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(HANSARD)

Thursday, May 19, 2022

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, May 19, 2022

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

Prayers.

SENATORS' STATEMENTS

NATIONAL FIDDLING DAY

Hon. Jane Cordy: Honourable senators, I am extremely pleased to speak today in recognition of National Fiddling Day, which falls on this coming Saturday. In just two days, fiddlers and music lovers will be coming together to share their enthusiasm for fiddle music right across the country.

You may recall the bill establishing this commemorative day was a passion project for our former colleague Libbe Hubley. In her remarks at second reading, Senator Hubley said:

> I am convinced that fiddling is the perfect metaphor for Canada. Like Canada, it has deep classical roots but it is strong and confident enough to allow for many regional differences and nuances that give rise to a beautiful harmonic unity. . . . Like Canada, it embraces and accommodates many different styles and traditions, allowing each to thrive and flourish even while we create an entirely new sound.

Senators, it's true. Indeed, there are styles of fiddling found across Canada, and they each influence one another to create beautiful music. For instance, my home province of Nova Scotia is no stranger to the fiddle.

Cape Breton, in particular, has its own unique style, which can be found across the Maritimes. The Mi'kmaq style is another, and it, in turn, has greatly influenced fiddling in Cape Breton and in mainland Nova Scotia. Where once Cape Breton-style fiddlers dominated, this spring, a young Mi'kmaq fiddler from Wagmatcook First Nation in Cape Breton was nominated for three and won two East Coast Music Awards. Morgan Toney is just 22 years old, but already he's been called an "emerging fiddle sensation," gracefully melding Mi'kmaq ancestral songs with a Celtic style. He's one to watch on the fiddle scene.

Newfoundland has its own style as well, with Irish roots and an Acadian influence. In Quebec and Acadia, you'll find the French-Canadian style. In Manitoba and elsewhere in the Prairies, you'll hear the Métis style. In other areas of the West, it's the Anglo-Canadian style — a mix of Scottish, Irish, English, German, Ukrainian and U.S. swing-style tunes. If you've heard Don Messer, a proud New Brunswicker, you know it already. There are as many styles and subsets of fiddling as there are artists to interpret the music.

Since fiddling can be found nearly everywhere, I encourage all senators to seek out events happening this weekend in their own provinces and territories. You will find them in pubs and Legions, on stages and even in kitchens. Have a joyous National Fiddling Day, and enjoy the toe-tapping, delightful sounds that can bring us all together. Thank you.

MATERNAL, NEWBORN AND CHILD HEALTH WEEK

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak on Maternal, Newborn and Child Health Week, an initiative that is celebrated in the second week of May.

As some of you may know, maternal and newborn health is an issue that is near and dear to my heart. In the past, I took the lead, as the rapporteur for the Inter-Parliamentary Union, or IPU, Committee on Democracy and Human Rights, in drafting a report on the role of parliaments in assisting women and children's health services. I also played a critical role in a landmark resolution on the matter, and I am proud to say it was the first time a resolution of its kind was adopted by the IPU. As a result, I was named the IPU's Goodwill Ambassador for Maternal, Newborn and Child Health.

Over the years, my work on maternal and newborn health sadly fell to the sidelines while I focused on a number of other human rights issues. It is now time to bring this issue once again to your attention.

As we finally turn to a post-pandemic future, maternal and newborn health must be an integral part of our conversations. Close to a thousand women die from preventable complications related to pregnancy or childbirth each day around the globe. This a conservative number, as we continue to lack reliable data on maternal deaths in many countries. It is also estimated that in 2020, 2.4 million newborns died worldwide. If current trends continue, it is estimated that 48 million children under the age of 5 will die between 2020 and 2030, half of them newborns.

A *Globe and Mail* article recently shed light on our country's lack of standardized review of maternal deaths, even though about 50 to 85 women die each year in childbirth or in postpartum, and over half of these mothers' babies die as well. To make matters worse, First Nations and Inuit infants die two to four times more often than non-Indigenous infants. Although we are considered a wealthy country, Canada is currently ranked thirty-ninth in the world in maternal mortality according to the World Health Organization, and I plan to speak considerably more on this issue in the future.

Honourable senators, I would like to thank former senator Asha Seth for her continued advocacy for maternal, newborn and child health. Thanks to her work in the Red Chamber, we recognize the second week of May as Maternal, Newborn and Child Health Week. Thank you.

GORD CUNNINGHAM

CONGRATULATIONS ON RETIREMENT

Hon. Mary Coyle: Honourable senators, it is with delight, affection and gratitude that I rise today in the Senate of Canada to honour and pay tribute to my colleague, my dear friend, accomplished and innovative community development leader, creative educator and all-round good guy Gord Cunningham on the occasion of his retirement today from his role of the Executive Director of the Coady International Institute.

• (1410)

Gord Cunningham has had a career and a life of many accomplishments, be it his role with the Wabigoon Lake First Nation helping to establish their successful wild rice export company, with Calmeadow's First Peoples Fund and Calmeadow Nova Scotia and then the past 25 years with the Coady International Institute, where he has had pioneering roles in the areas of microfinance, asset-based citizen-led development and community economic analysis. He co-edited a very influential book with Dr. Alison Mathie entitled, *From Clients to Citizens: Communities Changing the Course of their Own Development.*

Gord has worked locally in Nova Scotia and across Canada with First Nations, Métis and Inuit communities, and has worked in Colombia, Ecuador, Egypt, Ethiopia, Haiti, India, Indonesia, Kenya, South Africa, the Philippines, Thailand, Vietnam and the U.S.

As he retires from the Coady International Institute, he leaves a powerful network of 10,000 community leader alumni in 130 countries around the world, all working locally to make the world a better place.

Honourable senators, I was Gord Cunningham's boss for almost 25 years at Calmeadow in Toronto and then at Coady. Together, we loved to work with people to make things happen. Colleagues, Gord Cunningham would give you the shirt off his back and, in my case, he actually did. He is humble, generous to a fault, loyal, dedicated, extremely well-informed, a lot of fun and, honestly, one of the most intelligent people I have ever met.

Colleagues, one of my favourite Gord-isms is, "We are surrounded by insurmountable opportunities." This outlook is how Gord works, leads, plays and inspires.

In closing, I want to wish Gord Cunningham a happy and healthy retirement, exploring and enjoying those many opportunities awaiting you, Marilyn, Marshall, Oliver and Elin in your next chapter. Gord, the world is a much better place for you being in it, and I know I join thousands of people across Canada and around the world in thanking you for your professional contributions and the gift of your friendship.

Honourable senators, please join me in applauding this remarkable Canadian leader, Gord Cunningham. Thank you.

CALGARY STAMPEDE FOUNDATION

Hon. Robert Black: Honourable senators, I rise today to highlight the Calgary Stampede Foundation. I know many of us are familiar with the Calgary Stampede. For over 100 years, the Calgary Stampede has brought Canadians and international guests together to celebrate Canada's western heritage, cultures and community spirit. However, you may not be familiar with the Calgary Stampede Foundation. The foundation was established by community donors who hoped to give young people from all communities a chance to come together in fun, collaborative and inspiring environments to pursue their passions.

I am happy to share that the Calgary Stampede Foundation offers four areas of programming — the performing arts, agriculture, education and Indigenous — which impacts over 8,000 youth every year. Their year-round events, programs and initiatives invest in youth, support agricultural programs, celebrate western culture and make a lasting economic impact in the community. As you are well aware, some of my primary focuses in this chamber are agriculture and youth. The Calgary Stampede Foundation's initiatives related to agriculture certainly bring those together through their programs that allow classroom training and interactive, hands-on experiences where young Albertans are given the unique opportunity to learn about food sustainability, land and ecosystem management and animal care.

Earlier this year, I met with representatives from the Calgary Stampede Foundation to learn more about their work and about the new SAM Centre, slated to open next year. The SAM Centre, located at the heart of the Calgary Stampede's campus, will bring Calgary Stampede stories to life through immersive experiences fuelled by innovative technology and western hospitality in a community-driven space. The Foundation highlighted — and I couldn't agree more — that Calgary Stampede stories are inextricably Canadian stories anchored in themes of grit and resilience, heart and community, volunteerism and collective action.

At this time, I would like to express my best wishes to all those involved in this year's Calgary Stampede events. I know that Canadians from coast to coast to coast and international visitors are looking forward to visiting "the greatest show on earth."

Honourable senators, the Calgary Stampede and the Calgary Stampede Foundation are supported by thousands of passionate volunteers. The Calgary Stampede itself is much more than just a 10-day celebration with midway rides and bucking broncos. The Calgary Stampede is a gathering place that hosts, educates and entertains visitors from around the world. Thank you. *Meegwetch*.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Rania Llewellyn, President and Chief Operating Officer of Laurentian Bank. She is the guest of the Honourable Senator Marwah.

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

Hon. Senators: Hear, hear!

