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Friday, March 4, 2022

The Honourable GEORGE J. FUREY,  
Speaker

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## THE SENATE

Friday, March 4, 2022

The Senate met at 10 a.m., the Speaker in the chair.

Prayers.

### SENATORS' STATEMENTS

#### PLAY ON! STREET HOCKEY CHAMPIONSHIPS

**Hon. Tony Loffreda:** Honourable senators, first and foremost, I wish to publicly extend my unequivocal support to the people of Ukraine and its Canadian diaspora.

I also want to send some good vibes to our Canadian Paralympians who begin their quest for gold today in Beijing. In these difficult times, we all need an activity to bring us together and keep us both physically and mentally healthy. Let me talk to you about such an activity: it's called Play On! Canada.

[Translation]

Like many kids who grew up in Montreal, I wanted to be the next Lafleur, Cournoyer or Savard — the Senator! Can you blame me?

By the time I graduated high school, I had already attended 10 Stanley Cup parades.

I played hockey the whole time I was growing up. What I really remember from all my years in the sport is the sense of belonging and the friendships.

Hockey has the ability to bring people together, whether that is at the Bell Centre, at local rinks or in neighbourhood streets.

[English]

This unifying feature is one of the reasons why I support the rebirth of Canada's largest cross-country, multi-city street hockey festival, Play On!

For 15 years, Play On! held an annual tournament in cities across Canada where families, adults and youth alike gathered to immerse themselves in our national sport. Its record speaks for itself: 170 events in 37 municipalities with 2.5 million Canadians participating, attending, or volunteering in some capacity.

Once again, this street hockey festival is uniquely positioned to bring Canadians from all walks of life together in a spirit of friendship, inclusivity, fun and to stimulate local economies.

It's also no secret that the physical and mental health of Canadians have been affected by the pandemic, and this festival reminds us of the importance of team sports to our overall well-being.

A team of dedicated executives and passionate volunteers are working hard to relaunch Play On!

Honourable senators, I encourage you to support Play On!'s efforts to relaunch its festival and I urge the government to partner with them so that Canadians can once again take part in this festival that will reinject life, leisure and money into our communities and provide an escape for many who have been eagerly anticipating an opportunity to come together.

Hopefully, Canadians across the nation will soon be able to lace up their sneakers, grab a stick and, for a few days this summer or next, they can "play on" and pretend to be Lafleur, Crosby or McDavid. Let's come together, stay safe and be healthy.

[Translation]

#### UKRAINE

**Hon. Julie Miville-Dechêne:** I too would like to pay tribute to the courageous people of Ukraine, who have been victims of a deadly invasion launched by a dangerous autocrat.

The images we see every day are chilling. A nuclear plant bombed. Cities in ruins. Crowds of people in shock huddling in subway stations, weeping silent tears.

We cling to heartwarming signs of humanity, such as Dr. Julien Auger from Quebec's Centre hospitalier de Saint-Jérôme, a father of two who volunteered to care for the wounded in Ukraine. As he told *La Presse*, "Where will it stop if nobody does anything?"

Another man who goes by Wali, a former soldier with the Royal 22nd Regiment, joined the International Legion of Territorial Defence of Ukraine in response to brave President Zelensky's call, leaving behind his partner and baby. He said:

When I see images of the destruction in Ukraine, what I picture is my son, suffering and in danger.

Meanwhile, Quebec welcomed one of its first Ukrainian refugees. I was stunned by Anastasia's story. In her soft, singsong French, with surprising composure, Anastasia shared her story with Radio-Canada:

I feel safe, but I feel sad. There is a heaviness in my heart because my family is there. I worry about my family every day.

Anastasia does not believe that a truce is likely. Her cousins and her uncle are on the front lines. Her mother encouraged her to flee. Customs officers in Montreal let her through even though she had no proof of enrolment to go along with her student visa. Anastasia also told Radio-Canada, and I quote:

I could see in their eyes that they realized I came to Canada because of the war in Ukraine.

With a sense of urgency, Anastasia chose to continue her life in Montreal because she speaks French and English.

More Ukrainians will now be able to come and seek refuge in our great country as a result of the new Canada-Ukraine Authorization for Emergency Travel announced yesterday. We have all the necessary tools to welcome these refugees.

I am also heartened by the Canadian and European response to this vicious attack. However, we can't help but note, with heavy hearts, the contrast between this response and the wait-and-see approach the West is taking to other, equally bloody, conflicts outside of Europe.

As a final point, this terrible invasion forced Quebec to do some soul-searching about the weight of words. We were still using the name "Kiev", taken from the Russian, without really thinking about the political weight of that choice. This week, a few Quebec media outlets began using the Ukrainian spelling of the besieged capital city, Kyiv. This was long overdue. Journalistic objectivity is not in question.

Long live Kyiv, Ukraine and the Ukrainian people. I am hoping for a miracle.

**Some Hon. Senators:** Hear, hear.

[English]

**Hon. Colin Deacon:** Honourable senators, three years ago this month I was in Ukraine as part of the presidential election oversight effort. It was my first and only trip to that remarkable country.

Over the past week, I have been thinking a lot about one of the other Canadian parliamentarians on that trip. Mark Warawa was an energetic and youthful 68-year-old entrepreneur and the Member of Parliament for Langley—Aldergrove, B.C. He was on another of his countless trips back to his Ukrainian roots, heading to oversee polls in his ancestral home city of Lviv. His dedication to helping the Ukrainian people create the conditions for their increasing success was infectious.

I had several conversations with Mark, each one more enlightening. He was massively dedicated to supporting Ukrainian democratic reform and freedom. I cannot imagine how his heart would be breaking today if he were with us. Mark cut his trip short due to ill health and soon discovered he had pancreatic cancer. He died three months after returning home. Mark Warawa's sudden death shattered his family, friends, constituents and colleagues — much like the events of the last two weeks have shattered us all.

I had no connection to Ukraine prior to this trip, but was instantly inspired. Hope was everywhere, and the electoral process and turnout were impressive.

• (1010)

Everyone was concerned over Russian involvement in election disruption. Already then, Russian disinformation sought to discredit the electoral process, using the rhetoric of a failed puppet state run by fascists, language all too familiar today. The Ukrainian Central Election Commission was under threat of repeated cyberattacks, again a recurring theme.

Starting in Kiev, together with a Swedish MP, we travelled east from the city with our driver and translator. The polling stations were often in local schools and were run by incredibly strong, dedicated and disciplined women. They blew us away with their professionalism and their determination to prevent anything inappropriate happening in their polls. I would be comforted by their presence at a poll in my community.

In one of the villages, we met two elderly babushkas. They had walked several kilometres to the polling station to vote, but they did not really walk, they shuffled. I commented on their dedication and they looked at me as if I was the idiot that I instantly felt I was. They simply replied that they'd been in kindergarten together in Stalin's Soviet Union. Nothing else needed to be said. They knew all too well a world without democracy. I can't imagine how these two ladies feel today. I am hopeful about one thing, though, the people of Ukraine are incredibly courageous and strong-hearted. We must increasingly stand with them. Thank you, colleagues.

