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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, October 20, 2022

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

Prayers.

ONTARIO AND BRITISH COLUMBIA—FALLEN SOUTH SIMCOE POLICE SERVICE AND RCMP OFFICERS

The Hon. the Speaker: Honourable senators were all deeply saddened and shocked by two recent incidents of killings of police officers on duty. On October 11, South Simcoe Police Service Constables Morgan Russell and Devon Northrup were killed in Innisfil, Ontario, and on October 18, RCMP Constable Shaelyn Yang was killed in Burnaby, British Columbia. We offer our condolences to their families, friends and fellow officers. I would ask you to rise for a minute of silence in their memory.

(Honourable senators then stood in silent tribute.)

SENATORS' STATEMENTS

DR. CLUNY MACPHERSON

Hon. Fabian Manning: Honourable senators, today I am pleased to present Chapter 66 of "Telling Our Story."

Dr. Cluny Macpherson was born in St. John's, Newfoundland, on March 18, 1879. He received his early education at Methodist College and at McGill University Faculty of Medicine, from 1897 to 1901, where he earned his degree in medicine. He began his medical career at the Royal Infirmary of Edinburgh.

In 1902, he returned to Newfoundland, where he joined the Labrador Grenfell Mission, begun by Dr. Wilfred Grenfell, and ran the hospital in Battle Harbour, Labrador. Macpherson later became a director of the Newfoundland and International Grenfell Associations. He helped develop the Seaman's Institute — later called the King George V Institute — another Grenfell project.

Returning to St. John's a few years later, Dr. Macpherson opened a private practice, and eventually became the leading practitioner in Newfoundland. Macpherson started the first St. John Ambulance brigade in Newfoundland after working with the St. John Ambulance Society. When World War I broke out, members enlisted in the Royal Newfoundland Regiment, and he organized the volunteers into an ambulance unit which served throughout the war.

At the start of the war in August 1914, Macpherson was commissioned as the Captain and Principal Medical Officer of the newly formed Newfoundland Regiment. He saw active duty in Belgium and France, at Salonika and later at Gallipoli, as well as in Egypt.

The German army used poisonous gas for the first time against allied troops at the Second Battle of Ypres, in Belgium, on April 22, 1915. In response to the actions of the Germans, Macpherson began researching methods of protection against the poisonous gas. Before that, a soldier's only protection was to breathe through a handkerchief or small piece of fabric soaked in urine.

Using a helmet, taken from a captured German prisoner, Macpherson added a canvas hood with eyepieces and a breathing tube. The helmet was treated with chemicals that would absorb the chlorine used in the gas attacks. It is said it is thanks to his medical training, knowledge of basic chemistry and some clear imagination that Macpherson invented what was at first called the Hypo Helmet and later known worldwide as the gas mask. In June 1915, Macpherson's helmet was the first general issue gas countermeasure to be used by the British Army.

His invention was the most important protective device of the First World War, protecting countless soldiers from blindness, disfigurement or injury to their throats and lungs. For his services, Captain Macpherson was made a companion of the Order of St Michael and St George in 1918.

During World War II, Dr. Macpherson served in ship convoys in the North Atlantic. During his lifetime, he received many awards for his duty and service. To name a few, in 1913, he was appointed a Knight of the British Order of St. John of Jerusalem; in 1955, he was appointed a Knight of Justice; and in 1964, he most deservedly received the Canadian Forces' Decoration.

In 1902, Dr. Macpherson married Eleanora Barbara Macleod Thompson, of Northumberland County in Ontario, and they had two children. Their family home at 65 Rennie's Mill Road in St. John's, where he served as secretary, treasurer and registrar for the Newfoundland Medical Society, now has historic designation.

• (1410)

Dr. Cluny Macpherson, another proud Newfoundlander and Labradorian who proved to us all that, yes, one person can make a difference and change the world.

THE LATE CONSTABLE MORGAN LEWIS RUSSELL THE LATE CONSTABLE DEVON MICHAEL NORTHRUP

Hon. Gwen Boniface: Honourable senators, let me begin by thanking His Honour for the moment of silence today.

I rise today, of course, with a heavy heart, as you would expect. My home region of Simcoe County is mourning the tragic loss of the two police officers who were killed in the line of duty.

Constable Morgan Russell and Constable Devon Northrup of the South Simcoe Police Service were fatally shot responding to a domestic disturbance call just last week. Their loss deeply affects all of us — not only me as a former police officer but also as a mother of one.

Constable Morgan Russell was 54 years old and had served for 33 years in his community. He was a founding member of the Emergency Response Unit, a coach officer, a recruiter and a crisis negotiator. He will be remembered for his kindness and for the calming presence he brought to difficult situations.

Friends describe Constable Russell as an absolute gentleman and a true example of what a community police officer is. This was further demonstrated when, earlier this year, he was awarded the Police Exemplary Service Medal from the South Simcoe Police Service for his continued years of service and commitment. Left to grieve are his wife, Marisa, and daughters, Madelaine and Maggie.

Constable Devon Northrup was only 33 years old and had served for 6 years in his community. He was a member of the mental health Crisis Outreach and Support Team and the Emergency Response Unit. Attending to calls like the one on that fateful night was typical work for Northrup. In 2020, he received the South Simcoe Police award for Excellence in Emergency Response for his work in assisting a suicidal man.

Prior to becoming a police officer, Devon was treasurer and director-at-large for the York Region Mothers Against Drunk Driving, or MADD, and a security officer. Colleagues from MADD remembered him as a gentle giant who had a smile that would light up a room. Devon Northrup is survived by his spouse Annie, also a police officer.

The devastated communities of Innisfil and Bradford and the tight-knit family of the South Simcoe Police Service are leaning on each other to cope with the loss of these officers.

A joint funeral service was held this morning in Barrie, which was attended by thousands of fellow officers and first responders from across North America. Brothers and sisters from the Ontario Provincial Police responded to calls for service within the South Simcoe jurisdiction to allow the many colleagues of the fallen officers time off to attend the funeral.

Dear colleagues, police officers leave their homes and their loved ones each day knowing the inherent risks of this type of work. Please, let us show them our support and our appreciation for all they do to serve and protect.

Hon. Senators: Hear, hear.

[Translation]

AFRICAN DEMOCRACIES

Hon. Amina Gerba: Honourable senators, when asked a few days ago about the reduction of Western aid to African countries and the potential impact this could have on the ties between those countries and Russia and China, the Deputy Prime Minister and Minister of Finance, the Honourable Chrystia Freeland, replied that democracies can only be defended by people who are “prepared to die for their democracy.”

Although Minister Freeland has already apologized for this, I decided to speak out today because her statement raises some serious issues.

To start, I believe it is only fair to say that the preservation of democracy in a country must rest first and foremost with its citizens, their beliefs and their determination. It is also true that democracy, the universal values it represents and its embodiment in a country are a national issue, an issue of national sovereignty. Therefore, it is important to distance ourselves from any interference in this area, except under exceptional circumstances.

Canada is one of the oldest democracies in the world. Our democratic values and institutions are exemplary. We're available to share our experience with any country in the world that so desires. To that end, we've participated in a number of multilateral initiatives through major institutions, such as the World Bank, the Commonwealth and la Francophonie.

Colleagues, I believe that Canada needs to modernize and expand its diplomatic efforts to support human rights and democracy at a time when democratic gains are in jeopardy in some countries in Central and West Africa — countries that are our friends.

If we fail to do so, others will, as demonstrated by the return of dictatorships and authoritarian regimes to the continent.

I sincerely hope that democracy will prevail in these difficult times.

Thank you.

Hon. Senators: Hear, hear!