LAURENTIAN BANK

Hon. Sabi Marwah: Honourable senators, just last year, a Canadian bank celebrated its one hundred and seventy-fifth anniversary. This bank has a storied history and a history of firsts. It was the first institution in Canada to hold a trust company licence, the first bank to link its branches to a central computer system, the first to install automated banking machines and now the first major Canadian bank to appoint a woman as CEO.

Colleagues, if I asked you which bank that would be, I doubt many of you would have guessed Laurentian Bank. Founded in Montreal as the Montreal City and District Savings Bank in 1846, it has made many acquisitions over the years and was renamed the Laurentian Bank in 1987 following its listing on the Toronto Stock Exchange.

In October 2020, Laurentian Bank appointed Rania Llewellyn, who is with us today, as President and CEO. Born in Kuwait to an Egyptian father and a Jordanian mother, Ms. Llewellyn is a first-generation Canadian, having immigrated from Egypt in her teenage years after the Gulf War. The family moved to Nova Scotia, where Rania holds a Bachelor of Commerce degree, a Master of Business Administration as well as an honorary doctorate from Saint Mary's University.

Rania began her career as a part-time teller at Scotiabank in 1996. She spent more than two decades at Scotiabank, where she held a variety of progressively senior positions, including Senior Vice President of Commercial Banking, President and CEO of Roynat Capital and Executive Vice President of Global Business Payments.

Rania has a reputation as a transformational change leader, building high-performance teams and creating a culture of equality, diversity and inclusion. Her focus on improving the customer experience and driving shareholder value has earned her many awards, including The Top 25 Women of Influence in 2021 and Women in Payments award for top leader in 2019. Most recently, she was named in this year's *Maclean's* Power List of 50 Canadians who are forging paths, leading the debate and shaping how we think and live.

Over the course of 2021, under Ms. Llewellyn's leadership, Laurentian Bank underwent a comprehensive strategic review of its operations and announced a new five-point strategy for sustainable, profitable growth: building one winning team, which would work across boundaries, putting the bank ahead of individual or team interests; leveraging size to create a competitive advantage in specialized markets; creating a culture with a relentless focus on the customer; streamlining internal operations; and integrating environment, social, governance, or ESG, practices in everything they do.

These are ambitious plans. In a recent interview, Rania came in a sweatshirt that said, "Underestimate me – that will be fun." I'm certainly not going to start doing that, but I have no doubt that Laurentian Bank will be a winner in the years ahead. Thank you.

THE LATE WILLIAM (BILL) FRIDGEN

Hon. Bev Busson: Today, honourable senators, an unsung Canadian hero is being laid to rest. Staff Sergeant (Retired) Bill Fridgen lived to be 105 and was, until last Wednesday, May 11, one of the oldest World War II veterans and the oldest living RCMP veteran.

George William Fridgen was born in Saskatchewan, the first of 10 children, on April 27, 1917. He joined the RCMP in 1941, and after volunteering to be seconded to the Royal Canadian Navy during the Second World War, served 33 years in the force, primarily in P.E.I., Regina, Sarnia, Toronto and Ottawa.

To put Bill's incredible career and legacy in perspective, I should tell you that his RCMP regimental number shows that there have been approximately 55,000 members engaged between then and now. As his grandson stated, he was older than Betty White. Bill's grandson has recounted a couple of light stories that Bill loved to tell his grandchildren.

As part of the personal protection detail in Ottawa in the 1950s, Bill saw his fair share of world leaders.

• (1420)

As a highlight of his career, he and his partner were assigned by the commissioner of the day to guard the U.S. President and Mrs. Eisenhower at a Quebec fishing camp and watch over their VIP party from another boat. They were told sternly, "Never let the President out of your sight!"

The next day, with the police duo losing few fish that bit their lines, they lost a more important catch: in the chaos of a sudden thunderstorm, they lost the President and his fishing party.

As the rain abated, the other boat was finally found nearby — behind the shelter of a small island.

After Bill and his partner gifted their catch to the VIPs, the President departed in an RCMP float plane. Bill never received feedback from his superiors, except a copy of a cryptic letter from President Eisenhower thanking the RCMP for special services.

Ever a peaceful and charming man, Bill only had to draw his service revolver one time. In Summerside, P.E.I., he was assigned the task of breaking up a moonshine operation deep in the bush. After days of suspenseful surveillance in the woods with only cold, canned food to eat, Bill and his partner confronted their unsuspecting targets, pistols drawn. His excited partner blurted out, "Okay, hands, put up your boys," to the confused suspects.

During those days, members of the RCMP were forbidden to marry for five years after joining and were required to obtain permission to do so. Despite this delay, Bill and his wife, Mary, had 4 children — 2 boys and 2 girls — resulting in 11 grandchildren, 13 great-grandchildren and 2 great-great-grandchildren. Today, in Iroquois, Ontario, a large gathering of family, friends and well-wishers — accompanied by the RCMP Honour Guard — are together to celebrate his long, fruitful and meritorious life.

Thank you for your service, Bill.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Eric Slone, Catherine Slone and Susan Pollak. They are the guests of the Honourable Senator Gold.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

BILL RESPECTING REGULATORY MODERNIZATION

BILL TO AMEND—SECOND REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ON SUBJECT MATTER TABLED

Hon. Leo Housakos: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on Transport and Communications, which deals with the subject matter of those elements contained in Part 10 of Bill S-6, An Act respecting regulatory modernization.

LEBANESE HERITAGE MONTH BILL

FIRST READING

Hon. Jane Cordy introduced Bill S-246, An Act respecting Lebanese Heritage Month.

(Bill read first time.)

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

(On motion of Senator Cordy, bill placed on the Orders of the Day for second reading two days hence.)

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON THE STUDY OF ISSUES RELATING TO HUMAN RIGHTS GENERALLY WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

> That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than September 16, 2022, a report on issues relating to human rights generally, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

QUESTION PERIOD

NATIONAL DEFENCE

SEARCH AND RESCUE CAPABILITY

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gold, the Royal Canadian Air Force currently has 13 Cormorant search and rescue helicopters that provide search and rescue for our entire country. We recently lost one in a crash at 9 Wing Air Force Base in Gander.

In August 2019, the former Minister of National Defence announced plans to purchase at least two more Cormorants and upgrade the entire fleet of aircraft. However, a recent answer to my question on the Senate Order Paper shows that, almost three years later, there are no active plans to follow through on this promise, and the Department of National Defence is aiming to make a decision this calendar year.

Leader, why is your NDP-Liberal government again failing to provide the men and women of our air force the equipment they need to fulfill their search and rescue operations as promised in 2019?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The importance of search and rescue and the equipment necessary is well known to the Senate through the study done by the Fisheries Committee, with Senator Manning as chair. I had the pleasure of participating in that study.

Honourable senators, the Government of Canada has made significant investments and continues to do so to ensure that our air force members have the equipment they need to keep Canadians safe.

To give you a few examples, we have augmented our strategic airlift and refuelling capability through the Strategic Tanker Transport Capability project, procuring 88 fighter jets to replace our CF-18 fleet, acquiring 28 CH-148 Cyclone helicopters and

16 new fixed-wing search and rescue aircraft. The government is committed to ensuring that the Royal Canadian Air Force has the capacity and capabilities that it needs.

Senator Plett: Of course, my question was not related to any of what you just said. I was asking why your government failed to deliver on a promise that it made in 2019. Senator Gold, you never even touched upon it. We should have statements instead of Question Period here and then we could answer our own questions, because it seems that's what we have to do.

Leader, since Russia invaded Ukraine almost three months ago, we have heard a lot of talk about your government and its support of Canada's defence capabilities. It is clear again that those are just words. The written answer that I received relating to our national search and rescue capability shows there is no plan to station enhanced helicopter capacity to meet search and rescue needs in the Northwest Passage area. The answer also states that the air force is already reduced to borrowing parts between maintenance and operational Cormorants.

Leader, how can you possibly justify such a low state of readiness? Why is your government unable or unwilling to live up to the promises to enhance search and rescue operations in Canada? Please don't tell me how much you support the air force unless you can tell us why you have not taken these crucial steps.

Senator Gold: I won't repeat the answer I gave you in citing the investments Canada has made in properly equipping the Canadian Air Force. Procurement, as any experienced parliamentarian knows, is a long process and it is important that it be done correctly. The government is committed to doing so.

FINANCE

CANADA DISABILITY BENEFIT

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, my question to you today concerns the status of the Canada disability benefit. Last week, the other place voted unanimously to adopt a motion calling on the government to put this benefit in place without delay. The NDP-Liberal government has previously supported motions and then did nothing to implement them, such as the motion regarding carrying forward lapsed funding at Veterans Affairs, and the motion to list the Islamic Revolutionary Guard Corps as a terrorist entity.

Leader, during Question Period in December, you told Senator Housakos that the government is, ". . . reviewing this important issue." Is this benefit still under review? If so, how much longer will the review take?

