faith, as was suggested by Mr. Bernd Christmas when he testified before a parliamentary committee? How has DFO and its minister refused to define "moderate livelihood," 38 years after both *Marshall* decisions? We need strong leadership to get us through this, and it seems we are not getting it from this government.

I support this motion, but I want to be clear what that means. It means that I wholeheartedly condemn the violence directed toward Indigenous fishermen. It also means that I support the assertion in *Marshall* that these treaty rights do exist but are subject to regulation by the minister in the name of conservation and any other reasonable limitations as allowed by law. By supporting the motion as amended, I call upon the government to finally show leadership in resolving this crisis lest history be doomed to repeat itself again. Thank you. *Qujannamik*.

Hon. Pierre J. Dalphond: Honourable senators, I see that the clock is ticking and we're getting close to the agreed adjournment time. However, I know there is consensus among all the groups that we should proceed beyond 8:30 to complete Motion No. 40.

I seek leave that we continue until we complete the debate on Motion No. 40.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, we are prepared to grant leave if that means that Senator Christmas will speak and then we call the question. I think we have exhausted this. Senator Christmas did say he wanted to speak, so we are prepared to grant leave for that, but not beyond Senator Christmas's speech and the question.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Hon. Gwen Boniface: Senator Patterson, thank you very much for your comments. I wish to compliment you on your comments, particularly because of the issue of the lack of clarity.

I wanted to ask if you would agree with me on this issue and for the police who attended these incidents. If the fisheries minister is unclear on what the rules are, it would seem to me to be even more problematic for the police who arrive and try to sort through these issues.

• (2030)

I wonder if you see that in the same way I do, given the complexity of the issues?

Senator Patterson: Senator Boniface, I think you've expressed very well the dilemma that was placed on the difficult job of policing in these situations, with a lack of clarity around what the law is. You said it very well. I totally agree with the premise of your question. Thank you.

The Hon. the Speaker pro tempore: The time has expired. We're now going on debate on the amendment motion.

Hon. Dan Christmas: Thank you, honourable senators, for allowing me to speak this evening. Honourable senators, I rise today to speak to motion 40, calling for the upholding of the Supreme Court-affirmed Mi'kmaq treaty rights to a moderate livelihood fishery. I've been very eager to join the debate for a long while and I'm thankful for the opportunity to do so this evening.

Keep fishing. Keep fishing. I'm quoting the words of Membertou Chief Terry Paul, spoken in 2019 during the Senate committee hearings around amendments to the Fisheries Act.

I'd asked him what our friend Junior Marshall might have said he was trying to do by establishing the moderate livelihood fishery, and what his advice to our people, the Mi'kmaq, would have been after all of these years?

Keep fishing, in the same way our people have done for nearly 10,000 years in what is known as Atlantic Canada. Keep fishing, just as Junior Marshall had been doing when he was initially arrested in August 1993. Keep fishing, in the manner prescribed under the Peace and Friendship Treaties signed in 1760 and 1761, and enshrined in section 35 of the Constitution Act, 1982. Keep fishing, quietly, with determination and in full accordance with Mi'kmaq traditions, conservation and legal systems. Keep fishing, and as Herbert Hoover once said: "Be patient and calm; no one can catch fish in anger."

Yet, here we are as the Mi'kmaq nation, 22 years later, is still being told to wait for the implementation of the *Marshall* decisions.

As Chief Terry mused in 2019 at POFO hearings:

> One of our problems is that we are a very patient people. So the government, through the Department of Fisheries and Oceans, came up with interim measures. That's what we have been fishing under, since we still fish under the DFO regulations like anyone else. They came up with this interim measure because they had nothing in place to deal with the court decision. The court decision was not what had been expected. Nobody in government believed we could win this case.

Honourable senators, permit me to metaphorically describe the current situation in a way I hope drives home its principal reality.

Imagine if, in kindness, you invited a stranger's family into your home and onto your properties. As their family grew, you made an agreement to share your land and resources with them. In time, they disregarded the agreement and took over your property while forcing you to live in a shack in the backyard. Then, they tell you that you had to follow their rules and you can't use what was once your land and it is what they now consider to be their land and resources. So you go to the courts and the decision says that the original agreement stands, and you have a right to use your lands and resources, not to become rich like your neighbours but only to make a living. The family you invited in ignores the court's binding decision and says that you are a threat to the sustainability of the resource even though you represent only 5% of the population. When the time comes to harvest on your property, the family refuses to protect you from violence and property destruction perpetuated by their kin. What do you do?