**Some Hon. Senators:** Hear, hear.

## TRAGEDY IN PESHAWAR, PAKISTAN

**Hon. Salma Ataullahjan:** Honourable senators, I stand before you once again. My hometown of Peshawar bleeds, 56 people killed this afternoon, over 200 injured and all they were doing is going for prayers. I want to acknowledge the devastation that has been directed upon Peshawar again and again. I don't know a single family, including my own, that has not been affected by the years of terrorism, for which there is never any acknowledgement. I want to stand and acknowledge all the lives lost in Peshawar today and in the years gone by. Thank you, Your Honour.

## ROUTINE PROCEEDINGS

### ADJOURNMENT

#### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 22, 2022, at 2 p.m.

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

**Hon. Senators:** Agreed.

## QUESTION PERIOD

### NATIONAL DEFENCE

#### NORTH AMERICAN AEROSPACE DEFENSE COMMAND

**Hon. David M. Wells (Acting Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. Senator Gold, last April our Chief of Defence Staff warned the Senate National Security Committee that Canada needed to put a greater focus on continental defence and NORAD modernization. General Wayne Eyre said:

The Russians are putting tremendous amount of focus on their military capabilities in the North, including significant exercises, projection capabilities, resurrecting Cold War-era bases for their use. So it is something we definitely need to be concerned about.

Leader, what actions has the Trudeau government taken to demonstrate that it takes this threat seriously in the year since the general issued his warning and given Russian threats against NATO partners and the provisions of Article 5 of NATO?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. Canada continues to work with its NATO allies, on the one hand, and in its own respect to preserve Canadian sovereignty everywhere, including the North. That includes steps to increase the physical assets available to us, as well as continuing investments and research on the cyber side to ensure that all fronts are properly defended.

**Senator Wells:** Thank you, leader. Supplementary to that, given the proximity of our northern border with Russia and our lack of defences — and it is, colleagues and Senator Gold, a lack of defences in Canada's North, including our territorial waters — what, if anything, is Canada doing to protect and secure our borders?

**Senator Gold:** Again, thank you for the question. It's an important one. The Government of Canada has a presence in the North and will continue to use that presence to assert and defend its sovereignty. It is also taking steps in light of the recent Russian aggression to register its opposition not only to the aggression but challenges to Canada's sovereignty in the North and will continue to do so.

### FOREIGN AFFAIRS

#### ACCESS TO CANADIAN MEDIA

**Hon. Leo Housakos:** My question is for the Leader of the Government in the Senate. Senator Gold, your government talks a good game about the need to combat disinformation and misinformation. We especially heard a lot about that during the trucker convoy with accusations that Russia was behind much of it, but now your government has an opportunity to do something about Russian propaganda and disinformation, especially as it pertains to the invasion of Ukraine. Your government said it was banning Putin's propaganda network Russia Today from

Canadian airwaves, but the truth is your government's order-in-council does no such thing. Instead, it merely asks the CRTC to conduct a hearing and issue a report and a half-measure at best that will take all kinds of time.

Senator Gold, why won't your government do the right thing today? What are you waiting for and why?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. The government is doing the right thing each and every day in response to the threat from Russia, whether that's in the area of the disinformation campaign or other aspects of it. The government does the right thing by respecting its legal boundaries as far as other agencies go, CRTC being one of them. It is doing the right thing also by enlisting the cooperation of enterprise and broadcasting companies who have acted responsibly in banning RT from the airwaves.

#### CANADA-CHINA RELATIONS

**Hon. Leo Housakos:** Government leader, with all due respect, the government would be doing the right thing if it took action and quick action. Your government's half-hearted measure in dealing with Russia Today reminds me of your government's foot-dragging on making a decision on Huawei. Despite saying a decision was forthcoming before the 2019 election, that one was imminent, here we are and still no decision on banning Huawei. Now the company is actually gloating, government leader. Two days ago they put out a tweet announcing another business venture here in Canada with the caption: "What's the opposite of being banned?"

Senator Gold, why is Huawei feeling so confident? Do they know something we don't know? Senator Gold, can you please tell this chamber when your government will finally make a decision regarding Huawei.

**Hon. Marc Gold (Government Representative in the Senate):** As I have said on many occasions, the government will make an announcement when it has made a decision. This chamber will be amongst the first to know.

• (1020)

### TRANSPORT

#### RAIL SERVICE DISRUPTION

**Hon. Paula Simons:** Honourable senators, my question is for the government representative. On Monday this week, the Teamsters Canada Rail Conference served notice that its members who work for CP Rail as engineers, conductors, trains persons and yards persons had voted in favour of strike action, with 96.7% voting in favour. The federal government, as I understand it, has appointed a mediator and talks are ongoing. However, given all the recent shocks to our rail system and supply chain, people in my province who depend on CP Rail are understandably nervous about the prospect of a freight rail strike.

In the circumstances, this is perhaps not an entirely fair question to ask, but what assurances can you offer us that the government will do what it can to make sure there is not another major disruption in Canadian rail shipping?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you. It is not an unfair question, because the concern that Alberta residents and Canadians have about disruption to transportation and therefore supply chains is a legitimate and troubling one.

The Government of Canada has faith in and a commitment to the collective bargaining process and respects the right of working Canadians to exercise their constitutional rights in that regard, and also has confidence in the mediation process put into place. Therefore, it's premature, with respect, senator, to be able to offer any timelines for the resolution of this, much less reassurances, except to say that the legal, constitutional and appropriate processes are in place in the hope of resolving this with minimal, if any, disruption to services.

**Senator Simons:** Thank you. After everything that has happened this year, even people like me, who absolutely believe in the right to strike, are justifiably concerned about what the impact of a strike could be, so thank you very much.

## FOREIGN AFFAIRS

### NORTH ATLANTIC TREATY ORGANIZATION

**Hon. David Richards:** Honourable senators, my question is for Senator Gold. I would like you to comment on this, and then I will ask a supplementary question, please.

We do not want a wider war, but with over a million refugees coming through Hungary and Poland, we are already in a wider war. We are watching a horror show unfold before our very eyes, and dismissing the urgent calls and pleas and begging for a no-fly zone reminded me of Churchill's comment after the Munich Agreement. "You were given the choice between war and dishonour. You chose dishonour and you will have war."

If you could comment, and then I will have a supplementary question.

**Hon. Marc Gold (Government Representative in the Senate):** I have enormous admiration for Churchill and the situation he and the leadership faced. This is a terribly dire situation, but the actions of NATO, and Canada in concert with NATO, is not analogous at all to Munich. The immigration tragedy and the potential refugee tragedy is one with which we are all seized. Canada has taken steps to facilitate and make it easier for Ukrainians fleeing their country to be in Canada, and for Ukrainian visitors to remain.

With regard to the no-fly zone, NATO has been clear in two respects. First, it is not yet prepared to take that step, and we have to be mindful of the geopolitical consequences, especially to Europe. Second, as we have seen from Canada and NATO's response, nothing is off the table and things are being adjusted and responses are being hardened on a daily basis.

## ARCTIC SOVEREIGNTY

**Hon. David Richards:** Thank you very much, Senator Gold. We all hope you are right on that. This question is comparable to Senator Wells's question that he asked a few moments ago.

I have asked this question before. What steps is Canada taking or prepared to take to counter Russian and Chinese activities in the Far North? Does our government even have the will, knowing we do not have the means, to address this growing concern?