You also told Senator Petitclerc last month that you would make inquiries with the government about the time frame for creating this benefit. What answer did you receive to your inquiries?

• (1430)

Hon. Marc Gold (Government Representative in the Senate): Thank you, senator, for the important question. To the best of my knowledge, the government is still actively reviewing the issue. I did make inquiries and have not yet received a response.

Senator Martin: Last month, after the NDP-Liberal government once again failed to bring forward the Canada disability benefit, Kenzie McCurdy, with the accessibility group StopGap Ottawa, told CTV:

> Look how quickly CERB went out. Why do they get it within a matter of months and people with disabilities can't be helped before a three-year study and lots of promises and delayed action?

That's a very good question, leader. What is your response to Kenzie? Why are Canadians with disabilities never a priority for this NDP-Liberal government?

Senator Gold: Thank you for your question. It is simply not the case that the welfare of Canadians with disabilities is not a priority. Quite on the contrary.

The speed with which we all saw CERB introduced was in response to a global pandemic, and we all, as parliamentarians, did our part to make sure that Canadians, including those with disabilities, received the help they needed through those early and uncertain times. The provisions and the disability benefit to which you refer are important policy matters that are under active study by the government.

CANADIAN HERITAGE

ANTI-RACISM STRATEGY

Hon. Rosa Galvez: Honourable senators, my question is for the Leader of the Government in the Senate. Senator Gold, despite promising this past February that no more public funds will be risked on the Trans Mountain pipeline, the cabinet has approved another $10-billion loan guarantee for this project. At the same time, the United Nations Committee on the Elimination of Racial Discrimination issued a letter in April 2022 urging Canada to stop construction of the TMX and the Coastal GasLink pipeline over concerns about Indigenous people's rights.

Senator Gold, please justify continuing to back this project in light of being misaligned with our climate commitments and contradictory to the government's commitments to reconciliation?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The government does not intend to be the long-term owner of the Trans Mountain

Expansion Project, and the government will divest its ownership in a way and at a time that benefits all Canadians. The government, indeed, announced that no additional public money will be spent on the project and that Trans Mountain Corporation would secure the necessary funding from third-party sources to complete the project.

I'm advised, colleagues, that the corporation has now secured third-party financing with a group of Canadian financial institutions, and this will be used to fund the project construction costs. As part of this process, the government is providing a loan guarantee to the participating financial institutions, and this is a well-known practice for projects of this size. It does not reflect any new public spending.

This project is in the national interest, and it will make Canada and the Canadian economy more sovereign and more resilient. In that regard, and in all respects, the government remains committed to having good energy projects that fit in with our climate plan.

Senator Galvez: This is now the third letter from the UN Committee on the Elimination of Racial Discrimination. Canada is late submitting its twenty-first to twenty-third combined periodic report to the committee, which was due last year. Does the government plan to respond to these letters and fulfil its reporting commitments?

Senator Gold: I thank the honourable senator for the question.

The government condemns racism in all its forms and recognizes and understands the importance of combatting systemic racism and discrimination in Canada and, indeed, has taken concrete steps over the past years to address these issues. In the last two years alone, the government has committed close to $100 million through Canada's Anti-Racism Strategy, including $70 million to support community organizations across Canada addressing issues of anti-racism and multiculturalism. Budget 2022 will invest $85 million to support the work under way to launch a new anti-racism strategy and national action plan on combatting hate.

With regard to the specifics of your question, I will make inquiries with the government and hope to report back to the chamber in a timely fashion.

FINANCE

CANADA EMERGENCY RESPONSE BENEFIT

Hon. Brian Francis: Honourable senators, my question is for Senator Gold. Islanders who applied for Employment Insurance, or EI, during the pandemic were automatically put on to CERB without their knowledge and without confirmation of their eligibility. Now Canada Revenue Agency, or CRA, is sending letters to Islanders asking them to repay up to $2,000, which has created confusion and frustration. To us, $2,000 may not seem like a lot, but it is for Islanders struggling to make ends meet. P.E.I. has the highest inflation rate in the country, in addition to high unemployment and rising fuel costs.

Senator Gold, why is Canada Revenue Agency requesting repayments from Islanders who applied for EI but were automatically switched to CERB? That approach is not fair or reasonable, especially for those without the financial means to pay.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, senator, and for raising this important issue. If I understand the question correctly, I have been advised that the government is working with those individuals to try to resolve these issues and to be flexible in that regard, recognizing that, again, as I have stated on many occasions in this chamber, the speed with which we properly introduced the CERB as a way to protect the largest number of Canadians did have some unforeseen and unpredicted consequences that the government continues to work to try to resolve.

Senator Francis: Is the federal government at least willing to forgive debt for Islanders living at or below the poverty line? If so, what does this process involve and how long does it take? What are the consequences of non-repayment for this population?

Senator Gold: Again, thank you. I don't have the specific answer, senator, but I will certainly make inquiries. I hope to have an answer in a timely fashion.

TAX RATES

Hon. Jim Quinn: Honourable senators, my question is for the Government Representative in the Senate. Senator Gold, there is a growing concern across the wine, liquor and beer industry that next year's automatic excise duty rate increase, which is tied to inflation, could reach or likely exceed 6%. With respect to beer alone, this would be the equivalent of some $41 million in new taxes. The potential 6% increase is due to the implementation of the automatic escalator clause that was introduced in the 2017 Budget Implementation Act, despite concerns of the Senate at the time.

Former Senator Day said it:

> . . . takes away power and responsibility of parliamentarians to oversee government expenditure, to act in the interest of the people of Canada to protect the public purse.

In my view, this starts to distort the constitutional principle of no taxation without representation. By creating an administrative efficiency to avoid going before Parliament yearly to increase taxes, we are now faced with a situation of inflexibility with rising rates. This, I believe, distracts or takes away from what was intended in 2017, when inflation rates were low, and we were experiencing significantly lower interest rates.

Senator Gold, will the government repeal the escalator clause related to the excise tax on alcohol products?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. To the best of my knowledge, the government does not have any plans to repeal that. As with other taxes and benefits, the alcohol excise duty rate is automatically adjusted each year to account for inflation, as you point out in your question.

Colleagues, this is the right approach. It provides certainty to the sector while ensuring our tax system is fair for all Canadians. I have been advised that the increase is less than one fifth of one penny for a can of beer and, indeed, there are specific measures that take into consideration the needs of craft brewers. Currently, low-alcohol beer — beer with less than 0.5% alcohol by volume — is subject to excise duty, while low-alcohol wine and spirits are not.

I'm further advised the government will eliminate excise duty on low-alcohol beer effective as of July 1, 2022. This will bring the tax treatment of low-alcohol beer into line with the treatment of wine and spirits with the same alcohol content, and make Canada's practices consistent with those in other G7 countries.

The government recognizes the important contributions that Canadian wine, beer and spirit producers make to the Canadian economy.

Senator Quinn: It's interesting that the people we have been speaking with from the industry are reporting serious concerns with respect to loss of jobs, not only in their sector but also in sectors that use alcohol products, such as the tourism industry, bars, restaurants et cetera, and that the risk of job losses in the current environment of high interest rates is a real probability. If the government does not introduce a bill to repeal the escalator clause, could you support the Senate introducing a Senate public bill to repeal the excise tax clause and return to the annual raising of excise tax, if needed? After all, millions of Canadians like to enjoy a glass of wine or a cold beer but, as is, this excise tax will be putting it further out of reach for the average Canadian.

• (1440)

Senator Gold: I'm one of those who does enjoy a cold beer and a glass of wine. However, as Government Representative I would not support a public bill that runs counter to the government's policy.

FOREIGN AFFAIRS

HONG KONG COURT OF FINAL APPEAL

Hon. Leo Housakos: Honourable senators, my question is for the Leader of the Government in the Senate. Your government talks a good game about democracy, not just here at home but also around the world. You have been talking a lot lately about the rise of authoritarianism — unfortunately using it as a backdrop to curb free speech here in Canada.

Senator Gold, why isn't your government doing more to tackle real authoritarianism around the globe? What is the Government of Canada's position regarding the Honourable Beverley McLachlin's role as an overseas non-permanent member of the Hong Kong Court of Final Appeal? Does the Government of Canada believe former Chief Justice McLachlin's continuing membership on this court lends legitimacy to China's interference in Hong Kong's legal system?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and your ongoing attention to the serious human rights violations in China and the crackdown on freedom in Hong Kong.

The government continues to work with its allies to do what it can in this regard. With respect to your question regarding former Chief Justice McLachlin, that's a decision that the former chief justice has made and I have no further comment on that.

Senator Housakos: Government leader, you're absolutely right. This is a very serious issue, and it requires serious action. Two senior British judges stepped down from their roles with the Hong Kong Court of Final Appeal in March, one of whom issued a statement saying that he:

> . . . cannot continue to sit in Hong Kong without appearing to endorse an administration which has departed from values of political freedom, and freedom of expression.