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Andreas Souvaliotis and Mr. Joseph Gisini. They are the guests of the Honourable Senator Omidvar.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ANDREAS SOUVALIOTIS

Hon. Ratna Omidvar: Honourable senators, we speak a great deal on the Hill about the need for innovation, disruption and for thinking outside of the box. I am very pleased to present to you its embodiment in the person of Andreas Souvaliotis.

Andreas was one of the first to harness the immense popularity of loyalty point programs in Canada and create the world's first national wellness promotion platform, the once hugely popular Carrot app.

Carrot was built as a radical, modern alternative to old-fashioned government advertising. It connected government and its agencies to Canadians coast to coast, allowing users to complete health questionnaires and track steps in exchange for reward points — truly a “carrot.” It promoted health and wellness, and it made it fun. No wonder, then, that at that time Andreas was frequently referred to as “Canada’s Chief Gamification Officer.”

The Carrot app quickly became so successful that it became the subject of academic studies and recognition across the world. It was named Canada’s top app of the year in 2017, and went on to win other major international awards.

But, colleagues, sadly, this story has an all too predictable Canadian ending. Jurisdictional confusion, infighting and long-entrenched differences between federal and provincial governments and policymakers unfortunately led to its untimely demise — ironically, just a few months before COVID-19 hit us. In another typically Canadian ending, whilst we have walked away from it, other nations like Greece are now picking up a made-in-Canada idea and running with it.

Just imagine how different our pandemic journey would have been if we still had a platform connecting us with millions of our citizens so directly, affordably and efficiently.

Colleagues, Andreas is a thought leader and a role model. He is autistic, gay, a musical prodigy, a philanthropist, an impact investor and an immigrant. He’s the author of a book called *Misfit*, because that’s what he has been: an autistic misfit. In short, colleagues, he is prolific, unconventional and relentless. I hope you will agree with me that we need many more like Andreas in Canada to make us a successful society going into the future.

• (1420)

[Translation]

SUPPORT FOR HAITIAN NATIONALS

Hon. Marie-Françoise Mégie: Colleagues, I was pleasantly surprised by an article published on the CBC website on October 7. It indicated that the federal government is currently

working with immigration organizations to develop a massive program to regularize immigration status.

In a letter sent to the government in 2021, the Concertation haïtienne pour les migrants, or CHPM, pointed out the unique situation of non-status Haitian nationals in Canada. Many of these people worked in seniors’ homes at the height of the pandemic but didn’t qualify for the “guardian angels” regularization program in December 2020. They contribute to society and the Canadian francophonie but are stuck in limbo, living a parallel life with no social or legal safety net, in constant fear of being deported.

Honourable senators, I’m sure you’ve heard about the multidimensional crisis that is affecting my home country of Haiti. My heart aches at this nightmarish situation involving the collapse of democratic institutions; corruption; violence by gangs that are terrorizing people, raping women and controlling fuel; acute food insecurity; and the resurgence of cholera.

Haitians are surviving, but that is no way to live. Members of the Haitian diaspora living in Canada without status fear being deported to a country where their safety and that of their families will be in jeopardy. This regularization program will recognize their contribution to the Canadian economy and social fabric and will help give them peace of mind.

I am following this issue closely.

Colleagues, I appeal to you all to express your solidarity with the people of Haiti.

[Editor’s Note: Senator Mégie spoke in another language.]

Thank you. *Mèsi anpil.*

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Ben Foster. He is the guest of the Honourable Senator McPhedran.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

DIGITALIZATION OF GOVERNMENT SERVICES

Hon. Colin Deacon: Honourable senators, it’s been nearly eight months since Russia launched its heinous invasion of Ukraine. I’m proud of Canada’s steadfast support for Ukraine through this war. But what I would like to share today is not about the war. It’s about Ukraine’s ongoing digital transformation despite the war. When elected in 2019, President Zelenskyy immediately prioritized the digitalization of state services to better address the needs of Ukrainian citizens and to unleash the innovative potential of Europe’s largest IT sector. He

immediately established the Ministry of Digital Transformation, responsible for creating a human-centred and transparent digital state that minimized the administrative burden for citizens and businesses.

The ministry led the creation of the Diia mobile application in its first six months of existence, powerfully demonstrating that *diia* means “action” in English. Today, Diia has earned the trust of 18 million users — half of Ukraine’s adult population. They have simplified access to 70 public services, documents and digital credentials like digital passports and driver’s licences. Ukraine is well on its way to having 100% of government services accessible online by 2024.

Wisely, they haven’t just digitized services but reinvented and simplified how those services are delivered. For example, registering a business was once a 64-field paper form. Today, creating a business and becoming an entrepreneur involves completing a few check boxes in 10 to 15 minutes. This is what happens when policy, practice and partnership efforts are synchronized.

Despite Russia’s constant and aggressive cyberattacks, Diia has delivered cybersecurity resilience and personal data protection, thanks to its advanced design and Ukraine’s extraordinary IT army. Whether at home or abroad, Diia has proven invaluable to Ukrainians during the war, enabling them to easily access critical information and assistance.

So how did they do it? I believe that their success rests on the recognition that government is a monopoly and the lack of competition removes pressure to innovate. To counter this fact, President Zelenskyy’s government has consistently displayed strong political leadership and commitment in support of Diia. They’ve also recognized that the risk of inaction is far greater than any other risk.

Colleagues, the United Nations reports on the e-government development status of all member states. Canada has declined steadily over the past 10 years. We now rank thirty-second, down from eleventh, and are far behind digital leaders like Denmark, the Republic of Korea and Estonia.

Estonia, the recognized leader in e-government, has accepted Ukraine’s offer to share its Diia source code, an offer that is available to Canada as well. We’d do well to look to Ukraine for ways to digitize our economy and increase the convenience of government services.

Thank you, colleagues.

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Robert Black: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to meet on Tuesday, October 25, 2022, at 6:30 p.m., even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto.

BANKING, COMMERCE AND THE ECONOMY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Colin Deacon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Commerce and the Economy be authorized to meet on Tuesday, October 25, 2022, at 6:30 p.m., even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

Hon. Donald Neil Plett (Leader of the Opposition): My question again is for the Leader of the Government in the Senate.

Senator Gold, the Trudeau government spent over \$54 million to develop the failed ArriveCAN app, something that could have been done for \$1 million or \$2 million. Obviously, someone made a lot of money on this, and as usual with the Liberals, we all suspect it is Liberal insiders who profited. Now the plot thickens. We learned this morning that ThinkOn never received any money for the app. The Canada Border Services Agency, or CBSA, had listed ThinkOn as having received \$1.2 million in a reply to an Order Paper question in the House. “We received no money from the CBSA,” said Mr. Craig McLellan, CEO of ThinkOn. Nor has ThinkOn done any work on ArriveCAN, he claims.

Senator Gold, why did CBSA give that information to Parliament if this is not true? Can you tell us who received the over \$1 million of taxpayer funds?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I will have to make inquiries and report back to the chamber. I don't have the answer that you are seeking.

Senator Plett: Well, I am sure you will add it to the list of things that we have to wait for answers for. The government refuses to allow a committee of the House to study the expenses on ArriveCAN and the value Canadian taxpayers got for that money.

• (1430)

I do not think you have to do any research on this one, Senator Gold. I do respect that you have to on my first question. Senator Gold, would you agree that our Senate National Finance Committee or our Transport and Communications Committee should be tasked with such a study? If the government has nothing to hide, why not let the Senate get to the bottom of this?

Senator Gold: Thank you for your question. I have enormous respect for our committees and their ability to propose studies to the chamber. If and when such a study is proposed, I'm sure all of us in the chamber will consider it with dispatch.