You mentioned NORAD the last time this question was posed by me, but we know, as far as the North is concerned, the U.S.A. has its own strategic interests — at times very independent of Canadian concerns — and has asked Canadians, on many occasions, to step up with their own abilities in the North and that Canada has not done so.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I'm not sure I have much to add to my previous response. Canada does have the will to defend the North, and is taking all measures within its capacity to do so.

[Translation]

## PUBLIC SAFETY

### PUBLIC INQUIRY INTO PORTAPIQUE SHOOTING

**Hon. Pierre-Hugues Boisvenu:** Senator Gold, two days ago, I spoke to you about the public inquiry hearings that are under way on the Portapique shooting. We will be marking the sad second anniversary of this shooting two days from now. The lives of 22 innocent victims were lost, which caused a great deal of suffering to the families and the community of Portapique, in Nova Scotia.

I also asked you why the families had not been invited to participate in this inquiry concerning their loved ones, who were brutally killed. Why did the federal government ignore them?

Yesterday we heard on Radio-Canada's ICI Nouvelle-Écosse station that not only is the Minister of Public Safety choosing to ignore them, but the RCMP is refusing to appear before the commission responsible for the public inquiry.

The lawyer for the union of RCMP officers confirmed to the commission that it will oppose testimony from officers involved in the events surrounding the tragedy out of fear of causing them trauma, when the victims' families are the ones who are the most traumatized. What is more, this request to have the officers appear actually came from those families.

Senator Gold, the primary role of a law enforcement officer at the scene of a crime, who analyzed said scene, is to testify to the events in order to shed light on what happened during an inquiry.

Did Minister Mendicino intervene in the public inquiry to prevent the families from taking part? Will he prevent the RCMP officers from testifying?

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

I must answer your questions the same way I did just a few days ago: I will add them to the questions already received. I have put these questions to the government, and will get back to you as soon as possible.

**Senator Boisvenu:** Senator Gold, I would remind you that on May 22, 2020, just one month after this massacre, which was the worst in Canada's history, Prime Minister Trudeau publicly stated that he would not commit to holding a public inquiry. All Canadians already knew that the inquiry would centre on many questions about how the RCMP managed this massacre, which took place over a period of 20 hours.

The Prime Minister urged the RCMP to conduct its investigation and mentioned that he was working closely with the Government of Nova Scotia to get answers.

Given that the Premier of Nova Scotia, Tim Houston, called on the commission to meet with the victims' families and the union representing officers involved in the tragedy refuses to let them testify, how can the commission do its job properly without us believing that this inquiry is being manipulated by the government?

**Senator Gold:** Thank you for your question, senator.

It is not a question of manipulation. I will make inquiries — for the fact-based questions — and I will get back to you soon as possible.

[English]

## FINANCE

### CANADA'S INFLATION RATE

**Hon. Rose-May Poirier:** Honourable senators, my question is for the Government Leader in the Senate. On Monday an Angus Reid survey revealed that over half of Canadians feel they cannot keep up with the cost of living. According to Statistics Canada, in January inflation grew by 5.1 year over year — the highest level since 1991.

This year it has become harder for Canadian families to feed themselves. The cost of fresh fruit has gone up 8.2%, margarine is up 0.5% over the past year, chicken is up 9% in just one month and beef is up 13%, again in just one month.

[ Senator Boisvenu ]

• (1030)

Senator Gold, you recently stated that the Trudeau government is seized with the issue of inflation. When you look at these grocery prices for families going higher and higher, how do you show a government seized with the high cost of living?

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

The rising cost of living is a preoccupation for all Canadians. Even those of us in our privileged position know it when we go shopping, as we all do, for our daily bread and for that of our families.

We live in a free economy and in a federal system. We do not live in a command economy, and we should all count our blessings for that. It is not the role of the federal government to dictate or manipulate the prices of basic goods.

That said, the government, through various initiatives, has been working hard to help Canadians buttress or mitigate the impact of this. But there are certain levers simply not open to a government in a democratic country. The recent hike of the interest rates by 25 basis points may have some impact on the cost of goods.

Much of what we're experiencing in Canada is outside the control of any one government. It has to do with worldwide issues, worldwide supply chain challenges, to say nothing of the effects of the pandemic and of war currently raging in Ukraine. The government is doing what it can, and it will continue to do so.

**Senator Poirier:** A recent report from the Parliamentary Budget Officer noted that since the start of the pandemic about one third of the Trudeau government's planned spending is not related to its COVID-19 response plan.

The PBO also pointed out that the Liberal government's plan for future spending puts additional pressure on inflation. This is at a time when inflation is at a level not seen in over 30 years.

Leader, the observation is from the non-partisan Parliamentary Budget Officer, who supports the work of all parliamentarians. Will the Trudeau government listen to this warning from the PBO?

**Senator Gold:** The government takes very seriously the advice, input and warnings of the PBO, and properly so. The government is doing what it feels it needs to do at this juncture, with the tools it has, to address the situation of rising inflation and will continue to do so.



[Translation]

## JUSTICE

## FIGHT AGAINST ONLINE SEXUAL EXPLOITATION OF YOUTH

**Hon. Julie Miville-Dechêne:** My question is for the Government Representative in the Senate, who will no doubt find that I keep coming back to the same thing.

This evening, the TVA television network is going to air an investigation on Pornhub, which is owned by a Montreal-based company called MindGeek, located about a 10-minute drive away from my house. How is it that a year after the article in *The New York Times* and a few years after the release of troubling information, nothing has been done to help the women and children who were or still are victims of Pornhub? Are there police investigations under way or not? Is the government willing to introduce its much-talked-about online harm bill that it promised over a year ago? In short, where do things stand on this very worrisome issue, given the increased traffic on porn sites since the beginning of the pandemic?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question and for highlighting the importance of this issue. I also thank you for your commitment and dedication to this cause.

With regard to police investigations, I have nothing to say at this time because it would not be appropriate to comment, even if I had all the information to answer those questions.

With regard to the awaited bill, the government has not yet announced a specific date, but as soon as the bill is introduced, we will have the opportunity to examine it in detail in the Senate.

To answer your question more generally, like all Canadians, the government is concerned about the harm that pornography, particularly child pornography, does to those involved, and it will continue to closely monitor this issue.

**Senator Miville-Dechêne:** My supplementary question will be simpler and more direct.

One year later, we still don't know if MindGeek is a Canadian company. This question has been asked over and over. MindGeek is based here and employs 1,000 people. It is headquartered in Luxemburg but also has servers in Cyprus. We have asked the question many times but haven't gotten any response. A year seems a bit long, don't you think?

**Senator Gold:** I understand your frustration, esteemed colleague. I will try to get an answer to your question and will inform the Senate as soon as possible.

[English]

## FOREIGN AFFAIRS

## UNITED NATIONS TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

**Hon. Marilou McPhedran:** Honourable senators, my question is to Senator Gold, the government leader in the Senate. There are more than 20 nuclear plants in Ukraine, and the Zaporizhzhia plant was on fire after being shelled by Russian invaders earlier today.