Since these resignations took place earlier this year, has there been any communication between the Government of Canada and the former chief justice about her continued membership on this court? Please, government leader, don't say that it would be inappropriate to do so, because your government had no problem reaching out to Ms. McLachlin during the SNC-Lavalin scandal.

So, yes or no, has your government been in touch with the former chief justice on this matter? If not, why not?

Senator Gold: Thank you for your supplementary question. The government has enormous respect for former Chief Justice McLachlin, the contributions she made to the Supreme Court and to our jurisprudence.

I have no knowledge whether there were communications between the government and Justice McLachlin.

[*Translation*]

JUSTICE

VIOLENCE AGAINST WOMEN

Hon. Pierre-Hugues Boisvenu: My question is for the Government Representative in the Senate. Two weeks ago, Quebec announced that it would create courts specializing in intimate partner violence cases in more than 20 cities throughout Quebec. As you know, Quebec has passed Bill 24, which will require offenders released from provincial prisons to wear electronic tracking bracelets. Furthermore, in late 2021, Quebec also adopted an intimate partner violence prevention strategy. In

the past seven years, the federal government has done nothing to tackle intimate partner violence. This form of violence has been steadily increasing for the past three years.

Senator Gold, how do you explain the fact that your government has not pursued a single strategy to address intimate partner violence and violence against women?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. As a Quebecer, I am very pleased that our province is once again taking the lead on this very important issue.

As I have said several times in this chamber, the Government of Canada has made significant investments in supporting over 1,200 organizations on the ground that provide essential services to women who are victims of violence.

In Budget 2021, the government continued that work by investing more than $3 billion over five years to support initiatives fighting gender-based violence. We all have to be on the same page in saying that there is zero tolerance for violence against women and gender-based violence in Canada. The government is aware of this issue and will continue its work to protect all Canadian men and women.

Senator Boisvenu: Thank you for your response, Senator Gold. However, my question was not about whether the government has made investments. I know it has invested a lot in hiding women in shelters.

What is the government doing to protect women who report their attacker?

Canada now has two justice systems for women: the Quebec system that will protect women by monitoring their attackers once they leave prison, and the Canadian system that will not protect women. Does that make sense to you?

Senator Gold: Thank you for the question. As you know, the administration of justice comes under provincial jurisdiction, so of course there are different systems across Canada, since each province has the right, the privilege, the power and the jurisdiction to legislate in that regard.

The role of the federal government is complementary. It has the jurisdiction to legislate on matters of criminal law, and the systems work together. In a federal system like ours, it is normal that there are different roles and responses from different levels of government.

PRIVY COUNCIL OFFICE

GOVERNOR-IN-COUNCIL APPOINTMENTS

Hon. Claude Carignan: My question is for the Government Representative in the Senate. I want to revisit your answer to my question yesterday about the place of francophones in the senior ranks of the public service.

In 1962, the president of CN, Donald Gordon, justified the absence of francophones among the 17 vice-presidents of the company he led by stating that they did not necessarily have the skills required to fill these positions. That statement came to epitomize the contempt some anglophones have for francophones, who supposedly are simply not sufficiently qualified.

Senator Gold, your answer yesterday was strangely reminiscent of Mr. Gordon's in 1962. Do you maintain that your government appoints unilingual anglophones to positions that require bilingualism because there are no francophones competent enough to fill those positions? Are you the Donald Gordon of 2022?

Hon. Marc Gold (Government Representative in the Senate): I thank the honourable senator for the question. The temperature rises every time you ask me a question.

No, I am not the Donald Gordon of 2022. Donald Gordon's response comes from a bygone era, fortunately. I will not repeat the response I gave you yesterday. However, I would like to note that the Government of Canada is committed to continuing to ensure that the promotion of French-speaking officials or other leaders is a priority for the government.

Senator Carignan: You seem to be looking for mandates to give to the Standing Senate Committee on Official Languages. Would you be amenable to letting the Official Languages Committee investigate why the Privy Council Office is incapable of finding bilingual people for senior management positions or for lieutenant-governor positions?

Senator Gold: Our committees are well known for conducting studies, not investigations. I may have misunderstood your question. The committee and the Senate are responsible for the committee mandates. I will wait for such a motion to be tabled in the Senate before deciding how I will vote, but I am sure that the committee, which has done good work in the past, will continue to do so in an open and non-partisan spirit, as the Senate must do.

• (1450)

[*English*]

INFRASTRUCTURE CANADA

CANADA INFRASTRUCTURE BANK

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, my question is a follow-up to an answer that you gave last month regarding the Canada Infrastructure Bank. At that time, you mentioned two specific projects, including the Manitoba Fibre broadband project, which will create 50 permanent jobs. Although the Canada Infrastructure Bank has been operational since 2017, this is the very first project it has announced in the province of Manitoba. A media report about a year ago said the project was expected to get a financial close last spring. Instead, it wasn't finalized until last August.

Just like every other Infrastructure Bank announcement, the Manitoba Fibre project has not been completed. In fact, I can't find any evidence, Senator Gold, that construction has even begun. Leader, has the work begun? If not, when is it expected to start?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I will have to make inquiries about the specifics of your question and report back to the chamber.

Senator Plett: Honourable senators, the Government of Canada, regardless of its political stripe, has been supporting important projects over years, long before the expensive and ineffective bureaucracy of the Infrastructure Bank was created. It should continue to support worthwhile projects, even after the Infrastructure Bank is abolished, as a committee of the other place recommended earlier this month.

Leader, last month, you also mentioned the Kivalliq Hydro-Fibre Link project to Nunavut from Manitoba, a project that the Conservative Party has supported, as you may know. In the memorandum of understanding for this project, which was signed over two years ago, in February 2020, the Infrastructure Bank is said to be playing an advisory role. At the time, the former CEO told the media that the Infrastructure Bank might invest in this project, but it doesn't appear that it has happened.

Could you also please inquire, leader, as to what the current status is of the project and whether they have invested?

Senator Gold: I certainly will. Thank you.

[*Translation*]

PRIVY COUNCIL OFFICE

APPOINTMENT OF A UNILINGUAL LIEUTENANT-GOVERNOR

Hon. Claude Carignan: Honourable senators, my question is for the Representative of the Government in the Senate. Three Liberal MPs from New Brunswick have spoken out over the past few days. Serge Cormier, René Arseneault and Jenica Atwin have publicly condemned the government's decision to appeal the court ruling on the bilingualism of New Brunswick's Lieutenant-Governor.

If the government won't listen to members of the opposition, will it listen to members of its own party and review the decision to appeal the ruling?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. As I explained in this chamber, the government decided to appeal the ruling not because it is against the principle, but because the reasons set out in the ruling raise important constitutional issues that must be dealt with and determined by the Supreme Court.

Senator Carignan: What are they?

Senator Gold: The issues that the reasons raise include the process for amending the Constitution, the interpretation of provisions of the Constitution Act, 1867, and the scope of the Charter. My understanding is that these issues must be clarified. That is why the decision was appealed.

DELAYED ANSWERS TO ORAL QUESTIONS

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

BUSINESS OF THE SENATE

Hon. Claude Carignan: Yesterday, in an exchange with the Government Representative in the Senate, I made it sound as though he had contempt for the Senate. What I meant to say was that he misunderstood the role of the Senate. I would ask that this be corrected in the Hansard, please.

The Hon. the Speaker: Thank you very much, Senator Carignan.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill S-8, followed Motion No. 42, followed by Motion No. 41, followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

IMMIGRATION AND REFUGEE PROTECTION ACT IMMIGRATION AND REFUGEE PROTECTION REGULATIONS

BILL TO AMEND—SECOND READING

Hon. Peter Harder moved second reading of Bill S-8, An Act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other Acts and to amend the Immigration and Refugee Protection Regulations.

He said: Honourable senators, for almost three months, Canadians have watched in shock and horror Russia's unjustifiable invasion of Ukraine. As we are all aware, on February 24, 2022, without provocation, Russian forces initiated a comprehensive invasion of Ukraine. This egregious step was a blatant violation of international law, the Charter of the United Nations and the rules-based international order.

Those attacks have caused widespread devastation of Ukrainian infrastructure and property and unnecessary deaths of Ukrainians, particularly civilians. Those actions are a continuation and an acceleration of the violent steps taken by Russia since early 2014 to undermine Ukrainian security, sovereignty and independence.

In the face of such brazen disregard for the international order, the Government of Canada, together with our allies, has responded to the Russian invasion of Ukraine through the use of economic measures, including sanctions, to send a clear message that the aggression displayed by the Russian regime will not be tolerated. Since the invasion of Ukraine commenced in February, the Government of Canada has imposed sanctions under the Special Economic Measures Act, so-called SEMA, on over 1,000 individuals in Russia, Ukraine and Belarus. More targeted sanctions are planned in response to Russian aggression and to contribute to the growing international consensus to censure President Putin and those who support him for this violent, unprovoked attack on Ukraine.