[Translation]

ILLEGAL PRODUCTION OF CANNABIS

Hon. Claude Carignan: My question is for the Government Representative in the Senate. The Cannabis Council of Canada estimates that the black market continues to represent at least 50% of cannabis sales in this country. According to the council, the black market for cannabis is still flourishing four years after cannabis was legalized in Canada. The industry's viability is at risk. Apparently, nearly all Canadian cannabis producers are operating at a deficit or are on the verge of bankruptcy.

In short, the Cannabis Council of Canada asserts that the Trudeau government's legalization of cannabis did not achieve the three main objectives because young people still have access to it on the black market, the quality of black market products doesn't protect Canadians' health, and organized crime continues to profit. As we saw last week, cross-border smuggling, particularly in the United States, is at record levels.

The opposition raised these four issues when the cannabis legalization bill was being studied. Senator Gold, will you admit that we were right?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. No, you weren't right. It is true that legalizing cannabis didn't put an immediate end to the entire illegal, underground industry. It was always anticipated that it would take some time for Canadians who use cannabis to make the shift from the illegal market to legal sources.

It is also true that some cannabis producers may have been a little too optimistic about the profits that awaited them following legalization. It's unfortunate that so many of them are struggling, but that is a risk that all entrepreneurs take when they start a business in a new industry.

For all these reasons, I wouldn't agree that the opposition was right, on the contrary. The government was right to stop criminalizing production, and it was also right to legalize cannabis use in order to protect Canadians who want to purchase legal products and reduce the stigma for those who had no choice but to purchase it on the illegal market.

Senator Carignan: Now that we see the disaster caused by the Trudeau government's legalization of cannabis looming on the horizon, what does the government plan on doing to reduce youth's access to cannabis products, improve Canadians' health, prevent criminals from pocketing profits and stop drug trafficking?

Senator Gold: The federal government is working at the border to prevent the flow of drugs in both directions. Provincial authorities chose to legislate different minimum ages for the legal purchase of cannabis.

The Canadian government and its partners in public health will continue to inform Canadians about healthy and safe ways to use cannabis.

[English]

ENVIRONMENT AND CLIMATE CHANGE

BIOLOGICAL DIVERSITY

Hon. Mary Coyle: This question is for the Government Representative in the Senate. Senator Gold, the United Nations recognizes biodiversity as one of the world's most pressing emergencies, along with pollution and climate change. Two days ago, our Speaker tabled the fall reports of the Commissioner of the Environment and Sustainable Development. We saw a very thick pile of paper being deposited here on the table.

Report 9 found that Environment and Climate Change Canada, Fisheries and Oceans Canada and Parks Canada failed to include clarity and clear reporting in their strategies to reach the species-at-risk targets set forth by the government. There were significant gaps in the reporting of planned actions, and none of the three organizations reported how their actions helped to achieve the United Nations' goal, even though they are required to provide this information in their corporate reporting.

This news comes just a few months before, as you know, Canada will host the fifteenth United Nations Biodiversity Conference — COP 15 — where nations will meet with the goal of halting the loss of biodiversity.

Senator Gold, could you tell us what actions the government will undertake to address this situation in order to meet our species-at-risk recovery target — a target that we have missed for the past eight years?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. It is an important one, as is the issue you raise.

Proper reporting and measurement are critical tools that governments and others need to ensure are in place in order to measure achievements and progress toward those objectives. In that regard, I am convinced the government will continue to work and take into account the recommendations and analysis presented in the reports that were just tabled.

As for the particular steps that may be taken, I will have to make inquiries and report back.

Senator Coyle: Senator Gold, there were many reports tabled two days ago. The Commissioner of the Environment and Sustainable Development's Report 7 on protecting aquatic species at risk found that delays, knowledge gaps and a bureaucratic approach undermined the government's ability to protect aquatic species at risk. The report found that Fisheries and Oceans Canada's approach to protecting aquatic species assessed as being at risk under the Species at Risk Act contributed to significant listing delays and decisions to not list species with commercial value. Furthermore, the audit found that the department did not have enough staff to enforce compliance with legislation aimed at conserving and protecting biodiversity.

Senator Gold, how will the government rectify Fisheries and Oceans Canada's approach in order to ensure that the biodiversity crisis is taken seriously and aquatic species at risk are protected?

Senator Gold: Again, thank you for the additional information in your question. I will add that to the inquiries that I plan to make.

IMMIGRATION, REFUGEES AND CITIZENSHIP

TEMPORARY FOREIGN WORKER PROGRAM

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

• (1440)

Through his mandate letters, the Prime Minister tasked Minister Fraser and Minister Qualtrough with implementing a trusted employer system that will streamline the application process for Canadian companies hiring temporary foreign workers to fill labour shortages.

This is a pressing issue. The Canadian Employee Relocation Council recently conducted a survey, and the results speak for themselves: 88% of employers strongly agree that international talent is important to their organizations. And 81% of employers strongly agree that if ongoing processing, delays and backlogs at Immigration, Refugees and Citizenship Canada, or IRCC, are not addressed, operations will be negatively impacted within the year.

Senator Gold, can you provide us with an update on this initiative? When will Canadian businesses finally be able to apply to become trusted employers? Businesses are eagerly awaiting an announcement. They need predictability.

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for your question. The government values the contribution of temporary foreign workers to Canada's economy.

As you know, colleagues, Budget 2022 invests \$29.3 million that will introduce a trusted employer model in order to reduce red tape for employers who meet the highest standards for living and working conditions, as well as the protection of wages in high-demand jobs. These changes aim to help streamline application processes for Canadian companies hiring temporary foreign workers. This, in fact, builds upon the measures that were announced in the government's Workforce Solutions Road Map, which introduces further changes to the Temporary Foreign Worker Program in order to address the labour shortages across Canada.

I am advised that the government's work to improve the Temporary Foreign Worker Program is ongoing. I will make inquiries with the government with regard to the trusted employer system, and I will provide details as soon as they become available.

Senator Loffreda: Thank you for the answer, Senator Gold.

That is fine, but I'm told that the development of the program has, more or less, come to a halt at the bureaucratic level and that little progress has been made. Beyond helping address labour shortages in Canada, the trusted employer system could have the added benefits of reducing the overall number of applications and allowing the IRCC to redirect its resources to other streams.

Of businesses surveyed, 55% are experiencing revenue loss as a consequence of the delays at the IRCC. This is important. Canada is competing with other countries for high-skilled workers, including the U.K. and Australia.

I will pose my question: Senator Gold, as the government develops the trusted employer system, can you assure us that they are considering a dedicated stream for highly skilled foreign nationals? We need to attract the brightest minds and most skilled workers in order to remain globally competitive.

Senator Gold: Thank you for your question. The government agrees with you that we need to attract skilled workers as quickly as possible.

I'm advised that Express Entry — the government's gateway system — can attract top-ranked, skilled candidates to apply for permanent resident status and to get them to work in Canada in the fastest time and fastest way possible.

In addition, the government offers key economic immigration programs to attract talented people to contribute to communities across our country, such as the International Mobility Program.

I note further that the government also works with Employment and Social Development Canada, or ESDC, to improve the Foreign Credential Recognition Program and to prioritize the processing of work permit applications in that regard.

Budget 2022 proposed important funding to this end — notably, seeking to help up to 11,000 internationally trained health care professionals per year to find work in their field.

The government remains responsive and open to suggestions for improvement to the Temporary Foreign Worker Program, including considerations for a skilled workforce.

INDIGENOUS SERVICES

MENTAL HEALTH SERVICES

Hon. Margaret Dawn Anderson: *Quyanainni*. My question is for the Government Representative, Senator Gold.

On October 3, 2022, after a disturbing increase in the number of deaths by suicide within the Northwest Territories, the Chief Coroner took the unprecedented step of releasing early data.