Russia added to its naked, illegal aggression against Ukraine a threat to use its nuclear weapons, and few doubt that the megalomaniac Putin is capable of such massive annihilation of 500,000 people with just 1 of the smaller weapons of Russia's more than 4,000 warheads.

My question is about Canada's weak silence in the face of this particular threat. Belgium, Germany, Italy, the Netherlands and Turkey all host U.S. nuclear weapons. Another 26 countries joined the U.S. and those 5 host nations to "endorse" the possession and use of nuclear weapons on their behalf as part of defence alliances, including Canada as a member of NATO.

Senator Gold, the Government of Canada was not even in the room for the negotiations that led to the UN Treaty on the Prohibition of Nuclear Weapons, or TPNW, that was activated in January 2021. In the words of the Honourable Lloyd Axworthy yesterday, Canada has been shamefully absent from the nuclear table. In a few months, the first meeting of states parties to the TPNW will be hosted by Austria. Will Canada at least send a delegation of young Canadian leaders and parliamentary observers to this historic meeting, along with other NATO members such as Norway, that are going to do so?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question. I will make inquiries as to Canada's plans vis-à-vis the upcoming meeting, conference, and I will inform the chamber accordingly.

**Senator McPhedran:** Since 2018, Canada has voted against the annual resolution at the UN General Assembly that welcomes the Treaty on the Prohibition of Nuclear Weapons.

Senator Gold, does this Prime Minister and his cabinet know that his father, the Honourable Pierre Trudeau, made it his personal mission to persuade NATO to assess its unquestioning pro-nuclear weapons policy? When will Canada wake up to this monumental threat to all of humanity and engage in the international, rules-based order of which the Treaty on the Prohibition of Nuclear Weapons is now law?

**Senator Gold:** Well, again, I will not presume what the Prime Minister knows about his father, although I would assume he knows more than I do. But I will make inquiries and certainly report back.

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• (1040)

## ORDERS OF THE DAY

### BILL RESPECTING CERTAIN MEASURES RELATED TO COVID-19

#### THIRD READING—DEBATE

**Hon. Marc Gold (Government Representative in the Senate)** moved third reading of Bill C-10, An Act respecting certain measures related to COVID-19.

He said: Thank you, Your Honour. I rise briefly to speak to third reading, Bill C-10, An Act respecting certain measures related to COVID-19, and to highlight the ongoing and urgent need for the government to ensure that Canadians have access to COVID-19 rapid tests.

Over the past two weeks, provinces and territories have announced the relaxation of many public health measures as the country transitions its pandemic response towards an endemic state. As part of this shift, Canadians have expressed the desire to assume responsibility for managing their own health and well-being.

[Translation]

To support this transition, Bill C-10 will enable the government to continue purchasing and distributing COVID-19 rapid tests. Supply chains and transportation requirements for tests have been under a significant amount of pressure and disruptions over the past three months. Numerous countries started enhancing their large-scale testing strategies in the fall of 2021, after seeing peaks in the number of COVID-19 cases attributed to the delta variant. With the emergence of the highly contagious omicron variant, countries quickly increased their demand for rapid COVID-19 tests. Furthermore, the countries that are able to manufacture these tests took steps to supply their own residents before sending the surpluses abroad.

[English]

Consequently, a highly competitive market became even more so. This required the government to take an even more active approach to securing adequate supply.

The government has been proactive in seeking the additional necessary funding through Bill C-8 and now Bill C-10 to ensure a consistent and reliable quantity of rapid tests for Canadians. Colleagues, without the buying power of the federal government, Canada would not have been able to secure enough COVID-19 tests, so badly needed in months past and those required going forward.

Colleagues, several senators have raised questions in respect of the interplay between the funding allocations contained in Bill C-8, Bill C-10 and Supplementary Estimates (C).

I will quote the testimony of Mr. Stephen Lucas, Deputy Minister at Health Canada, who provided an explanation as to how both the statutory and voted spending authorities would enable the government to have maximum flexibility for the large-scale procurement of test kits, in the face of provincial and territorial demands:

In regard to Bill C-8, those funds were for tests purchased in December through January and into February. We had some flexibility to charge against. So that will enable reimbursement of those funds. For Bill C-10, the urgency is our ability to be able to contract and secure through advance payment contracts heading out into the end of March, April and into May. Global competition remains stiff, and our ability to secure those supplies requires that lead time. Hence, the passage of Bill C-10 on an urgent basis will allow us to be able to secure those contracts in the coming weeks in advance of the passage of supplementary estimates so hence during March and enable the advance payment which suppliers are looking for to allow for the provision of those tests and to have those tests be delivered in the next fiscal year, into April and May.

In essence, these planned expenditures for rapid tests have been included in both the Supplementary Estimates (C) and in the bill before us due to timing constraints and as a result of the highly competitive global market requiring, in some cases, advance payments. The statutory authority in Bill C-10 would provide the ability to advance procurement and make payments needed ahead of the supplementary estimates being approved by Parliament.

Through Bill C-10, the Minister of Health is also seeking authority to distribute COVID-19 tests to provinces and territories, organizations and individuals in Canada. This authority will assist in streamlining and expediting shipments in Canada, further ensuring timely and equitable access to tests for those across the country.

In light of the increased need for rapid tests and in agreement with the provinces and territories, allocation has shifted since January 2022 from a demand basis to a per capita approach to ensure equitable distribution across the country.

Honourable senators, you may be asking yourselves, given many provinces and territories are moving away from more restrictive public health measures, whether or not this would be the time for government to also step back from procuring and distributing COVID-19 tests.

What I can tell you is that COVID-19 rapid tests will continue to be critical to Canada's ongoing response to the pandemic.

[Translation]

Canadians want to make their own informed decisions about their health needs and how COVID-19 might affect them personally or affect the vulnerable people around them. It will therefore be important that they have access to the necessary tools and resources, including COVID-19 rapid tests. Ensuring timely access to these tests will help relieve the pressure on health care systems and support reopening plans in the provinces and territories. Given the supply chain problems I mentioned

earlier, and to ensure equitable access for all Canadians hoping to get their hands on rapid tests, the government must continue to purchase and distribute COVID-19 tests and support the provinces and territories that are taking steps to reopen their economies.

[English]

We know that the pandemic has disproportionately affected certain segments of the population more than others. We must keep these inequalities in mind. The government took steps in the past and is continuing to take steps to ensure that populations most vulnerable have access to COVID-19 tests.

Honourable senators, the partnership of the Canadian Chamber of Commerce has ensured that small- and medium-sized enterprises had access to tests for voluntary workplace testing as well as to protect those individuals who, for medical reasons, were unable to get vaccinated. Through this association, the Canadian Chamber of Commerce worked with provinces and provincial chambers of commerce to distribute COVID-19 tests to small and medium enterprises.

Another critical partnership has been with the Canadian Red Cross. As workplace screening initiatives rolled out in provinces and territories, focus was on the retail manufacturing and service-related sectors. With its commitment to ensure equitable access, the government collaborated with the Canadian Red Cross to support the non-profit sector by developing tools and resources, and distributing tests to organizations such as shelters, food banks and other partners for their respective screening programs.

Given the success of this initiative and the advent of the Omicron variant, the partnership with the Canadian Red Cross was expanded to include distribution of tests to individuals from populations most at risk. Since December, the Canadian Red Cross has provided tests to additional organizations to distribute directly to those individuals accessing their services and programs.