The basis for issuing those sanctions pursuant to the SEMA is that a grave breach of international peace and security has occurred, which has resulted in the serious situation we see today.

The legislative amendments I am introducing today are amendments to the Immigration and Refugee Protection Act, IRPA. They will provide Canada with much needed abilities to better link government sanctions with authorities related to immigration enforcement and access to Canada.

The IRPA defines when a person is inadmissible to Canada and establishes the applicable criteria for all foreign nationals and permanent residents who seek to enter or remain in Canada. However, as the IRPA is currently written, its inadmissibility provisions do not align with the basis for imposing the majority of SEMA sanctions issued against Russia. This means that most individuals sanctioned pursuant to SEMA may nevertheless have unfettered access to travel to, enter or remain in Canada if they are not otherwise inadmissible. This runs counter to Canada's policy objectives with respect to the measured, yet firm, application of sanctions and restrictions on foreign nationals who are part of the Russian regime or are key supporters of the regime. Legislative measures are required on an urgent basis to align the IRPA sanctions inadmissibility regime with that of SEMA.

• (1500)

Your Honour, that is why I am here today: to propose Bill S-8, An Act to amend the Immigration and Refugee Protection Act — IRPA — that will, among other things, align IRPA with SEMA to ensure all foreign nationals subject to sanctions under SEMA will also be inadmissible to Canada. If passed, the current inadmissibility grounds relating to sanctions will be expanded to ensure that foreign nationals subject to sanctions for any reason under the SEMA will be inadmissible to Canada. This includes foreign nationals sanctioned not only in Russia, Belarus and Ukraine, but also sanctioned individuals from Iran, Myanmar, South Sudan, Syria, Venezuela, Zimbabwe and North Korea. In addition, these amendments will also modernize the current sanctions inadmissibility framework set out in the IRPA.

Allow me to explain the importance of this legislation and why I am seeking to pass it as quickly as possible into law. The amendments of this bill will allow for all sanctions-related inadmissibility grounds to be treated in a cohesive and coherent manner. It will strengthen inadmissibility legislation that we already have in place, rendering designated persons subject to sanctions inadmissible to Canada. It will ensure that sanctions imposed by the Government of Canada will have direct consequences in terms of immigration to and access to Canada, and it will allow Immigration, Refugees and Citizenship Canada — IRCC — and its officials to deny temporary or permanent resident visas overseas and authorize the Canada Border Services Agency — CBSA — and its officials to deny entry to and remove from Canada sanctioned individuals.

Once in force, these amendments will apply to all foreign nationals who are subject to sanctions issued unilaterally by Canada and to their immediate family members. These changes would ensure that all Russian officials sanctioned under SEMA and their sanctioned supporters are inadmissible to Canada.

As honourable members of the Senate will remember, this approach also aligns with and builds upon recent legislative activity that was strongly supported in this chamber.

In the 2017 report by the House of Commons Standing Committee on Foreign Affairs and International Development, entitled *A Coherent and Effective Approach to Canada's Sanctions Regimes: Sergei Magnitsky and Beyond*, the committee recommended that the IRPA ought to be amended to designate all individuals sanctioned under SEMA as inadmissible to Canada.

Subsequently, also in 2017, the Justice for Victims of Corrupt Foreign Officials Act, known as the Sergei Magnitsky Law, or Bill S-226 under the sponsorship of our former colleague Senator Andreychuk, came into force.

This act created two new inadmissibility grounds which aligned with certain sanctions provisions related to international human rights violations and significant corruption.

Subsequent amendments to the Immigration and Refugee Protection Regulations were also made so that delegated CBSA officers, as opposed to the Immigration Division of the Immigration and Refugee Board, were empowered to issue deportation orders directly at the ports of entry for individuals inadmissible, pursuant to the newly created sanctions inadmissibility provisions. This ensured that these individuals would not have to be physically referred into Canada for admissibility hearings before the Immigration Division with the attendant costs and pressing delays.

Finally, Budget 2018 provided CBSA with the necessary funding to, among other things, ensure that the agency works with Global Affairs Canada and Immigration, Refugees and Citizenship Canada to ensure that inadmissible sanction cases are identified as early as possible in the travel continuum to prevent them from gaining access to our country entirely.

These investments and the effective work of border management and immigration officials in Canada and abroad support the proposed legislative amendments that I am seeking your support for today.

Further to the work already done, there are additional complementary and coordinating amendments introduced in the bill, which are required to align inadmissibility provisions with sanctions provisions while maintaining the integrity of both frameworks.

First, as previously mentioned, all the sanctions inadmissibility provisions will be treated in a cohesive and coherent manner. This includes, for instance, adding a temporal element to all of the sanctions inadmissibility provisions, which means that a person is only inadmissible for as long as they remain on the sanctions list.

In addition, as is the case today with IRPA, immediate family members of foreign nationals inadmissible for sanctions are also inadmissible. Similarly, existing provisions of IRPA with respect to immigration detention and sanctioned individuals would apply to the new sanctions grounds.

Second, further legislative amendments in this bill will ensure that the inadmissibility framework related to multilateral sanctions, such as the sanctions issued in concert with the United Nations, will be expanded to include groups or non-state entities as opposed to only when states are sanctioned, as is the case today.

Currently, sanctions issued against groups and non-state entities, such as al Qaeda or ISIL, do not automatically trigger a sanctions-related inadmissibility ground. The proposed amendments will further facilitate interdiction and enforcement efforts for sanctions issued multilaterally. Make no mistake: these proposed amendments will improve Canada's ability to identify and stop sanctioned foreign nationals before they travel to Canada.

In the event that some do, nevertheless, arrive at our borders, delegated CBSA officers will have the authority to issue removal orders immediately at the ports of entry for all those inadmissible on the grounds of sanctions.

It is important to note that sanctions inadmissibility is the most efficient and effective mechanism to swiftly identify inadmissible persons as early as possible, as I said earlier, in the travel continuum and to deny their ability to acquire a visa to Canada in the first place.

While other inadmissibility provisions may be applicable to some sanctioned individuals, it should not be assumed that all sanctioned individuals are also inadmissible for other grounds. Moreover, other potentially relevant inadmissibility grounds, such as those related to engaging in war crimes, require extensive investigation, case-by-case analysis and hearings before the Immigration and Refugee Board before they can be applied and yield consequences.

It is not expected to be the case that all individuals who are sanctioned can, in fact, also be found inadmissible for some other grounds under the IRPA. Unless there is a clear and specific ground for inadmissibility in the IRPA against a given individual, immigration and border officers do not have discretion to deny access to Canada. These amendments are, therefore, vital to ensuring consistent alignment between inadmissibility and sanctions.

Other refinements are included in the proposed amendments as well. For instance, we will correct an inconsistency with respect to refugee policy that was created through Bill S-226. The Sergei Magnitsky Law rendered foreign nationals ineligible to make a refugee claim inadmissible. However, multilateral sanctions, such as those issued under the United Nations Act, do not have this same consequence in the IRPA.

Similarly, the UNHCR's Refugee Convention itself does not identify sanctions in and of themselves as sufficient to warrant exclusion from refugee protection. The proposed amendments in this bill would correct this asymmetry and render all sanctioned individuals eligible to make a claim for refugee protection in line with Canada's international obligations. However, all foreign nationals inadmissible due to sanctions who are granted refugee or protected person status would not be eligible to become permanent residents while those sanctions are in place.

• (1510)

The people we're sanctioning and their disregard for international conventions and basic human rights principles will not serve them well.

We have to hold ourselves to a higher standard, but the bottom line is that Bill S-8 will make it easier to keep human rights violators out of Canada. This is a balanced yet firm approach.

In addition, should a person inadmissible due to sanctions be subject to removal proceedings, they would be eligible to apply for a pre-removal risk assessment, ensuring a fair assessment of risks facing the person upon removal from Canada.

In recognition of sanctions being a deliberate statement of government policy, further amendments are proposed to narrow the available pathways to overcome inadmissibility for sanctions within the IRPA.

I believe that lifting of the sanctions in and of itself is a mechanism by which the consequences of a sanction should be avoided. As such, this bill proposes to remove access to ministerial relief for individuals who are inadmissible for sanctions. Furthermore, individuals inadmissible for sanctions would not have access to an appeal of that inadmissibility decision before the Immigration Appeal Division, nor may they make an application for permanent residence on humanitarian and compassionate grounds under our proposed amendments.

Any request for recourse related to sanctions ought to be made through the sanctions-issuing body. For instance, individuals inadmissible due to the sanctions imposed by Canada could submit an application for delisting to the Minister of Foreign Affairs, as the sanction regime proceeding allows. In addition, as with all decisions under the IRPA, the Federal Court will continue to have jurisdiction to conduct judicial review of inadmissibility determinations on the basis of sanctions.