In 2020, the N.W.T. Coroner Service's 10-year review reported that 10% of all deaths recorded in the N.W.T. are deaths by suicide. The largest demographics are males and young people between the ages of 20 to 40 in two key regions: the North Slave and the Beaufort Delta Region. In my home community of Tuktoyaktuk, there have been four deaths by suicide within the last three months.

Earlier this month, the federal government allocated an additional \$11 million to the Inuit Tapiriit Kanatami, or ITK, for the organization's suicide prevention strategy over the next two years. Unfortunately, the current financial allocation does not address equitable standards across the N.W.T.

Senator Gold, my question is as follows: With the mental health crisis in the Northwest Territories, what concrete steps is the federal government taking, both in the short and long term, to help the territory, communities and people address the key factors that contribute to death by suicide?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for underlining this tragedy — for individuals, families and communities — that this scourge represents.

The government has provided significant funding in an attempt to address the causes and to help prevent this tragedy from continuing. In 2021-22, the government provided the Northwest Territories with \$730,000 for mental health and addiction services, which builds upon the targeted funding in 2017 for home and community care, and mental health and addictions.

You mentioned the \$11 million that Indigenous Services Canada and Inuit Tapiriit Kanatami have announced for the National Inuit Suicide Prevention Strategy. There is a commitment of a lot of money — \$70 million — to this strategy to help the communities.

There is no dollar amount that can compensate for the lives that are lost to this tragedy. The Government of Canada is committed to continuing to work with the communities and their organizations to address this tragedy.

Senator Anderson: Thank you, Senator Gold. I want to point out that, if I am correct, the funding that was provided to ITK is under a funding formula whereby 13% of the funds will reach Inuvialuit in the Northwest Territories.

I understand that it is not just money. I know that right now the N.W.T. and specific interest groups are struggling in terms of economic prospects. They are running into red tape with legislation, regulations and rules that we set here. In addition to being part of the problem, we are the solution.

Moving forward, how will we — or you, as the Government Representative — ensure that funding is provided, as well as steps taken to ensure there is economic opportunity, working within the Indigenous communities, to advance and improve lives in the Northwest Territories?

Senator Gold: I wish it were in my power — or anyone's power — to ensure the realization of those objectives.

I can tell you that I met with Minister Miller today. I know that he and his colleagues — Minister Dan Vandal and many others — are taking a whole-of-government approach to try to work on all aspects of this, especially for communities like yours, and others, that are more remote from decision-making centres and, unfortunately, too infrequently in those centres' minds.

The government is committed to doing what it can. It is slow and laborious, and it is never enough. Minister Miller, to his credit, is quite open about that. I am convinced that this government will continue to work as hard as it can, with the communities, to address the social causes and the horrible consequences that you described so well.

CROWN-INDIGENOUS RELATIONS

DEVOLUTION AGREEMENTS

Hon. Dennis Glen Patterson: My question is for the Government Representative.

Senator Gold, during a recent tour of the Nunavut legislature with Senate colleagues, it was raised to me and other northern Senate colleagues, in particular, that the Nunavut Act and the Northwest Territories Act do not have one crucial amendment that was made to the Yukon Act during its devolution process. Namely, there remains an archaic provision that describes the Ottawa-appointed commissioners of Nunavut and the N.W.T. as, "chief executive officer" of the two territories. The provision would empower the Governor-in-Council or Minister of Northern Affairs, if they so choose, to give direction to the commissioner on any matter, including the possibility of dissolving the Indigenous-led territorial governments and putting the territories into trusteeship by simply instructing the territories' commissioners.

• (1450)

Senator Gold, is the government aware of this colonial clause in the referenced federal statutes, and are there plans, post-devolution in the N.W.T. or during the Nunavut devolution process, to bring those acts into alignment with the third territory, namely the Yukon, by removing the offending clauses?

Thank you.

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

Northern governance and the devolution of responsibilities are longstanding objectives of the Government of Canada. As you know, on April 1, 2014, the Northwest Territories became the second territory to take over land and resource responsibilities. Devolution places more control over the land and resources in the hands of northerners and ensures that the residents in Indigenous communities directly benefit from the great resource potential that the land provides. The regulatory regime governing resource development has been modernized to ensure that the Northwest Territories will be poised to benefit fully from increased resource development and local management of lands and resources resulting from devolution.

With regard to your specific question, I will make inquiries with Minister Vandal to this effect. As well, my office would be very pleased to arrange a meeting with you and him to discuss those matters further.

Senator Patterson: Thank you for that answer, Senator Gold.

Would you agree that removing this relic of colonialism could not only be called decolonization, which we all aspire to, but that it would also mark a progressive step on the path to reconciliation?

Senator Gold: Thank you for the question.

The progress that our country and the government have made toward devolution will continue. I have confidence that the government will work with partners and communities in the North to continue to make progress in that regard.

[Translation]

PUBLIC SAFETY

ILLEGAL IMMIGRATION

Hon. Pierre-Hugues Boisvenu: Senator Anderson, I completely understand your question, having visited your village. I hope that the government will help you.

Senator Gold, my question is for you. Yesterday, I was asking you about the illegal criminals who have sexual assault records and who fell off the Canada Border Services Agency's radar. As you know, these criminals are a threat to women's safety. Since 2015, we've seen a rise in sex crimes. According to Statistics Canada, level one sexual assaults increased by 18% in 2021 alone.

Senator Gold, in light of these two disturbing observations for women, why did the Auditor General of Canada say in his 2020 report that the CBSA didn't open an investigation to track these dangerous criminals? Why did the CBSA fail to investigate these dangerous offenders?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for pointing out this issue. I don't have an answer to your question today, but I'll inquire with the government and endeavour to obtain one as quickly as possible.

Senator Boisvenu: I would ask you to also inquire about the number of investigations that the agency has conducted and the number of dangerous illegal immigrants with criminal records who have been deported from Canada since 2020.

Senator Gold: I will do that. Thank you for the question.

[English]

NATIONAL DEFENCE

ARCTIC SOVEREIGNTY

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, the war in Ukraine is rekindling fears of nuclear war, and Canadians are right to wonder what Canada is doing to protect our nation. The vast expanse of Canada's North, larger than the whole of Europe, is now gripping the attention of government and security experts. At a time when tensions are high in the wake of Russia's invasion of Ukraine, they warn that North America's Arctic may be vulnerable.

What is the federal government doing to protect Canada's interests in the North?

Hon. Marc Gold (Government Representative in the Senate): The security and sovereignty of the North are of great concern to all Canadians and this government. The government has made landmark investments to increase our ability to operate in and defend the Arctic.

I have given much of this information during previous questions, but I will remind honourable senators that there is a \$38.6-billion plan to modernize continental defences and a \$122-million contract to strengthen CFS Alert, and the government is conducting joint exercises in the Arctic, purchasing six Arctic and offshore patrol ships and is enhancing our surveillance and intelligence capacities with 88 fighter jets.

The government also welcomes the recent trip of senators to the North to further assess the security and other needs in that important part of our country.

Senator Martin: Speaking of joint exercises, NATO is conducting its annual nuclear deterrent training exercise, known as Steadfast Noon, despite threats from Russia. At a time when Canada's sovereignty in the North may be challenged, Canada needs to be more prepared than ever to counter aggression from Russia. We are told that 14 of the alliance's 30 member states are taking part in Steadfast Noon.

Senator Gold, is Canada taking part in this exercise, and if so, what role is Canada playing?

Senator Gold: Thank you for the question. I will have to make inquiries about the specific involvement of Canada in this regard, and I will report back when I can.