That question becomes dwarfed by the myriad others that must be considered in examining the 260-year-old history of the moderate livelihood fishery.

For instance, where was the Department of Fisheries and Oceans when the 1760-61 treaties were signed? Did they even contemplate regulating the moderate livelihood fishery? Were there DFO vessels in the water? Did DFO need to conserve fish stocks and other public interests?

Of course not. The Mi'kmaq had been observing its millennia-old self-management regime of the resource through the application of Mi'kmawq traditional law called Netukulimk.

As defined by the Unama'ki Institute of Natural Resources:

> Netukulimk is the use of the natural bounty provided by the Creator for the self-support and well-being of the individual and the community. Netukulimk is achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity, or productivity of our environment.
>
> As Mi'kmaq we have an inherent right to access and use our resources and we have a responsibility to use those resources in a sustainable way. The Mi'kmaq way of resource management includes a spiritual element that ties together people, plants, animals and the environment.

Fast-forward to 12 weeks ago when DFO unilaterally launched its new path policy. Hardly a new path. This policy is an old dirt road shortcut to colonialism.

In his final report to the DFO minister, Federal Special Representative Allister Surette cited that based on his research:

> . . . the root of the conflict in the fishery is the unwillingness of DFO to recognize Indigenous rights and self-determination, and to share any of DFO's jurisdiction with Indigenous communities.

Another observation one can easily draw from Mr. Surette's report is that the new path policy's purpose seemed to be to serve the interests of the commercial industry.

He noted that:

> The commercial industry generally felt that the minister's statement was a step in the right direction, especially its commitment to enforcing a common fishing season for all, but still have reservations on a number of issues that could affect their industry.

He added: ". . . the Indigenous communities consider this approach to be unacceptable."

Who could blame us for thinking so? It's as if the new path policy was intentionally designed in the commercial fishers' interest, with Indigenous implications relegated to the bottom of the barrel.

Questions abound. For starters, with whom did Minister Jordan consult? Certainly not with the Mi'kmaq, as highlighted in the media statement issued March 4 by the Assembly of Nova Scotia Mi'kmaq Chiefs in which they declared:

> Canada emphasizes a commitment to 'Nation-to-Nation' discussions, yet DFO continues to assert dominance over our Nation – making announcements and decisions, leaving no room for discussion or consultation. This is negligent of promises of working Nation-to-Nation, Rights affirmation, reconciliation and is in complete disregard of our governance and leadership.

There was, it seems, ample consultation with industry, however. DFO and the Canadian Independent Fish Harvester's Federation collaborated on a series of workshops regarding reconciliation with Indigenous people in the fisheries just a few months before the release of the new path policy.

Surette was quick to point out in his final report:

> . . . the indigenous point of view that the Government of Canada is continuing to take a colonial approach to this matter, disregarding the governance and leadership of the Indigenous communities in the "nation-to-nation" commitment, hence continuing to impose and dictate their rules on the fisheries that is outside their scope and mandate.

A further and extremely troubling reality is the very slow pace at which steps were taken to address the growing violence across the communities. It took a full month before the RCMP increased its personnel in Saulnierville, Nova Scotia.

A CBC news report earlier this week stated that a top RCMP officer requested help to pay for extra policing costs during last fall's fisheries dispute in southwest Nova Scotia, but the province's Justice Minister resisted for two weeks and only agreed after two lobster pounds holding Mi'kmaq catch were vandalized with one later burned to the ground.

The report also stated that Sipekne'katik Chief Mike Sack said his community tried to work with the RCMP but there wasn't enough support to ensure people were safe. He was quoted as saying:

> I remember the day we were stranded at the lobster pound. All day they were saying more RCMP are coming, more are coming. It was just a bunch of lies. There was never more RCMP coming. So much of it could have been prevented.
>
> Our people were left stranded. For the province to be aware, and just sit back thinking about it, that doesn't sit very well.