Colleagues, since the outset of the pandemic, all levels of government have worked together to take a “Team Canada” approach. The delivery and distribution of COVID-19 rapid tests into and across Canada is a high priority. It is a large and complex operation. It is the shared responsibility of federal, provincial and territorial governments. The Government of Canada continually assesses the federal testing strategy with the evolving situation.

Leveraging its buying power, the government secured sufficient supply of vaccines for all eligible Canadian residents who wanted them.

Similarly the government spent approximately \$3.8 billion and produced over 520 million tests. These tests have been an important tool in the management of the pandemic. As the pandemic numbers lessen and provinces and territories transition to the next phase, Canadians will be able to use these rapid tests when making personal choices and decisions.

• (1050)

As noted by departmental officials at committee, a minimum of 400 million tests would be contracted through the financing in Bill C-10, and the government would look to facilitate contractual arrangements that would ensure the best value for money based upon the funding available.

Several senators have also raised concerns with respect to the accountability standards concerning rapid testing and how the funding allocated will be utilized and spent. As part of its commitment with the passage of Bill C-10, the government will report to Parliament every three months with information on how the funds provided for in the bill have been spent, including the number of tests purchased and where they have been distributed. The reporting requirements that were incorporated as a part of Bill C-8 will also apply to any funds that will be made available in relation to Bill C-10.

Colleagues in this chamber will be able to hold me and, by extension, the government accountable to this commitment, and parliamentarians will be appropriately informed as to how the funds have been utilized.

Given the ongoing global shortages, issues with supply chains and the need to ensure equitable access to these tests, based upon provincial and territorial stresses, I ask all of my colleagues to join me in supporting the urgent adoption of Bill C-10. It will allow the Minister of Health to procure more COVID-19 rapid tests and to distribute these important tests across Canada so that Canadians can keep themselves and their loved ones safe.

Thank you for your kind attention.

**Hon. Judith G. Seidman:** Honourable senators, I rise today to speak to Bill C-10, An Act respecting certain measures related to COVID-19, at third reading.

Just to remind us once again, the passage of Bill C-10 would give authority to the Minister of Health to make payments of up to \$2.5 billion out of the Consolidated Revenue Fund in relation to COVID-19 tests. It would also allow the Minister of Health to transfer the COVID-19 tests to the provinces, territories and other establishments.

During my speech at second reading in this chamber, I raised a number of concerns with regard to Bill C-10. First and foremost, the lack of a provision for parliamentary oversight in this bill. You might remember the conversation that I had with Senator Lankin when she specifically asked me about my concerns and said that if there was one or two particular issues that I was concerned about, which ones would I recommend in amending this bill. You are going to hear that right now.

Honourable colleagues, as some of you may know, during the debate on Bill C-10 in the other place, the Minister of Health made a verbal commitment to report to both houses of Parliament every six months on the procurement, distribution and use of rapid antigen tests. At the Social Affairs, Science and Technology Committee meeting on Wednesday of this week, the minister reaffirmed and modified his commitment to present a report to Parliament every three months as opposed to every six months.

When asked by my colleague Senator Poirier what accounts for this change, the minister said:

That came from a reasonable request from the opposition party in the House of Commons. They said that six months is good but three months is better. We considered that request and felt that, in collaboration with provinces and territories, it would be even better to do it in that relatively shorter time period.

Honourable colleagues, parliamentary oversight is an integral component of our democracy. It allows for greater transparency when discussing the federal government's policy objectives, especially when it concerns matters of public spending.

As the minister himself acknowledged Wednesday in committee, "... transparency is key in not only informing senators and members of Parliament but also informing Canadians."

Including a provision in Bill C-10 for parliamentary oversight, as opposed to something that is just said in words, would ensure that the federal government is held accountable for its spending. It would allow us to monitor critical data that pertains to the cost, use and number of rapid antigen tests delivered to their final point-of-care settings. This is not only the purpose of good governance but also in our duty to be a chamber of sober second thought.

Honourable senators, that is why I am proposing an amendment to Bill C-10 to address this issue of accountability.

The amendment would ensure that the Minister of Health reports to Parliament every three months. It would also require the minister to report on federal spending incurred from the period of January 1, 2022, up until the date that Bill C-10 receives Royal Assent.

As written in clause 1 of Bill C-10, the Minister of Health may spend money out of the Consolidated Revenue Fund to account for any expenses incurred on or after January 1, 2022, in relation to COVID-19 tests. This is why parliamentary oversight is of utmost importance. This amendment would ensure that critical data does not go unreported to Parliament for indeterminate periods.

#### MOTION IN AMENDMENT NEGATIVED

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

That Bill C-10 be not now read a third time, but that it be amended on page 1 by adding the following after line 13:

"**3 (1)** No later than 10 sitting days after the conclusion of every three-month period that begins on the day on which this Act receives royal assent, the Minister of

Health must cause to be tabled in each House of Parliament a report in relation to the preceding three-month period that specifies

(a) the details of payments made under section 1, including the recipient of each payment;

(b) the details of transfers made under section 2, including the recipient of each transfer;

(c) in relation to payments and transfers under this Act,

(i) the number of tests purchased and the sources of those tests, and

(ii) the number of tests distributed, broken down by province and territory; and

(d) an evaluation of the effectiveness of the payments and transfers made under this Act on Canada's response to the coronavirus disease 2019 (COVID-19).

(2) Despite subsection (1), the Minister of Health is not required to table a report under that subsection in relation to a three-month period during which no payments or transfers were made under this Act.

(3) The first report prepared under subsection (1) must also include the information in paragraph 3(1)(a) and subparagraphs 3(1)(c)(i) and (ii) in relation to payments made under section 1 in the period between January 1, 2022, and the day on which this Act receives royal assent."

Thank you, colleagues.

**The Hon. the Speaker:** On debate on the amendment, Senator Gold.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, Senator Seidman, not only for your speech but for your thoughtful and helpful intervention in this chamber over the course of the pandemic, especially with regard to the issue of tests and the things that Canadians need in order to protect themselves and their families, whether it was vaccines in an earlier phase or rapid tests, which has been a subject that you have brought to our attention and educated us on happily and thankfully over a long period of time. But here we are.

• (1100)

It is the position of the government that this amendment is not only not necessary but actually would cause harm. I want to take a few moments, respectfully and sincerely, to explain why.

As our colleague Senator Seidman pointed out, and as those of us who were at the committee on Wednesday would know, the minister made a clear public commitment. He stated in the House on February 14, and again before our committee on Wednesday, that the government is committed to reporting to Parliament

every three months with information on how the funding in Bill C-10 will be spent, including the number of tests purchased and where they will have been distributed.

As I said in my speech, it is also the position of the government that the provisions that were included as part of Bill C-8 — to which Senator Seidman referred in her remarks — dealing with reporting requirements will also apply to funds paid for rapid tests under Bill C-10 because these are statutory expenditures. Therefore, respectfully I submit that an amendment of this kind is simply not necessary.

Furthermore, might I submit, colleagues, that the amendment as drafted would be problematic. The Crown cannot divulge payments made to specific suppliers, as the number of tests is already made public and competitors would then be able to determine the price of tests, which is commercially confidential information.