PUBLIC SAFETY

EMERGENCIES ACT

Hon. Yonah Martin (Deputy Leader of the Opposition): Your Honour, this question is from Senator Plett:

With the Emergencies Act inquiry currently underway, Canadians are learning that CSIS, Canada's intelligence agency, had informed senior government officials that no evidence was found of foreign actors or states financing the convoy protest in the week prior to the Emergencies Act being invoked. As was reported in *The Globe and Mail*, CSIS Director David Vigneault said:

There is not a lot of energy or support from the U.S.A. to Canada. CSIS has also not seen any foreign money coming from other states to support this.

Yet on February 11, Prime Minister Trudeau was asked by Marieke Walsh more details on the percentage of finances coming from the U.S. This is what the Prime Minister said:

Those aren't details that I have right in front of me. I have heard that, on certain platforms, the number of U.S. donations are approaching 50%.

Senator Gold, those are two very different storylines. I cannot see how they can possibly differ or contradict one another any further. Leader, who are Canadians supposed to believe — CSIS or the Prime Minister? Again, it is a very simple question — CSIS or the Prime Minister?

Hon. Marc Gold (Government Representative in the Senate): I think Canadians should have confidence, first and foremost, in the parliamentary oversight procedures that the Emergencies Act has put in place. We are in the process of conducting a democratic oversight of the invocation of the act. The Government of Canada respects and looks forward to the results of that particular process.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to the order adopted December 7, 2021, I would like to inform the Senate that Question Period with the Honourable Omar Alghabra, P.C., M.P., Minister of Transport, will take place on Thursday, October 27, 2022, at 4 p.m.

[English]

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, on October 4, 2022, Senator Tannas raised a question of privilege about a series of events surrounding the appearance of a witness at a meeting of the Standing Senate Committee on Transport and Communications on September 28. He argued that these events constituted an attempt to intimidate the witness. I am prepared to rule on this serious issue.

Senator Tannas' written notice indicated that the question of privilege related to a concern that "[t]he timing and content of an article in the *Globe and Mail* on September 27, 2022, ... may constitute intimidation of a witness." According to the article, a Liberal member of the House of Commons alleged that a witness had failed to disclose funding from YouTube. Senator Tannas argued this may constitute intimidation. His oral notice reflected the content of the written notice. Both notices therefore respected the requirement that they "indicat[e] the substance of the alleged breach" and "identify the subject matter that shall be raised as a question of privilege," which are from rules 13-3(1) and 13-3(4), respectively.

Many senators participated in consideration of the question of privilege. We were informed that the appearance of the witness before the Senate committee was announced on September 23, 2022. The article in *The Globe and Mail* of September 27 mentioned a request put to the Commissioner of Lobbying by a member of the other place. We were advised that the request may have been linked, at least in part, to an appearance by the same witness before a committee of the other place earlier in the year.

A number of senators also raised a range of other issues generally relating to this situation. These included, in particular, concerns that events in a committee of the other place had so intimidated witnesses that some individuals might be unwilling to appear before the Senate committee. I wish to thank all honourable senators for their thoughtful reflections on the important issues that were discussed during consideration of the question of privilege.

Before dealing with the substance of the issue, let me remind senators that a question of privilege is raised when there is “[a]n allegation that the privileges of the Senate or its members have been infringed.” Privilege deals with “[t]he rights, powers and immunities enjoyed by each house collectively, and by members of each house individually, without which they could not discharge their functions, and which exceed those possessed by other bodies and individuals.” Privilege exists so that parliamentary bodies can conduct their critical work in our democratic system with the necessary degree of autonomy and independence. I encourage honourable colleagues to review the 2015 and 2019 reports by our Standing Committee on Rules, Procedures and the Rights of Parliament, which deal with the place of privilege in a modern Canada.

At this stage, my role as Speaker is not to decide whether a breach of privilege has in fact occurred. That decision belongs to the Senate. My role is limited to determining if a concern raised, in relation to privilege, has *prima facie* merits. That is to say whether, at first impression, there is strong enough concern that a breach has occurred that the Senate should deal with the matter under the special procedures of Chapter 13 of the Rules. In doing this, I am guided by the four criteria set out in rule 13-2(1). All these criteria must be met for the issue to proceed to the next step, which is debate in the Senate on a motion to study the matter or to take other action.

In this case we can begin by considering the nature of the concern raised, a point related to the second and third criteria of rule 13-2(1). The second criterion requires that the question of privilege be directly related to the privileges of the Senate, a committee of the Senate, or a senator. The third criterion requires that a question of privilege be raised to correct a grave and serious breach.

Let me begin by emphasizing that the two houses of Parliament are autonomous self-governing institutions. During debate on the question of privilege, numerous references were made to proceedings in a committee of the other place. Concerns were expressed about how witnesses were treated and the effects this may have had. The Senate has no role in reviewing how the other place chooses to conduct its business. Senators can, and typically do, exhibit respectful behaviour towards witnesses. I also note the importance of being assiduous in continuing to do so. Anything touching on what may have happened in the House of Commons or one of its committees, or as a follow-up to events there, is, however, not for us to consider.

In past cases about possible obstruction of witnesses, the actual or potential actions that may have negatively affected the individuals involved were clearly identified. In a 1999 case involving a witness who appeared before our Agriculture and Forestry Committee, the witness considered that a suspension by his employer was directly related to his appearance. On this basis, a *prima facie* case of privilege was established. However, during its investigation, the Rules Committee of the Senate found no clear link between the suspension and the appearance.

In a 2013 case involving the RCMP, it was established that a witness who had been invited to appear before our National Security and Defence Committee, and who had accepted, was prevented from appearing because of the actions of officials of the force. A *prima facie* case of privilege was therefore established. In its report, the Senate’s Rules Committee noted that, while the National Security and Defence Committee had not been able to hear from a particular witness, its work had not been unduly impeded, since it did hear from the witness’ association. Our Rules Committee also stated that the RCMP had indicated that the matter had been rectified for future requests from Parliament.

Finally, reference was made in debate to a 1992 case in the other place, where a witness before a subcommittee of the Standing Committee on Justice and the Solicitor General was threatened with legal action by the CBC because of her testimony. While the Speaker found a *prima facie* case of privilege, subsequent review determined that there was not sufficient evidence to justify a finding of contempt.

However, in the case before us, no clear indication has been provided as to how the witness before the Senate committee was affected or threatened in relation to that appearance. Indeed, the witness received correspondence from the Office of the Commissioner of Lobbying suggesting that, in relation to at least some of the issues involved, he had respected legal requirements. We therefore seem to be dealing with the fact that a member of the other place requested that the commissioner review certain facts relating to the witness. At least in part, this may have been based on information received during a meeting of a House of Commons committee. These facts were published in a newspaper article, which also included an opportunity for the witness to respond.

There are three significant points to be made here. First, the *Lobbying Act* makes clear that parliamentarians can provide information to the Commissioner of Lobbying relating to a possible investigation. Second, to the extent parliamentary proceedings were involved, they related to a proceeding of the House of Commons, not the Senate. Finally, this situation relates to information appearing in the media. We thus need to take into consideration the balance between the freedom of Parliament and freedom of the press, which is also a fundamental feature of our constitutional system. The autonomy of the media ought not to be questioned in Parliament except with clear and direct evidence that such a grave and troubling step cannot be avoided. As already noted, nothing in the debate on the question of privilege indicated that the Senate need consider such a step at this time.

Taking all these factors into account, it cannot be concluded that the Senate’s privileges are involved. Nor can it be concluded that any concern is of such seriousness as to require us to consider interfering with the interaction between parliamentary autonomy and that of the media. As such, the second and third criteria of rule 13-2(1), which were outlined earlier, have not been established. We do not therefore need to review the remaining criteria, and the ruling is that a *prima facie* case of privilege has not been established.