This bill also includes coordinating amendments to the Emergencies Act and the Citizenship Act to maintain and clarify existing authorities related to sanctions inadmissibility in those acts.

Honourable senators, now, more than ever, we must move to align the IRPA sanctions regime with the regime under the SEMA.

Moving forward with the amendments included in this bill is a firm and necessary measure that Canada must take to further sanction foreign nationals who are either part of the Russian regime, are key supporters of the regime or like-minded human rights abusers.

This bill will provide Canada with much-needed authorities to better link government sanctions as well as the authorities necessary for our immigration officials to deny access to Canada. It is also an act that will better enable us to contribute to concerted action with our international partners.

Colleagues, there are no alternatives to legislative amendments that could seamlessly align the Russia sanctions with inadmissibility.

The bill before the Senate today is a prudent and comprehensive approach that would allow our government to respond to the Russian regime's aggression with appropriate immigration consequences. It will provide a clear message that the Government of Canada's comprehensive sanctions framework has meaningful consequences, not only from an economic perspective but from an immigration and access-to-Canada perspective as well.

I urge this chamber to advance this bill as quickly as possible for committee review. Thank you.

Hon. Michael L. MacDonald: Honourable senators, I rise today to address Bill S-8, An Act to amend the Immigration and Refugee Protection Act.

The bill we have before us seeks to amend the Immigration and Refugee Protection Act, or IRPA, in order to do several things.

First, the bill seeks to reorganize existing inadmissibility provisions relating to sanctions in order to establish a distinct ground of inadmissibility based on sanctions that Canada may impose in response to an act of aggression.

Second, it proposes to expand the scope of inadmissibility based on such sanctions to include not only sanctions imposed on a country, but also those imposed on an entity or a person.

Third, it expands the scope of inadmissibility based on sanctions to include all orders and regulations made under section 4 of SEMA, the Special Economic Measures Act.

Lastly, it amends the Immigration and Refugee Protection Regulations to provide that the ministers of Public Safety and Emergency Preparedness, instead of the Immigration Division, will have the authority to issue a removal order on grounds of inadmissibility based on sanctions under new paragraph 35.1(1)(a) of the Immigration and Refugee Protection Act.

The government has introduced these measures, among others, to respond to Russia's bloody invasion of Ukraine. We are now entering the third month of that invasion, and we have all witnessed the horrifying scenes of Ukrainian cities and towns being destroyed and innocent Ukrainians being targeted by the Russian military.

Honourable senators, Russia's invasion of Ukraine has forced nearly 8 million people from their homes, with nearly 7 million of them now having been forced to leave Ukraine itself. Unfortunately, that number continues to grow.

I certainly agree that this humanitarian catastrophe is something that we cannot ignore.

We have also all viewed the disturbing reports of the atrocities committed by the Russian military against civilians. I know that the images associated with these actions have shocked every senator in this chamber who have seen them.

In the face of these accounts, I agree completely with the government that those who actively support the Putin regime cannot be permitted to remain immune to the consequences of their actions.

I agree that since Canada has imposed sanctions against individuals who are part of or are supporting the Russian regime, it is logical to expand the provisions of IRPA in order to incorporate all the grounds of the Special Economic Measures Act in order to ensure that the foreign nationals who are sanctioned are inadmissible to Canada. That is to say they will be inadmissible as long as they do not claim refugee protection under the provisions of IRPA.

In this respect, I note that the Minister of Public Safety has been careful to note that:

> Foreign nationals who are inadmissible to Canada due to sanctions will still be eligible to have a refugee claim considered by the Refugee Protection Division of the Immigration and Refugee Board, and will have access to a full pre-removal risk assessment.

One can readily agree that in circumstances where sanctioned individuals may have, for example, turned on the Putin regime and then arrived at a Canadian port of entry, it is wise to have some flexibility regarding their inadmissibility. However, I am concerned that, as is often the case, the supposed strong measures that the government is introducing in a piece of legislation may, in fact, not be quite as strong as they appear.

I recognize that there is jurisprudence that permits literally anyone to make a refugee claim at a Canadian port of entry, but I remain concerned that there are those who will inevitably abuse this, using it as a loophole to gain entry into Canada. Such individuals can then potentially use the slow pace of our judicial system against us in order to remain in Canada for an extended period of time.

This cautionary note aside, I nevertheless agree that the bill we have before us is at least another tool in our toolbox that we can use to sanction those who are supporters of the Putin regime and who effectively underwrite its despicable actions.

I am very heartened by the scope of measures that we are finally passing through the parliamentary process.

Just a few weeks ago, for example, I had the privilege of speaking to Senator Omidvar's bill, Bill S-217, which would permit the repurposing of the assets of individuals and entities that have been sanctioned in connection with crimes — such as Russia's premeditated, unjust and unprovoked invasion of Ukraine — in order, potentially, to assist the victims of such acts.

I do believe that these sorts of measures, if correctly applied — with loopholes minimized — can have an important impact. They will be particularly impactful if applied in conjunction with similar actions taken by like-minded states.

In this respect, Professor Brooke Harrington recently wrote in *The Atlantic* that some of Russia's best-known oligarchs — persons Professor Harrington describes as "business figures who have built up huge fortunes, in most cases through their connections to the state" — are now calling for an end to the war.

Professor Harrington noted that the billionaire industrialist Oleg Deripaska, and Mikhail Fridman, a founder of Russia's largest private bank, have both urged an end to Putin's war.

She argues that such calls were directly related to the fact that oligarchs themselves have been targeted for the support they provide to the current Russian regime.

I think we have to hope that, in the long term, such emerging divisions within Russia's elite class will start to have an impact.

What I only wish is that, collectively, the West had been more effective and proactive before the current phase of the conflict between Russia and Ukraine erupted this past February.

• (1520)

What I lament in relation to Ukraine is that our responses have really been behind the curve. We need to remember that Vladimir Putin's invasion of Ukraine really began in 2014, when Crimea was seized from Ukraine in complete violation of international law.

While I think the previous government did its best to respond decisively to that invasion — for instance, by leading the charge on expelling Russia from the G8 — the West's collective response was less than effective, and herein lies the problem.

We are often reluctant to respond strongly to events that do not remain front and centre in the news. When such events fade from the headlines, so too does our interest. We can see that today through our completely ineffective response to the genocide in the Xinjiang region of China and to the Chinese government regime's repeated threats to invade Taiwan. But neither of these events are front and centre in the news. We have few images of Chinese concentration camps, so our response peters away to ineffectiveness.

On the question of China, of its threats against Taiwan, its genocide and its continued support for Russia, our government remains far behind our allies in responding decisively to this growing threat. I want us, as a country, to be able to move beyond simple virtue signalling when a crisis suddenly erupts and when it is already too late. As a country, we must have a more strategic, decisive and effective international policy.

The bill we have before us today is a reactive measure. Given the threat that we all face in Ukraine, I support this measure for what it is, and I agree that it is needed. But, going forward, I do call on the government — and all of us in this chamber — to do better.

I believe that in today's more threatening global environment, doing better is now an imperative for everyone's national security. I encourage honourable senators to get this bill to committee as soon as possible so Parliament can expedite passage of this legislation.

I'm not sure if Senator Harder and I have been sanctioned by the Russians yet, but I suspect we will be now.

Thank you, colleagues, and let's get this bill to committee.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Harder, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

[*Translation*]

ONLINE STREAMING BILL

BILL TO AMEND—MOTION TO AUTHORIZE TRANSPORT AND COMMUNICATIONS COMMITTEE TO STUDY SUBJECT MATTER—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion 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 Transport and Communications be authorized to examine the subject matter of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, introduced in the House of Commons on February 2, 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 or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

Hon. Raymonde Saint-Germain: Honourable senators, I must admit that I wondered whether I should rise to speak today after seeing that this debate was merely a stalling tactic. However, I think it is important to explain to Canadians why a pre-study of this bill is a good idea in this context.

My speech will focus on the principle of the pre-study and why it is important to our work on this bill.

I was rather taken aback by some of the objections that were raised yesterday in debate. While the Senate prides itself, and rightly so, on taking more time than the House of Commons to study bills and on giving Canadians more hours and more opportunities to make their voices heard, testify in committee and share their expertise with us as we provide sober second thought, here we are spending hours debating whether it is a good idea to conduct a pre-study on a complex bill, particularly one that has been the subject of misinformation.

Although, historically speaking, most of the pre-studies conducted by the Senate committees over the past 30 years have focused on omnibus bills, including budget bills, 42% of them were on non-budgetary issues.

I will soon come back to the pre-studies, but first I want to say how surprised I was yesterday at some of the questions that were put to the Government Representative in the Senate, Senator Gold, about introducing government bills in the Senate. I am talking about "S" bills, including Bill S-8, which we just studied.

The question asked yesterday by my esteemed colleague, Senator Carignan, is as follows, and I quote:

> . . . the job of the Senate and of senators is not to provide sober second thought to measures introduced by public servants, but to properly study bills passed in the House of Commons . . . .