Let me now turn, if I may, to the consequences of not passing this bill today without amendment.

There is an urgent need, as I said in my speech, for this bill to pass so that there is a guarantee of supply for this month and into April and the spring. Not passing the bill before the two-week March break in our parliamentary calendar, as a result of an amendment, would significantly delay its implementation when funds are urgently needed to secure rapid tests in a highly competitive global market, including a competitive market from a procurement standpoint.

The consequence, colleagues, is that educational institutions, small- and medium-sized businesses, pharmacies and other suppliers will not get the rapid tests they need. If I may quote again from the comments of Mr. Stephen Lucas, Deputy Minister at Health Canada:

For Bill C-10, the urgency is our ability to be able to contract and secure through advance payment contracts heading out into the end of March, April and into May. Global competition remains stiff, and our ability to secure those supplies requires that lead time. Hence, the passage of Bill C-10 on an urgent basis will allow us to be able to secure those contracts in the coming weeks in advance of the passage of supplementary estimates so hence during March and enable the advance payment which suppliers are looking for to allow for the provision of those tests and to have those tests be delivered in the next fiscal year, into April and May, as I noted.

The minister has confirmed, including at committee, the commitment to report to Parliament, as I've said before, and to uphold this commitment. He acknowledged that, "... transparency is key in not only informing senators and members of Parliament but also informing Canadians." If there is a delay in passing Bill C-10, the government may experience difficulty in meeting the increasing COVID-19 rapid testing needs of Canadians as well as those of the provinces and territories.

Health is a provincial jurisdiction. The federal government has a role to play — and has played throughout this pandemic — in providing the necessary funds to provinces and territories to meet needs that their budgets simply could not otherwise meet. They

need the resources so that their residents and citizens have access to the rapid tests and so that individuals can take control over their own lives. These tests empower individuals to make decisions about their own health and those whom they care about.

It is an appropriate role for the Senate — which exists to represent regional and territorial interests and the interests of all Canadians, especially vulnerable Canadians — to at least be mindful of the impact of delay in that regard, and especially and importantly because, as I said, the measures introduced by this amendment are simply not necessary. They are redundant in terms of what is already in place in Bill C-8 and has already been committed to, solemnly and publicly, by the minister.

Let me add that in addition to the reporting requirement every three months, the government does, in fact, proactively disclose a number of information sources, reviewed on a continual basis, on COVID-19 medical devices as can be found on Health Canada's website.

Colleagues, you in this chamber, through me, can hold the government to account to the reporting commitments. As I said in my speech, parliamentarians will be appropriately informed as to how these funds have been utilized.

For these reasons, and to ensure the government has the tools readily available to assist provinces and territories and Canadians to meet the rapid test demands this month and heading into the spring, I would respectfully and humbly urge colleagues to reject this amendment. Thank you very much.

**Senator Seidman:** I actually have a question for you Senator Gold, maybe a couple of questions, if you will take them.

**Senator Gold:** Of course.

**Senator Seidman:** It is my impression and understanding that the amendment I have proposed coheres completely with an amendment that was made to Bill C-8 when the government committed \$1.72 billion for tests in December. Would you agree?

**Senator Gold:** Senator, thank you for the question. As I said, the amendment you are proposing is redundant and not necessary and would impede the passage of Bill C-10. Bill C-10 is necessary, notwithstanding the funding also contemplated in Bill C-8 and the supplementary estimates, because of the actual situation in the global market, namely, the demand of suppliers facing tremendous competition for advance payments as well as the inability of the government — unless Bill C-10 is passed and until it gets the authority through Bill C-8 or supplementary estimates — to have the statutory authority to enter into these contracts.

**Senator Seidman:** So you said that, yes, it does cohere, in fact, with the amendment that was made to Bill C-8, if I understand you correctly.

Now that we are quoting testimony from the Standing Senate Committee on Social Affairs, Science and Technology, or SOCI, on Wednesday evening, I too was unable to be present because of a conflict of meetings. However, I did listen carefully to the recordings of the committee meeting.

Testimony at SOCI from the chief financial officer and the deputy minister was quite clear. They said that they procure the tests and what they call “cash manage” from other resources within the department. They are able to pay for the tests by cash managing within the department. I presume that means moving monies around until they receive the cash to pay.

In fact, during the discussion on Wednesday night, Senator Patterson paraphrased what he had heard from the chief financial officer. Senator Patterson said:

. . . Bill C-10 allows you to retroactively collect for monies spent up to \$2.5 billion after January 1, 2021. . . . Do I understand that right?

And Ms. Francis, the chief financial officer, said “Yes.”

**Senator Gold:** Thank you. I did attend the committee meeting, though I don’t have the transcript in front of me.

The officials were very clear that the tests that had been procured to date were funded out of existing statutory authorities that the law allows to be used and then be reimbursed. Those statutory authorities have run out. There is simply no legal capacity for the government to enter into contracts — today or tomorrow, if and when this is passed — with the suppliers demanding advance payments. Unless and until Bill C-10 is passed, or some future statutory authority is granted — supplementary estimates at the end of March perhaps; Bill C-8 whenever we might get it — the government is without capacity to find funds elsewhere to prepay or to move forward.

• (1110)

That’s the urgency. The government has no legal authority, for the moment, outside the authority that Bill C-10 would grant, to continue to seek those hundreds of millions of tests that Canadians are demanding, and that provinces and territories are demanding.

**Hon. Percy E. Downe:** Senator Gold, I have to tell you I don’t take particular comfort in your reassurance of transparency. We heard this morning another senator complaining about not getting answers. We have had questions on the Order Paper for weeks, months and, in some cases, a year, that have not been answered since you have been the government leader. I don’t know if the problem is in your office or the problem is that you can’t get answers from ministers, but this is very different than the situation when Senator Harder was the government leader in the Senate.

He made an effort to get these answers, and he made a public commitment similar to the rules of the House of Commons. The rules of the House of Commons are that members of Parliament can get an answer to written questions, as required by the rules, within 45 sitting days. Senator Harder attempted to and had some success in meeting that same standard in the Senate. That has now completely disappeared.

Where is the trust and the confidence when you say that you can advise us and give us answers when that has not been the case since you have been the government leader in the Senate?

**Senator Gold:** I am going to answer much of your question very briefly, Senator Downe, and with restraint. There is no problem in my office nor in my efforts to represent the Senate and to seek answers wherever appropriate. But that’s not what we are talking about. We are talking about, today, a bill to provide assistance to the provinces and the territories, including your own and the residents that you represent, so that the Government of Canada can fulfill its role in partnership with provinces and territories to assist individual Canadians, who have a constitutional right over their own bodies, to make intelligent and informed decisions.

The minister, not Marc Gold, in the other place and in committee, made an undertaking publicly to report in a transparent way, in addition to the reporting that has already taken place.

I ask this Senate to have confidence and trust in its institutions, in the federal institutions and in those who serve in it, to be honourable people and to honour their words.

**The Hon. the Speaker:** Senator Downe, I know we have broad leeway when asking questions, and I will continue to adhere to that, but I’m sure your supplementary will have some nexus to the debate on the amendment.