• (1510)

COST OF LIVING RELIEF BILL, NO. 2 (TARGETED SUPPORT FOR HOUSEHOLDS)

MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUBJECT MATTER—DEBATE

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of October 19, 2022, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of Bill C-31, An Act respecting cost of living relief measures related to dental care and rental housing, introduced in the House of Commons on September 20, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto.

MOTION IN AMENDMENT ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended by adding the words “to hear from any Minister of the Crown” between the words “the committee be authorized to meet” and “even though the Senate may then be sitting” in the last paragraph.

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

Hon. Senators: Agreed.

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

MOTION, AS AMENDED, TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUBJECT MATTER ADOPTED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Gold, P.C., seconded by the Honourable Senator Gagné:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject matter of Bill C-31, An Act respecting cost of living relief measures related to dental care and rental housing, introduced in the House of Commons on September 20, 2022, in advance of the said bill coming before the Senate; and

That, for the purposes of this study, the committee be authorized to meet to hear from any Minister of the Crown even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to, as amended.)

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 19, 2022, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 25, 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.)

**EMPLOYMENT INSURANCE ACT
EMPLOYMENT INSURANCE REGULATIONS**

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Duncan, seconded by the Honourable Senator Clement, for the third reading of Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island), as amended.

Hon. Pierrette Ringuette: Honourable senators, as a practice and courtesy and because Senator Plett adjourned the debate, I asked and he agreed that I speak this week and adjourn the debate in his name.

I rise today to give my remarks and hopefully bring clarity to the third reading debate on Bill S-236. I also believe that the sponsor, Senator Duncan, and our competent senator members of the Agriculture and Forestry Committee are of good faith. However, new critical information has been brought to our attention.

I want to give my thanks to the Office of the Parliamentary Budget Officer for their fiscal analysis, i.e., the impact this bill will have on the working poor of P.E.I. This bill is of interest to me because of my life commitment to fight for the working poor.

This bill has a negative impact of \$76.6 million on the working poor of P.E.I. over the next five years, as per the Parliamentary Budget Officer report. In fact, the merger of the two Employment Insurance zones would also merge the unemployment rate. In real numbers, as of October 9, the Charlottetown zone, with its current 5.5% unemployment rate, represents 1,800 persons, while the rural zone, at 9.6%, represents 5,600 unemployed persons as per survey by Statistics Canada.

Therefore, the number of unemployed people — mostly seasonal workers — in the rural zone is three times bigger than the one in the Charlottetown agglomerate zone. In essence, the merger, as of this month, would bring the unemployment rate to 7.5% for the entire island. At this merged rate, the 5,600 unemployed persons in the rural zone would have to work 105 more hours to qualify, while the 1,800 in Charlottetown would need 70 fewer hours to qualify.

Regarding weeks of benefits, the rural 5,600 would be receiving three fewer weeks, and the 1,800 in Charlottetown would receive three more weeks of benefits.

As these numbers are survey results ending in September, we must keep in mind that as we move to winter, seasonal unemployment increases and so does the unemployment rate, particularly for those in rural P.E.I. where the numbers are currently 3% greater. This bill penalizes, as of October 9, at least 5,600 rural seasonal workers while benefiting the 1,800 in the Charlottetown agglomerate zone.

The Parliamentary Budget Officer report of September 7 gives us the financial impact of the merger for at least 5,600 working poor, forecasting a loss in benefits for them of \$76.6 million over five years. This is the first point that needs to be clear for every senator.

Honourable senators, the Employment Insurance Act and regulations are very complex in their design, with a slate of variables depending on the 62 zones' unemployment rate, seasonally adjusted with a rolling three-month average. I am not an expert, but I certainly understand how the system works.

As per the current Employment Insurance Act regulations, the rate in the 62 zones is established by a monthly survey by Statistics Canada, as per their 2011 census zones. By law, these rates are not established by government, not by the House of Commons and not by the department.

In Annex B of the act, you will find the national chart of hours required and maximum benefits paid as per Statistics Canada's monthly unemployment rate survey. Reality is different from what certain witnesses told the committee about how this national system works.

This is the second point that needs to be understood, and, colleagues, I can supply you with all the documents I used for this speech, if you so require.

As I was driving back to New Brunswick during our break week, I was puzzled as to why our very competent senators on the Agriculture and Forestry Committee would support this bill, so I decided to seek answers. There went my break week, but I believe it was for a just cause.

I first read the committee transcript. Very pertinent questions were asked by Senators Simons, Cotter, Klyne and Marwah. However, some witnesses regrettably and constantly said that government set the rate; that government can increase benefits; that it is an issue of fairness; that the financial consequences are minor; and that the Senate should pass the bill, send it to the other place and they would take care of it.

A document relating to the analysis creating the two zones in 2014 — eight years ago — was also provided to committee members. I want to highlight that that document in 2014 stated that creating these two zones would result in an additional cost of \$1 million to the Employment Insurance program, i.e., \$1 million more for the rural zone.

We are now eight years later and the situation has changed. My immediate reaction was that most of these statements do not reflect reality. Government does not set rates, as I pointed out earlier. Government cannot increase the benefits only for P.E.I. This would then create national unfairness to all workers in similar Employment Insurance unemployment rate zones, so fairness to whom?

Financial consequence is very high for at least 5,600 rural seasonal workers. As a house of sober second thought, why would we send an ill-conceived, uninformed bill to the other place when we constantly complain that they do not give enough time to the bills they send to us? To what extent are they characterizing the Senate with these comments?

• (1520)

Are we being asked to close our eyes and ears and abdicate our responsibilities?

After reading the committee meeting transcript, I had a conversation with the Parliamentary Budget Officer who did the report on the financial impact of Bill S-236. She confirmed and sent the historical data from the department's yearly report used and the projection for five years, as per the PBO labour market outlook.

There are no mistakes in the report. It is what it is, and that is \$76.6 million less in benefits over five years for the working poor as opposed to the \$1 million given at committee by the document or a comment from a witness who said it was merely a rounding of numbers.

Also, at the meeting the witnesses never told the committee members that in 2021 the minister and government announced a major review and modernization of the Employment Insurance program, starting with a one-year consultation process, which ended last July.

I followed up my PBO conversation with calls to both the Commissioner for Workers and the department Director of Employment Insurance Policy, Pierre Laliberté and George Rae, respectively, both witnesses at the committee. My question to both was, "Are you aware of the PBO report and the loss of \$76.6 million in benefits with Bill S-236?"

Mr. Rae said the PBO report was “consistent” with the department findings, and Mr. Laliberté said he was somewhat aware of these numbers.

So I asked, “Why did you not say so to the committee?”

Both answered that the question was not asked.

Senators Marwah, Cotter and Klyne did ask the questions to the first panel, where one witness replied, again, that it was a rounding number. The same question, however, was not asked to the second panel, and I cannot identify by the transcript if the second panel witnesses were listening to what was happening at the first panel. I do believe they could have found a way to talk about their financial findings also.

My second question to them was, “Why did you not indicate that a major review and modernization were under way for the EI program?”

Again, both answered that the question was not asked.

Senator Simons asked why the Senate should be involved in micromanaging the EI program. It was the perfect time for these witnesses to indicate the major review undertaken. Both witnesses confirmed to me that they are very much involved in the yearly consultation process, as per my conversation with them.

I asked Mr. Rae why there was such a big difference between the 2014 department estimate of \$1 million and today’s \$76.6 million. Let’s just say, colleagues, that I was not impressed with his answer.

I also asked Mr. Poirier why he seemed so frustrated about the two zones. He answered that it is because he believes that all EI zones should better reflect the local conditions, and many other areas in the country, particularly in Quebec, should be divided into more zones. He has been making that recommendation for many years without support from the department. In other words, his frustration is not particularly the 2 zones for P.E.I. but that we should have more than 62 zones.