Does this mean that the Senate should no longer directly study government bills, as it has done on several occasions? Yes, I am puzzled, honourable senators.

In the second session of the Forty-first Parliament, as the Conservative government's representative in the Senate, Senator Carignan introduced six of these government bills, as he himself can attest. I have a list of those bills. Was he going against the role of the Senate at the time? The answer is obvious.

Allow me to get back to the pre-studies. I also noted that during the second session of the Forty-first Parliament — a session that lasted less than 20 months — the Senate conducted 10 pre-studies, just 4 of which were on budget bills. We must therefore conclude that the majority of these pre-studies, or 6 out of 10 of them, were on non-budget bills. I have a list of those, too. If something is good for one government, isn't it good for another?

Honourable senators, although we should learn from our institution's past, we must not be limited by it. The Senate is the master of its own destiny. I think that pre-studies are a worthwhile use of our time and resources, because they allow us to review complex government bills more efficiently and to better organize our own parliamentary business during key periods, for example, before we adjourn for the summer.

[*English*]

I know there are concerns that Bill C-11 will be amended before it is introduced in the Senate which, in the view of some colleagues, would make these pre-studies a waste of the Senate's and its committees' time. However, I do not come to the same conclusion.

I believe, on the contrary, that the Standing Senate Committee on Transport and Communications would be able to ensure that it receives key witnesses who can share their expertise on the substance and underlying principles of this bill, which will not be changed by future amendments.

These pre-studies could highlight the major policy proposals and issues associated with those complex bills, both this bill as well as Bill C-13. This would allow us to be ready and to act efficiently at the appropriate time.

It should also be noted that a pre-study does not preclude a study. It will be up to the committee members to make these recommendations and/or observations to the Senate following the conclusion of their work and changes made to the bill. Additionally, a pre-study in one or two committees does not prevent the many other committees of the Senate from proceeding with substantive studies and inquiries.

Pre-studies are a way to better organize our work in a timely manner. This is also an efficient way to prevent the use of time allocation measures — if we are efficiently organized, there will be no logic for any government to use this tool. If it were to be used in spite of our efforts, then it would be up to us to govern ourselves accordingly.

Some colleagues will also argue that these pre-studies are not necessary, as we are not on the eve of an election or at the end of a parliamentary session. However, this should not prevent us from being proactive.

• (1530)

Bill C-11 is a government priority. It was in the government electoral platform, as we know, and has been in the other place since the last Parliament.

In its current form, Bill C-11 was introduced in the House four months ago. In its previous form, Bill C-11, then Bill C-10, had even passed third reading in the House of Commons and was sent to us at the very end of the Second Session of the Forty-third Parliament. We are, therefore, fulfilling our role by being adequately prepared when Bill C-11 arrives in this chamber. I believe that the most effective way to do it is through prior study in committee.

Another argument in favour of these pre-studies is very simple. We currently have the time and resources to conduct them. We have few government bills on the legislative agenda, and the two committees targeted by these motions — this current motion and the one regarding Bill C-13 — have no government business on their agendas. So why delay this work?

In my opinion, there is no reason to do so, and Canadians would be right to blame us for a gross dereliction of our responsibility if we do not pre-study Bill C-11 and Bill C-13.

Colleagues, let us get our act together and let us act responsibly. We are spending time and energy in a debate that would be way more relevant if it was on the substance of this bill. Let's not waste our time bickering but rather use it wisely. Thank you, *meegwetch*.

[*Translation*]

Hon. Claude Carignan: Would Senator Saint-Germain take a question?

Senator Saint-Germain: Of course, former leader of the government in the Senate.

Senator Carignan: You went over the bills the government introduced in the Senate, but did you also realize that, during this session, the Senate is studying more bills at first reading than at second reading? Right now, we have more bills up for pre-study than we do for an objective second reading. Did you add up those numbers?

Senator Saint-Germain: Thank you for the question, Senator Carignan.

I think our pre-studies are done with just as much care. Let me point out that we have been in a pandemic for over two years now. That has to have influenced government legislation, the work of the House of Commons and our own chamber's work. I feel that these pandemic times are exceptional and make it hard to compare anything to how both houses of Parliament have operated in normal times over the past few decades.

Senator Carignan: Aren't you worried the exception might become the rule?

Senator Saint-Germain: No.

[*English*]

Hon. Marc Gold (Government Representative in the Senate): Senator Saint-Germain, yesterday our colleague Senator Carignan suggested it's not the job of the Senate to provide sober second thought on measures introduced by public servants but to properly study bills passed in the House of Commons. I'm wondering if you're aware that under Senator Carignan's leadership as then deputy leader with our colleague Senator Martin moved a government motion to pre-study the former Bill C-23, known as the Fair Elections Act, on April 1, 2014, and subsequently gave notice of time allocation on the same day, limiting debate on even the need for a pre-study.

On that same day during Question Period, Senator Carignan was asked about the pre-study of Bill C-23, to which he responded:

> As I often say, further study is further study, and having the opportunity to study a bill at the same time as the House of Commons does not mean we cannot fulfill our role of sober second thought after the bill passes in the House of Commons and is sent to us in the Senate. It is better to make as many improvements as we can. If we have the opportunity to study this bill twice, so much the better.

Therefore, Senator Saint-Germain, do you share this view that Senate pre-studies can allow the Senate to engage in proper study and debate and complement the work of the elected House of Commons?

Senator Saint-Germain: Thank you, Senator Gold, for the question. I just consulted my list of the pre-studies, tabled then by the government, and I see Bill C-23. My chart is in French, so I will read in French.

[*Translation*]

The bill in question, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, was a non-budgetary bill. I see that the bill was introduced by MP Pierre Poilievre and was the subject of a pre-study by the Standing Senate Committee on Legal and Constitutional Affairs on April 8, 2014, and passed in the House of Commons on May 13, 2014.

[*English*]

This gives me the opportunity again to make this comment. Why is it good under a specific Parliament, a specific government, and not good under another government? I think that we have to ask this question, and I reiterate that pre-studies on complex bills are relevant, so I don't blame the previous Conservative government at all. However, what I do not agree with is the inconsistency in the consideration of the relevance of pre-studies and even of the tabling of government bills in the Senate, when so relevant. It's not always relevant. It does not need to become the new normal. I do agree with this, and I agree with Senator Carignan to that end; but obviously, during the current context, from my standpoint, there is no doubt that Bill C-11 and even Bill C-13 deserve pre-studies.

Hon. Denise Batters: Senator Saint-Germain, I was on the Standing Senate Committee on Legal and Constitutional Affairs when we did that pre-study of the Fair Elections Act and I wonder if you were aware of the fact that when we did that pre-study, it was quite a bit more advanced in the House of Commons than this particular bill is at this point in the House of Commons, and because of our pre-study in the Senate, we were able to make substantive changes to that bill by consensus at the Senate Legal Committee, suggest them to the government, and the government actually took our advice on that and made the changes to the bill. They were then able to incorporate those changes at the House of Commons and then send the bill to the Senate.

That is actually the ideal way that a pre-study would work, have it be advanced to a certain objective in the House of Commons, come to the Senate for a pre-study, have some definite work done so we can do our proper sober second thought, and then have the government take our advice, unlike some other matters where we had the Trudeau government not take our substantive pre-study advice we have given on bills in the last five years.

Senator Saint-Germain: Senator Batters, I'm aware that this bill is one of the 10 bills that were pre-studied under the Conservative governments in less than 20 months, and I see that this bill is related to the Elections Act. It's interesting that the sober second thought of the non-elected parliamentarians served the elected chamber. That is an interesting exception because on such bills normally I would say the expertise and the specific context of the members of Parliament are really definitive, so I think the Conservative government made a very good decision. I congratulate you and all the other members on the Legal Committee then because you obviously did great work, and I'm glad that even the current Liberal government recognized this, so thank you.

• (1540)

[*Translation*]

Hon. Pierre J. Dalphond: Senator Saint-Germain, would you take a question?

Senator Saint-Germain: Yes, senator.

Senator Dalphond: Thank you so much for this very useful information. I understand from your previous exchanges, including the one with Senator Batters, that in some cases, a pre-study has yielded very interesting results for the subsequent study of the bill, in two ways.

In some cases, the message sent by the pre-study has resulted in amendments to the bill in the House of Commons. One case that comes to mind is the example given by Senator Batters.

In the case of medical assistance in dying not so long ago, that is, about a year and a half or two years ago, the Senate committee conducted a pre-study of Bill C-7 that did not deal with the substance of the technical details of the clauses, but rather the broad principles and thrusts of the legislative expansion.

Following the pre-study, the committee tabled a lengthy report in the Senate, which subsequently studied the bill thoroughly, drawing on the lessons learned from the committee's pre-study. The Senate then proposed no fewer than five or six amendments, several of which were adopted by the House of Commons.