**Senator Downe:** Well, actually, it did, Your Honour. Senator Gold urged us not to vote for the amendment because of the commitment of transparency. That’s the issue I want to confirm. He also just said that the Minister of Health indicated a verbal commitment to transparency. So, given the record of the government on transparency, particularly in the Senate, why would we not get that confirmation in writing through the amendment proposed by Senator Seidman?

**Senator Gold:** Thank you for your question, and at the risk of repeating myself — I seem to be in the habit of doing that over the last few weeks — the reason the government is urging senators to pass this bill without amendment is so that there will be no further delay in the ability of the federal government to procure those tests which provinces, territories, Canadians, the Red Cross and the chambers of commerce are asking them to procure.

It is only the ability of the federal government and its spending power that enables Canadians to have those tools, even though this is not an area of its jurisdiction. It is the practical real-life situation facing Canadians that we in the Senate are being asked to address, under circumstances where the reporting measures which this amendment seeks to incorporate in this act — with the corresponding impacts as I have described — are not necessary. This is not only because of the publicly stated commitments of the minister both in our committees and in the other place but because those reporting provisions that exist in a bill yet to be passed would apply to these as statutory expenditures.

**Hon. Pierrette Ringuette:** Senator Gold, I look at the calendar and I am very concerned, and I will tell you why. I’m very concerned because we are heading into March break, and that means young people, and families young and old, will be moving at high speed in every direction at the same time as most provinces are removing restrictions. My fear, my concern, is that if we don’t have these rapid tests in the next three weeks,

maximum, when the March break mobility is over, I am very concerned — as a mom, as a citizen, as a grandmother — about the ability for our citizens to ascertain whether they have contracted COVID, so they can mobilize themselves to circumvent the proliferation. I am very concerned with regard to that.

With regard to this amendment, I am concerned because I feel it is unnecessary. The delay may cause a lot of health anxiety in our system. So, please, can you answer me? If we agree to this amendment, how will that delay getting these tests to our citizens? What is that delay going to cost us in health?

**Senator Gold:** Thank you for your question. The government shares your concern as I think many Canadians do. I'm not sure if the image of the belt and suspenders is appropriate. There are belt, suspenders and one other girding instrument.

It is precisely because the demand for tests ramped up so dramatically. It is not that long ago when we worried that tests were being delivered to provinces and they were sitting on them. As the minister pointed out in his testimony, the exponential increase in demand is only expected to increase, for reasons that you outlined very well. That's why the government introduced Bill C-10 but also wanted to cover its bases — because one can never tell when a bill will pass or if it will pass — with the supplementary estimates and Bill C-8.

My former law professor Laurence Tribe once said, if you live by the crystal ball, you had better be prepared to eat glass. I have a strong stomach, but I'm not going to take that risk. I don't know. That's the point. We don't know what the delays will actually mean. Yesterday, today and tomorrow, there is worldwide competition for a finite supply — I hope it's growing but, still, finite in any given moment — from a finite number of suppliers.

Unless and until the Government of Canada is legally able to start negotiating contracts, much less concluding contracts, much less paying in advance of delivery, we just don't know. But when you do a risk-reward — and dare I say a utilitarian — calculation, which is part of our political obligations as members of a parliament, the risk to Canadians' health far outweighs the risks to transparency, given, as I have already said, the commitments and legal provisions in other bills that will come before us. I hope that answers your question.

**Hon. Mary Jane McCallum:** Senator Gold, will you take another question?

**Senator Gold:** Yes, of course.

• (1120)

**Senator McCallum:** You partially answered the question I had in your response to Senator Ringuette, but I was wondering if there was anything else you wanted to add. Is there any way that the provincial, federal and territorial governments could have predicted the need for rapid tests in the past, at this late stage and in the future?

**Senator Gold:** That's a good question. I think we would all acknowledge that at the very beginning of the pandemic, with so little known then as compared to what we know now, that it would have been hard to predict in all respects what was needed. The government understands, and we expect and look forward to obtaining the lessons learned as we emerge.

What is clear, senator, is over the last number of months the government has been able to predict, and has responded responsibly to the escalating and exponentially increasing demand. That is why the government spent billions of dollars already. That is why the government exhausted its existing spending authorities, to make sure Canadians had access to as many tests as we could provide in January and February. The problem is the demand is still there and is likely to increase, and there are no spending authorities left to respond. There won't be any until either Bill C-10 is passed or we arrive at a point where the supplementary estimates are passed which, as we all know, is many weeks from now. I hope that answers your question.

**Hon. Jane Cordy:** I was going to ask — as a mother and grandmother — a similar question as Senator Ringuette, so I'll just reiterate that and ask another question. I think it's extremely important that tests be made available as quickly as possible with March and spring breaks coinciding with the reopening of many provinces and territories. We would all like assurances that we will have access to the testing.

My other question has to do with section 3(1)(a), the details of payments made under section 1, including the recipient of each payment. If I recall, way back when, almost two years ago, which is sort of scary, when Canada was trying to find COVID tests and people were asking about the cost and all those kinds of things, you mentioned "commercial confidentiality" in your speech — that those things can't be given out publicly — whereas this amendment would actually require that.

**Senator Gold:** I think that is a concern. It is important, as all senators would appreciate, that there are certain aspects of the procurement process, especially in a competitive environment, that need to remain quiet.

Again, I want to return to my main point. Yes, it's March break, but it's also Easter. It's also Passover and other holidays. Families will be getting together very soon, we hope, and that's what we want for all of us. Then not that long thereafter we'll be gathering again to celebrate important holidays, religious, cultural and the like. I want us, as a country, to have the tools necessary to protect ourselves so we can make responsible decisions about whether we can get together and celebrate, one hopes, in a more fulsome way than we have been able to date. That's the reason for this bill. That's the reason why I urge you to reject this amendment and pass the bill without further delay.

**Hon. David Richards:** Senator Ringuette and Senator McCallum asked the question I was going to ask, but I'll put it in a slightly different way, Senator Gold, if I could.

Have we tracked the percentage of people who are demanding rapid tests over the last three or four months and if that demand has gone up or down? Is there any way to know how it varies?

**Senator Gold:** That's a very good question. The only reliable answer I can give has to do with the number of tests procured and distributed. As I mentioned in my speech, in the past the federal government was responding to provinces that would indicate what they felt they needed. Different provinces were faster or slower in using rapid tests.

I think Senator Kutcher mentioned the success Nova Scotia has had. Quebec not so much in the early days, but that has changed dramatically. It has changed dramatically with Omicron because of the extent of its transmissibility and the fact that, in many cases, symptoms were, happily, less severe. When you put that together, it became all the more necessary to find other ways — in addition to molecular testing, which systems became overwhelmed — and rapid testing was that way.

Senator Richards, I'm sorry for being long-winded. The provinces and territories are telling the federal government, "We need more." The federal government has responded to that with Bill C-10, and that is the best answer I can give you in terms of the growing demand and the ongoing need for as many tests as Canadians need.

**Hon. Jim Quinn:** Will the honourable senator take another question, please?

**Senator Gold:** Yes, of course.

**Senator Quinn:** In discussions with departmental officials, have they indicated — if this doesn't go through or if there is any lapse in funding — if we could get at least partial acquisition under way with the option to purchase remaining units in the new fiscal year? Has that kind of discussion taken place in the event this does not pass?