Colleagues, the EI Act and regulations are clear. The EI zones are nationally based, as per Statistics Canada census units. Statistics Canada creates these units to better reflect the quality of data they can provide. Statistics Canada is by law the central survey and data gathering agency for the whole of government.

A core argument at committee was Riverdale Road, where one side is in one zone, and the other side is in another zone. This has nothing to do with the EI program. The Riverdale Road issue is one created by Statistics Canada’s general census of 2011. That prompted the 2014 regulations separating the capitals from rural areas in P.E.I., Yukon, the Northwest Territories and Nunavut, bringing these agglomerate capital zones on the same footing as all the other provincial capital zones.

Knowing that Statistics Canada personnel are easily accessible and sensitive to concerns, it is most probable that this thorn could have been corrected between 2015 and 2020 with a few

meetings — I would add a cup of coffee to that — before the census units were used in 2021 for the ten-year general census. Not with a sledgehammer bill that is in front of us.

Another argument at committee was working in one place and living in another. The entire national EI program is based on where you live in accordance with Statistics Canada survey methodology as per postal codes, i.e., where you live.

Now, I understood that critical facts and information was not disclosed to the members of the committee, resulting in this bill being in front of us for third reading. Honourable senators, I cannot support this bill. I cannot endorse that we would knowingly now remove \$76.6 million — colleagues, there are more very important facts. Could I have five minutes?

Some Hon. Senators: Agreed.

Hon. Patricia Bovey (The Hon. the Acting Speaker): Honourable senators, is five more minutes granted?

Agreed? Thank you.

Senator Ringuette: Honourable senators, I cannot support this bill. I cannot endorse that we would knowingly remove \$76.6 million from the working poor of P.E.I. This is no longer an issue of fairness, as stated many times. This bill effectively is unfair to the working poor of P.E.I.

Honourable senators, the EI system aims to be fair and equitable but, as any other system, it is not perfect. For example, would Senator Black find it fair and equitable that migrant farm workers and their employers contribute to EI via their payroll when these migrant workers cannot benefit from it? Would Senator Manning find it fair to merge a fisher’s EI qualifier and benefits, knowing that they do not decide their fishing season? All the members of the Standing Senate Committee on Agriculture and Forestry questioned how to solve this situation given the new facts in front of us.

I also have to say that my office has researched if any P.E.I. members of Parliament put forth such a bill or motion in the other place from 2015 to 2021, and there was nothing.

Senators should consider if the Senate is being used to do something that has not been done in the other place for so many years. Honourable senators, we have many options that we can consider now in dealing with this bill. We can vote it down now, at third reading, and if that is the case, I may ask for a standing vote to know who supports removing benefits from the working poor. We can ask the committee to review the bill considering new information from the PBO report specifically. We cannot take more time and add to the stress P.E.I.’s working poor already face.

• (1530)

Is it the Senate's job, via a private member's bill, to reduce by \$76.6 million the benefits of the working poor of Prince Edward Island? My answer is no.

MOTION IN AMENDMENT—DEBATE ADJOURNED

Hon. Pierrette Ringuette moved, seconded by Senator Petitcherc:

That Bill S-236, an Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island), as amended, be not read a third time, but that it be referred back to the Standing Senate Committee on Agriculture and Forestry to hear from the Parliamentary Budget Officer concerning his office's fiscal analysis on the bill; and

That the committee report to the Senate no later than November 15, 2022.

She said: Thank you very much.

Some Hon. Senators: Hear, hear.

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

Hon. Pierre J. Dalphond: Will you accept a question, Senator Ringuette?

Senator Ringuette: Yes, of course.

Senator Dalphond: Why do you propose sending it back to the Agriculture Committee when what is at stake is a financial issue? Perhaps we should send it to the National Finance Committee.

Senator Ringuette: Thank you for the question. I believe that the good-faith senators on that committee were deprived of critical information from the witnesses, because some witnesses knew. Also, after the fact, on September 7, the PBO made public a report of the financial impact of this bill. In all fairness, I believe that the Senate should give the bill back to the Agriculture and Forestry Committee so they can hear for themselves and question the PBO in regard to the pitfalls of this bill. Thank you.

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

Hon. Scott Tannas: Yes.

The Hon. the Acting Speaker: Senator Ringuette, you have 26 seconds left.

Senator Tannas: I wonder if you could tell us why you think we only need to hear from the PBO. There's been a number of issues raised and MPs that support this. I received a letter today from two P.E.I. MPs supporting that we pass the bill unchanged. Why wouldn't we deal with the commissioner that you talked to on the phone and got a whole bunch new information?

Senator Patterson: Good question.

Senator Ringuette: Thank you, Senator Tannas.

The Hon. the Acting Speaker: Senator Ringuette, your time is up.

Senator Ringuette: May I have time to at least answer Senator Tannas?

The Hon. the Acting Speaker: Is permission granted?

Hon. Senators: Yes.

Senator Ringuette: Senator Tannas, this bill was sent in June to the Agriculture Committee. They met with the first sponsor of this bill, our former colleague Senator Griffin; a former MP from the Island, a proponent of the bill; and other witnesses. They also met with the Commissioner for Workers, as I stated, and also the director of policy for the department. The questions to these people, as far as I can see, have been put and they have been answered.

The most important question and piece of information that we have now at third reading is the unsolicited report from the PBO, because one of my questions to the PBO was: Did someone ask you to do this report, this analysis? His answer was, "No, this is a part of our regular process that we look at bills in front of the two chambers and we want to know what is the fiscal." So the crux of this issue is the PBO report because, if not for that report that I questioned two weeks ago, why was it made? Why was it being transparently said in the Senate? It is this report that is the crux of why it should be reviewed again by the Agriculture and Forestry Committee. That is why my motion says that.

If I may add, Senator Tannas, this has been in front of the Senate since the end of May. P.E.I.'s seasonal workers are very much aware that this bill is in front of the Senate. Right now, they are going through a very stressful time because of Hurricane Fiona and because of the winter season coming up with fewer jobs for them. We need to deal with this quickly. I have told you how I am going to vote. In all fairness to the Agriculture Committee, I believe that they should have the opportunity to question the PBO and then report to us sooner rather than later in the interests of P.E.I.'s seasonal workers.

Hon. Diane Bellemare: I would ask to adjourn the debate on the amendment. I think that it will go to senator —

Hon. Donald Neil Plett (Leader of the Opposition): Speaker, the amendment is not an adjournment in my name; the main motion is. I believe that you called the question on the amendment. It does not affect my adjournment motion.

• (1540)

[*Translation*]

Senator Tannas: Yes, that is what I thought was maybe the case and consulted and did not get quite a clear answer; otherwise I would have asked for the adjournment of the debate when I was standing. I did not know whether or not I was allowed to finish my questions or just the one that was asked when we ran out of the 26 seconds, because I have a number of other questions.

The Hon. the Acting Speaker: The agreement for the extension was to answer the question you had on the floor.

Senator Tannas: Okay, thank you.

(On motion of Senator Bellemare, debate adjourned.)

CUSTOMS TARIFF

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Ataullahjan, for the second reading of Bill S-204, An Act to amend the Customs Tariff (goods from Xinjiang).

(On motion of Senator Duncan, debate adjourned.)

CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Miville-Dechêne, for the second reading of Bill S-212, An Act to amend the Criminal Records Act, to make consequential amendments to other Acts and to repeal a regulation.

(On motion of Senator Martin, debate adjourned.)

DEPARTMENT FOR WOMEN AND GENDER EQUALITY ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Marilou McPhedran: Thank you very much. I'm pleased to rise to speak today. Hello. *Tansi*. As a senator from Manitoba, I acknowledge that I am on Treaty 1 territory, the traditional lands of the Anishinaabe, Cree, Oji-Cree, Dakota and Dene, and the homeland of the Métis Nation.