• (2040)

Chief Sack concluded by saying:

> It just adds to what we went through. The RCMP weren't there for us. There were officers in the area who were great, but overall they really failed our people.

I spoke with Public Safety Minister Bill Blair on October 17, after weeks of confrontations, and shared my deep concern about the violence. He had only just then received a request from the Province of Nova Scotia to increase deployment. Why did the province wait so long?

Thankfully, and despite repeated provocation, the Mi'kmaq did not respond to the violence. Why not, you might ask? The answer is simple: They were respecting the covenant and honouring the Treaty of Peace and Friendship, which lies at the very heart of this matter.

Speaking of timeliness around interventions aimed at defusing the mounting crisis, Senator Francis, MP Jaime Battiste and I sought, as Canada's Mi'kmaw parliamentarians, to undertake outreach respectively to the federal ministers of Crown-Indigenous Relations and Northern Affairs, Indigenous Services Canada and DFO. We did so with a singular objective in mind: to suggest practical, pragmatic and innovative remedies to mitigate the impasse that has plagued the moderate livelihoods for all these years since the rendering of the Supreme Court decisions in *Marshall*. We proposed the establishment of a fisheries model that would ensure the fisheries for the future as an Atlantic First Nations fisheries authority.

We also advocated that in situations where government intervention might be required in instances where there is an unwillingness to accommodate or respect a moderate livelihood fishery, the government might need to explore the possibility of implementing a quota for lobster or a total allowable catch system in place. That would ensure not only the sustainability of the resource, but it would also accommodate and respect the rule of law in Canada as well as the Mi'kmaq values of *Netukulimk*.

Sadly, as in so many elements of this issue, our suggested remedies seem to have gone unconsidered, if indeed they were heeded in any way at all. Yet, thankfully, the issue did receive the benefit of further consideration by the members in the other place. The House Standing Committee on Fisheries and Oceans studied the moderate livelihood fishery and released its report a few weeks ago. Overall, it's my view that the report is a constructive move forward.

I was pleased to note the report's positives. Thierry Rodon, Associate Professor and Canada Research Chair in Sustainable Northern Development at Université Laval, cited his view that the Government of Canada recognized the inherent right of self-government as an existing Aboriginal right under section 35 of the Constitution Act, 1982, through its Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government policy launched in 1995. He stated:

> The co-management of natural resources allows for the recognition of a dual authority: that of the federal government over the commercial fisheries and that of the Indigenous communities over the management of their resources.

The committee report also provided examples of Mi'kmaw harvest management plans designed to ensure the conservation of fishery resources, including rules for conservation, safety and accountability. In particular, Chief Darcy Gray referred to the Listuguj Mi'kmaq Government's lobster fishing management plan as follows:

> We understand the need for a well-regulated fishery. We understand that with rights comes responsibility. After several years of community consultation, we adopted our own law and fishing management plan to govern our lobster fishery. Our law and plan allow our people to sell their lobster but ensure that fishing efforts remain sustainable. For the last two falls, we have conducted our own self-regulated fishery. Lobster stocks in our fishing area remain healthy. We have not seen violence like that being witnessed in Nova Scotia. We see our lobster fishery as a self-determination success story. We tried to get here working with DFO. In the end, though, we got here in spite of the DFO.

I was also very encouraged to see the Government of Canada consider alternate governance models that are consistent with treaty and Canadian law that share authority and decision-making with Mi'kmaq and Maliseet nations.

So now we await the government response to the House committee report. However, it will not be the only article to which the Government of Canada must respond.

As if the situation couldn't get much bleaker or more complex, the UN's Committee on the Elimination of Racial Discrimination is now seeking answers from Canada regarding the racism and violence Mi'kmaq lobster fishers experienced while they were exercising their treaty right to fish for a moderate livelihood in Nova Scotia last fall. The world will be watching as this unfolds. The future of Canada's lobster industry is at stake.

But as Robert F. Kennedy once reminded us: "The future is not a gift. It is an achievement."

So if we are indeed to achieve a peaceful, sustainable and just future for the moderate livelihood, we here in this august chamber must act, just as Canada must act in the face of the UN's Committee on the Elimination of Racial Discrimination's inquiry.