**Senator Gold:** Thank you for the question. It is an important question, and the answer is that they were very clear in committee: there is no way for them to find any statutory authority to compensate or to allow them to proceed in the absence of Bill C-10. The short answer to your question is no. The statutory authority has run out. That is why Bill C-10 is needed now.

**Hon. Stan Kutcher:** Senator Gold, will you take yet another question?

**Senator Gold:** Yes, of course.

**Senator Kutcher:** I will speak to the preamble as someone who has just had COVID-19. It was brought to the family courtesy of one of our grandchildren who was asymptomatic. He picked it up at school courtesy of another student, and it went through the whole family. I was as sick as a dog for about a week.

The rapid tests were absolutely essential. My son-in-law took a rapid test and was asymptomatic — he tested positive. He didn't go to his workplace and infect all his employees. My daughter didn't go to school, didn't go to the classroom, didn't go to her job site and didn't infect everybody else. I happily stayed at home in bed.

As I understand this amendment, your argument is that the amendment will not significantly and substantially improve reporting commitments made in public by the minister and that it has the potential to delay the procurement of needed rapid tests which will then make it difficult for Canadians to manage their own COVID risk. Is that your argument?

**Senator Gold:** That is not only the nub of my argument, but you have expressed it far more economically and elegantly than I could have.

**Hon. Patricia Bovey:** Senator Gold, may I ask you one question?

**Senator Gold:** Of course.

**Senator Bovey:** In picking up on the questions by Senator Ringuette and Senator Cordy, many of us will soon, we hope, be seeing our families for the first time in well over two years. I for one now have plans, I hope, to see all my family, children and grandchildren in the U.K. for Easter and this will be the first time in almost two and a half years.

• (1130)

Government policy says that, obviously, I will need rapid tests. I agree with Bill C-10 and will vote against the amendment. But are you saying that if Bill C-10 does not pass unamended today, I may not be able to access those rapid tests and thus won't be able to see my family after all of these two years plus?

**Senator Gold:** Senator, I very much hope that you can see your family in the U.K. No, that would be fear-mongering and that is not what I do in this place. I don't know what the delay would mean. I suspect the delay will be felt less severely by those of us in this chamber. We have access to rapid tests by virtue of our privileged position.

Yes, because we are who we are. We don't live in remote areas. We have access to pharmacies. Most of us have access including rapid test procedures made available to us here in the Senate. That's all I was referring to. But not all Canadians are necessarily in the same position that we're in, and not all Canadians will necessarily have the ability, without these tests, to take the measures to protect themselves.

I don't know, and that's the point. We don't know the extent of the impact of delay. We know there will be an impact because demand from provinces is growing. The federal government is trying to play its responsible part in meeting the stated needs of the provinces and territories.

I remind senators that it is the provinces and territories that have responsibility over health. They are the ones that understand what the needs are. They understand the needs in remote areas, rural areas and Indigenous communities. The Canadian government is there to help them. That is what I am asking us to do today.

**Hon. Marilou McPhedran:** Senator Gold, would you take another question?



**Senator Gold:** Yes, of course.

**Senator McPhedran:** Thank you so much. I'm trying to understand a bit better about the procedures and the timing of this bill and of this amendment, and I want to check. Am I correct that there were no amendments proposed to this bill in the other place and that over two weeks ago it was unanimously accepted in the other place?

**Senator Gold:** That is correct. It arrived here and we respected the notice periods. We also respected the request that it not be sent to committee and second reading not be concluded until the last week. So here we are.

**Hon. Scott Tannas:** Senator Gold, I have a few quick questions. It might have come up at committee. You may know or you may not. Will the government be procuring these tests directly from manufacturers, or will there be intermediaries involved?

**Senator Gold:** Well, that's a good question. I think the answer is perhaps some combination. I think the minister or the officials in testimony outlined the different ways and challenges they have. Some are directly from manufacturers and some are from distributors so to speak. I don't have more details than that, Senator Tannas. All I do know is — and the testimony was very clear — that there is a very competitive marketplace for procuring these. Canada has worked carefully and responsibly to approve large numbers of tests, including rapid tests. Within that basket of approved Health Canada tests, they are seeking to procure them in the best way possible, getting the most secure, safe and the best-priced supply as is possible in this environment.

**Senator Tannas:** Could you ask, Senator Gold, to pass along the request that when the minister is providing the after-action report on where they came from, that there be a description of how much came through intermediaries versus how many were acquired directly from the manufacturer.

**Senator Gold:** It would be my pleasure to pass that on.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** I hear a "no." All those senators seated in the chamber who are in favour of the motion will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those senators seated in the chamber who are opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion the nays have it. I see two senators rising.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Do we have agreement on a bell?

**Some Hon. Senators:** Fifteen minutes.

**The Hon. the Speaker:** The vote will take place at 11:50.

Call in the senators.

• (1150)

Motion in amendment of the Honourable Senator Seidman negated on the following division:

#### YEAS THE HONOURABLE SENATORS

Ataullahjan  
Black  
Boisvenu  
Carignan  
Dagenais  
Housakos

Oh  
Poirier  
Quinn  
Seidman  
Smith  
Wells—12

#### NAYS THE HONOURABLE SENATORS

Anderson  
Arnot  
Audette  
Bellemare  
Bernard  
Boehm  
Bovey  
Boyer  
Brazeau  
Campbell  
Clement  
Cordy  
Dasko  
Dawson  
Dean  
Downe  
Dupuis  
Forest  
Francis  
Gagné  
Galvez  
Gerba  
Gignac  
Gold  
Greene  
Griffin

Harder  
Jaffer  
Klyne  
Kutcher  
LaBoucane-Benson  
Lankin  
Loffreda  
Lovelace Nicholas  
Marwah  
McCallum  
McPhedran  
Mégie  
Mercer  
Miville-Dechêne  
Moncion  
Moodie  
Pate  
Richards  
Ringuette  
Saint-Germain  
Simons  
Sorensen  
Tannas  
Wetston  
Woo  
Yussuff—52

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

• (1200)

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson, for the third reading of Bill C-10, An Act respecting certain measures related to COVID-19.

**The Hon. the Speaker:** 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 third time and passed, on division.)

[Translation]

ADJOURNMENT

MOTION ADOPTED

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 22, 2022, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[English]

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I ask leave for the sitting to be suspended to await the pronouncement of Royal Assent.

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

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (1240)

[Translation]

ROYAL ASSENT

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

RIDEAU HALL

March 4, 2022

Mr. Speaker,

I have the honour to inform you that the Right Honourable Mary May Simon, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 4<sup>th</sup> day of March, 2022, at 12:20 p.m.

Yours sincerely,

Ian McCowan

*Secretary to the Governor General and Herald Chancellor*

The Honourable  
The Speaker of the Senate  
Ottawa

Bill Assented to Friday, March 4, 2022:

An Act respecting certain measures related to COVID-19  
(Bill C-10, Chapter 2, 2022)

(At 12:47 p.m., pursuant to the order adopted by the Senate on November 25, 2021, the Senate adjourned until Tuesday, March 22, 2022, at 2 p.m.)

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