I want to acknowledge that the Parliament of Canada is situated on unceded, unsurrendered Algonquin Anishinaabe territory.

I also want to acknowledge that we have people joining us from across Turtle Island who are located on both treaty and uncaded lands.

[*English*]

Honourable senators, today I rise in support of Bill S-218. When she moved this bill, Senator McCallum — in resplendent yellow today — shared a wealth of experience and knowledge that skillfully demonstrated the importance of this bill. She issued a call for members of this chamber to add their supportive voices to hers, sharing their perspectives and stories.

Today, I heed this call by attuning to voices different than my own. I acknowledge that our lived experiences limit our perceptions of priorities and needs.

As senators, however, we have an obligation to be receptive to — to understand — the different needs of Canadians. We have an even greater responsibility to attend to the needs of those who are systemically marginalized and underprivileged.

In thanking Senator McCallum for her vision and persistence with this bill, I also thank her for introducing a number of Indigenous experts to this discussion.

Today, I wish to refer to analysis provided by Chastity Davis-Alfonse, a mixed-heritage woman of First Nations and European descent, who is the Chair of the Minister's Advisory Council on Aboriginal Women in British Columbia. She is on the leading edge of Indigenous gender-based analysis in Canada, helping the federal and provincial governments, the Tsilhqot'in National Government and others to weave the Indigenous women's lens into their daily practices.

I asked Ms. Davis-Alfonse the often-unasked question that seems to hover around this bill: Since there are lots of severely disadvantaged women in Canada, why should we be focusing on a bill that primarily addresses Indigenous women?

Here is what I learned from her response: Indigenous-specific legislation is needed to zero in on systemic, historical precedent in order to address and root out systemic failings in Canada, and that most legislation — for more than 150 years — actually codified and fortified the systemic failings. In other words, old, bad laws need to be fixed by new, corrective laws.

Since first contact, Indigenous women have been oppressed, and such oppression became an entrenched historical practice. A lot of early settler survival was due to Indigenous help, especially from Indigenous women. There has seldom been reciprocity by settlers for that kindness. Instead, the oppressive Indian Act stripped Indigenous women of status and bloodlines within their own communities by only recognizing men as leaders, thereby displacing matriarchal, matrilineal leadership structures.

Further, this legislated silence of Indigenous women extended to denying them tribal council leadership positions and federal suffrage. This week, we were delighted to welcome Dr. Gigi Osler to our chamber on Persons Day, October 18. I found myself thinking, as Senator McCallum and Senator Osler came into this chamber, about how much has changed since 1929 when the Persons Case was finally finished and the five women whom we often call the Famous Five actually succeeded in having the Judicial Committee of the Privy Council in the U.K. overrule the Canadian Supreme Court. This ruling said that yes, indeed, Canadian women have the capacity to hold high office, including in the Senate — but not Indigenous women. That ruling did not extend to or include Indigenous women.

Indigenous women were among the last to be given their right to vote in this country. Suffrage was extended to them in 1960. The truth is that Indigenous women were among the last in Canada to be enfranchised because they were and are among the most oppressed, marginalized people in this country.

Here is why I hope you will join me in supporting Bill S-218. First, the bill, should it become law, will shed light on the imminent needs of underserved women, particularly Indigenous women and girls. The model of gender-based analysis as it stands does not sufficiently consider all elements of intersectionality.

As Senator McCallum coined it, it considers women as one "homogeneous group" with undifferentiated needs. This is a kind of essentialism — the assumption of homogeneity of those of the same sex — but it could not be further from lived reality. A witness at the Standing Committee on the Status of Women in the other place reminded that there is often greater diversity among women than there is between women and men. The practice of overlooking heterogeneity within a group is especially harmful to Indigenous and BIPOC women as they are often grouped together with no regard to the different struggles and experiences of different Indigenous peoples.

For queer people who are gender-fluid, non-binary or trans, it is hard to find any place within mainstream gender-based analysis.

We must thank the innate generosity of Indigenous culture for the term "two-spirited" that now is embedded in gender-based analysis plus.

Bill S-218 would put these questions of diversity within genders at the forefront. To effectively address a wrong, we must first identify the need. Bill S-218 will be a strong, effective step towards mending these gaps in knowledge, service and mutual respect.

Second, requiring the Indigenous gender-based analysis plus in legislation would address the gaps in application that we have observed over the years.

This was highlighted in the report by the House of Commons Standing Committee on the Status of Women, which underlined that some sectors, such as fisheries, national defence and infrastructure, are often far too quick to dismiss gender-based analysis plus as irrelevant to their areas of practice. Looking beneath the surface, we are able to identify the many ways in which Indigenous women and girls are disadvantaged as these sectors carry out their day-to-day business.

A good example of a thorough analysis is provided by paragraph 25(2)(a) of British Columbia's Environmental Assessment Act, which requires all assessments to consider both the positive and negative direct and indirect effects, including environmental, economic, social, cultural and health effects and adverse cumulative effects.

B.C.'s Environmental Assessment Office has posted a detailed guideline on how to conduct this kind of analysis. It identified potential areas of study, such as employment, infrastructure, services, human health and culture. It asks questions like: How would the project affect Indigenous, local or regional employment? Which community services may be affected more acutely by project-related demands? Are there distinct subgroups that may experience adverse project-related health effects

differently? These are excellent questions that need to be investigated in every area of work. Bill S-218 would help to ensure that kind of analytical consistency and accountability.

- (1550)

Third, given the historically painful truths being uncovered with the continued discovery of unmarked graves at residential school sites, about which residential school survivors have been telling us for years, it is more than appropriate that our Parliament further its commitment to consultation and inclusion with Indigenous peoples, especially women and girls. Incorporating those perspectives through gender-based analysis plus is a way of doing that.

Bill S-218 compels us to reflect and include the valid, unique and specific perspectives and needs of Indigenous women and girls, and to weigh these against any potential impacts and ramifications arising from decisions made. In so doing, we will move beyond words. We will act to mend some of the exclusionary wounds caused by colonialism, discrimination and cultural genocide.

Honourable senators, this chamber is rich with diverse voices and experiences providing us with the foundation to use the power entrusted to us as lawmakers. We can champion this straightforward and practical amendment that could spur catalytic changes for Canada, particularly all genders represented in Indigenous communities in Canada, and thereby strengthen our democracy. Thank you, *meegwetch*.

Some Hon. Senators: Hear, hear.

(On motion of Senator Seidman, debate adjourned.)

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Pate, seconded by the Honourable Senator Griffin, for the second reading of Bill S-230, An Act to amend the Corrections and Conditional Release Act.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO CALL UPON THE GOVERNMENT TO IMPLEMENT THE EIGHTH RECOMMENDATION OF THE FIRST REPORT OF THE SPECIAL SENATE COMMITTEE ON THE CHARITABLE SECTOR—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Omidvar, seconded by the Honourable Senator Dasko:

That the Senate call upon the Government of Canada to implement the eighth recommendation of the first report of the Special Senate Committee on the Charitable Sector, entitled *Catalyst for Change: A Roadmap to a Stronger Charitable Sector*, adopted by the Senate on November 3, 2020, during the Second Session of the Forty-third Parliament, which proposed that the Canada Revenue Agency include questions on both the T3010 (for registered charities) and the T1044 (for federally incorporated not-for-profit corporations) on diversity representation on boards of directors based on existing employment equity guidelines.

(On motion of Senator Martin, debate adjourned.)

(At 3:56 p.m., the Senate was continued until Tuesday, October 25, 2022, at 2 p.m.)

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