As I close, I'm conscious of what the *Report of the Royal Commission on Aboriginal Peoples* reminded us of 25 years ago:

> Canada is a test case for a grand notion – the notion that dissimilar peoples can share lands, resources, power and dreams while respecting and sustaining their differences.

The moderate livelihood fishery is part of that grand notion, and we must all work together, colleagues, to make this test case a successful one, yielding peaceful and fruitful results now and into the future.

I offer my personal thanks and gratitude to the many senators who have spoken to this motion to date. I especially want to thank Senator Wells for moving his amendment to the motion, and I now humbly urge all honourable senators to unanimously adopt this motion before us. *Wela'lioq*. Thank you.

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

Some 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, as amended.)

(*At 8:47 p.m., pursuant to the order adopted by the Senate on May 25, 2021, the Senate adjourned until Tuesday, June 1, 2021, at 2 p.m.*)

APPENDIX

DELAYED ANSWERS TO ORAL QUESTIONS

FINANCE

COVID-19 ECONOMIC RESPONSE PLAN

(*Response to question raised by the Honourable Donald Neil Plett on November 17, 2020*)

Veterans Affairs Canada

The $20 million Veterans Organizations Emergency Support Fund (VOESF) was announced in November 2020 to help veterans organizations cover operational costs like rent, utilities, administration and wages, and to continue delivering important services to veterans and their families.

On December 17, 2020, the Minister of Veterans Affairs announced that $2.8 million from the VOESF would go to 38 veterans organizations across Canada, in addition to the four announced when the VOESF was launched in November 2020 – The Royal Canadian Legion, ANAVETS, True Patriot Love, and VETS Canada.

On December 21, 2020, the Royal Canadian Legion announced the Legion branches that would receive support through the VOESF. The Legion — the largest veterans organization in Canada — received $14 million to distribute to its branches across the country. This funding will help Legion branches with operational expenses so they can focus on providing important programs, services and support to veterans and their families, and continue their strong community presence. More than 700 branches of the Legion have been supported through the VOESF and more funds continue to be dispersed by the Legion's Dominion Command.

Through the VOESF, the government was able to help a total of 42 organizations that serve over 280,000 veterans.

VETERANS AFFAIRS

SETTLEMENT OF CLAIMS

(*Response to question raised by the Honourable Donald Neil Plett on December 14, 2020*)

Veterans Affairs Canada

Veterans Affairs Canada respects and protects the privacy of veterans and their families. Information regarding any individual case will not be divulged.

The Veterans Well-being Regulations provide the Minister of Veterans Affairs with authority to pay for certain expenses arising out of a person's participation in Veterans Affairs Canada's Rehabilitation Program. Veterans may receive reimbursement for child care expenses under Veterans Affairs Canada's Rehabilitation Program when they are participating in:

1) Rehabilitation (other than training); and

   - Cost of dependent care may be reimbursed to a maximum of $75 per day.

2) Training as part of their vocational rehabilitation.

   - 50% of the cost of dependent care may be reimbursed to a maximum amount of $750 per month.

These expenses are authorized based upon the individual needs of the veteran, and are not based upon the needs of the dependent. Costs that are higher than the maximum may be considered in certain circumstances.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

DIVERSITY AND GENDER REPRESENTATION ON CANADIAN BOARDS OF DIRECTORS

(*Response to question raised by the Honourable Ratna Omidvar on March 15, 2021*)

The Canada Revenue Agency (CRA) takes its legal obligations with respect to the collection and protection of information, including the personal information of a charity's officials, seriously.

Information collected through Form T3010, Registered Charity Information Return, is limited to that which supports the CRA's role in administering the Income Tax Act (ITA). This includes validating the identities and contact information of a charity's officials, ensuring compliance with the obligations of registration under the ITA, and fulfilling the CRA's commitment to enhancing the transparency and accountability of charities by making most T3010 information publicly available. Personal information of charity officials is collected under the authority of the ITA and is governed by the Privacy Act. The CRA does not currently collect information for the purpose of measuring diversity on the boards of charities as that information is not required to administer the ITA.

As noted in the government's response to the report of the Special Senate Committee on the Charitable Sector (recommendation 8), the government has asked the Advisory Committee on the Charitable Sector to consider conducting further study into this matter.

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