A pre-study does not mean that there will not be an in-depth study later. I understand that the government may see pre-studies as a way to speed up the subsequent study, but there is no incompatibility between a pre-study and a later substantive study that is enriched by the first.

I also understand, from what Senator Batters was saying, that the pre-study sometimes even helps enrich the debate in the other place, so pre-studies can have a positive impact.

Is that what I am to understand from the exchange between you and Senator Batters?

Senator Saint-Germain: Thank you, Senator Dalphond, for providing the answer in your question. I would add, as I indicated in my speech, that a pre-study does not preclude or replace a study if one is necessary.

Often the pre-study is on substantive issues and complex bills. You gave the very important example of medical assistance in dying. Canadians had different points of view, all of them justified, on a moral issue that was often the subject of disinformation and that deserved clarification that went beyond partisanship.

The answer is yes. A pre-study allows for in-depth discussions on principles and substantive issues and helps enrich a later study.

[*English*]

Hon. Donna Dasko: Honourable senators, I rise today to speak on the motion before us, which would authorize the Standing Senate Committee on Transport and Communications to conduct a pre-study of Bill C-11. My comments today are brief.

Bill C-11, sometimes called the online streaming act, is a substantial bill that will essentially take the regulatory framework we now have over broadcasting and apply it to online undertakings. Numerous stakeholders and interests are involved,

including cultural producers and creators, the legacy broadcasters in television and radio, online streamers, social media platforms and many others.

Many of us will remember this bill's predecessor, Bill C-10. That bill was referred to the House Committee on Canadian Heritage for pre-study on February 1 and for regular study on February 19 of last year. That committee held 30 meetings before returning the bill to the House for third reading in mid-June.

Over those four months, that committee heard from numerous witnesses and proposed many amendments. The process involved significant debate of the issues but was contentious, messy and overly political. Indeed, significant changes to the bill were introduced late in that process at clause-by-clause consideration. Unfortunately, it was too late to call any witnesses representing the interests that would be materially affected by those changes.

That bill then made its way to our chamber, completed second reading and was referred to our Senate Committee on Transport and Communications on June 29 of last year. My Independent Senators Group colleagues on the committee and I were willing to work over last summer to examine the bill in committee in response to the expressed urgency in passing this bill, but that offer was not taken up. As a result, the Senate conducted no committee work on that bill, which died on the Order Paper when the election was called. Its successor, Bill C-11, has now completed second reading and has just been referred to committee in the other place. That committee held two meetings this week but has not yet taken up Bill C-11.

We have on the table a motion to send this bill to Senate committee for a pre-study. I have serious concerns about this. In my view, a pre-study is not a substitute for proper Senate study of a bill. Over the last few weeks, Senate committees have been engaged in pre-studies on a number of bills, including Bill S-6 and Bill C-19.

I have been part of some of these deliberations, and I offer some of my observations about this process. First, the participants have been excellent. The committee chairs have done an excellent job. The witnesses have made solid arguments regarding the bills on the table, staff have worked hard and senators have asked pertinent questions.

However, in my view, the process has been unsatisfactory. Typically, government witnesses present the bill and take questions, followed by other witnesses who offer a critique of the bill or propose changes to it. In some cases, their suggestions for change cannot be adequately assessed. We want to know: Are they practical changes? Do they fit with the goals of the bill? Are they doable? Are they good ideas? These questions come up after the witnesses testify, but often these questions remain unanswered in this process; that is what I have observed. Often there are time limitations to this process, and that is one of the reasons why some of these questions cannot be addressed, but in other cases, proposed changes from witnesses that do seem desirable cannot become amendments to this bill, because this is not possible with our pre-studies.

My concern with Bill C-11 is that I fear we will be doomed to this inadequate process and its shortcomings and that we will not conduct the proper investigation we need on Bill C-11, and we have no assurances that a regular committee study would follow from our pre-study. With Bill C-11, the ideal process, in my view, would be for us to take into account all the learnings from the House of Commons committee, their proceedings and their report, and build from there.

Let's look at their witnesses, the issues arising from their work and the arguments that have been made, and let's go forward from there. Of course, amendments may result from their process as well, which a pre-study here would not have and, therefore, could not consider. We wouldn't have them in a timely fashion, and therefore, we couldn't consider them. Remember Bill C-10, and how that bill was significantly changed very late in their process.

Honourable senators, during the pandemic over the past couple of years, the number of our Senate sittings was cut back dramatically, our scrutiny of legislation was reduced, with minimal review of so much legislation, and our committee work was curtailed. I look forward to returning to a better and more thorough process as we go forward.

In the end, colleagues, when it comes to Bill C-11, I am looking for assurances that a regular committee review process will take place. Even if a pre-study is undertaken, we should and must commit to this. If committees are indeed the masters of their fates, as we learned yesterday, I will be seeking the views of committee colleagues over the next several days for their commitment to a fulsome process.

• (1550)

But there is more than just that. We also need assurances that the committee will have the time it needs to do its work. When I hear about the urgent need to pass a bill, I can't help but wonder whether we will really have the time to review a bill. If we keep hearing about the urgent need, it most certainly raises questions about whether we will be given the time.

Honourable senators, let's do this properly. Thank you very much.

Some Hon. Senators: Hear, hear.

Senator Gold: Would the senator take a question?

Senator Dasko: Yes.

Senator Gold: Thank you.

I do want to remind colleagues that in my speech, as in that of Senator Saint-Germain, we made it clear that this does not preclude all stages of inquiry, which the Senate will decide upon.

But, senator, during the debates in this chamber on Bill C-10, there was much criticism of the proposed legislation and, dare I say, much misinformation. All of that aside, I'm confused as to why initiating a pre-study on Bill C-11, proposed legislation that purports to address the criticism of the previous iteration — Bill C-10 — is somehow unacceptable. The major complaint we have heard — even in your remarks, colleague, which I appreciate, so thank you — is the lack of time that we have to do our work properly.

The motion here is offering time, and it's offering time free of any reporting deadlines and any procedural constraints.

So whether we receive the bill on day one or in week two after a pre-study has begun, we will be ahead of the game. That doesn't prevent us from doing our work, including all the stages thereafter once we do receive the bill. So what am I missing?

Senator Dasko: Thank you, Senator Gold. My view of this process is that I feel it's a lesser process. From what I have observed, it doesn't feel like it's a thorough process; it seems to be truncated, in my observation. It also doesn't allow us to make amendments.

So from what I have observed, I feel that it's lacking.

I know you have given some assurances of time, but at the same time, senator, yesterday, you did talk about the absolute need and the pressures coming from various communities. I understand there is pressure. I live in Toronto, and the cultural community in Toronto is very supportive of this bill. They want this to go forward.

But when June comes — and it's just around the corner — we always get this feeling of pressure to pass bills. I fear that we have this pre-study coming down the track along with the end of June coming, and they end up colliding with each other. Then we end up getting pressure to pass a bill.

In this case, I worry we will be in a process that doesn't allow us to examine it the way I feel it should be examined, especially given the uncertainties in the other place and what they will do, as well as what sorts of amendments and changes they may come up with. The last time this happened, it was really rather a mess. You might remember from last year what happened in their committee and all of the amendments. They were rejected by their Speaker and they had to go back. It truly was a mess.

That is where I am coming from with my concerns. This is coming along this track and the end of June is there; we know what June is like. You yourself have said that there is an urgency to get this bill passed because of the various stakeholders and so on who are involved. So this all leaves me just a little bit suspicious.

That's where I'm coming from. Thank you.

Senator Gold: I will ask a supplementary question.

As all senators know, by definition, pre-studies do not allow for amendments. That's in the nature of a pre-study. But, senator, given that there is no reporting deadline on this, that it is not a truncated process and that the pre-study can continue even after the bill is received — whenever it is received — is it not the case that, suspicions and calendar aside, the representative of the government has stood in this place and said on many occasions outside of this that I understand and respect the importance of the Senate doing its job properly?

This is a motion to expand the time that we have to get acquainted with the changes that Bill C-11 is introducing to Bill C-10 such that when we do receive the bill, the committee is even better prepared to engage in the study that it will undertake. And again, the Senate will determine what stages the bill will go through. The committee will determine how long it needs to study it and so on.

Would you acknowledge, suspicions notwithstanding, that what is before us is, in fact, a reasonable approach in order for the Senate to tackle an important issue of public policy?

Senator Dasko: Senator Gold, I appreciate your comments very much. Thank you for reiterating the issues around time. That's very important for our considerations.

To go back to the comment that you made yesterday and that I put into my comments today with regard to Senate committees being the masters of their fates, I intend over the next week or so to be in contact with my colleagues on that committee to do a poll, so to speak, of their views with respect to the importance of making sure that we have what I would call the real process of review through the study. That is what I intend to do. Then, hopefully, we can be satisfied that we're going to get what I would hope that we would have, which is fulsome review. I thank you for your comments. They are much appreciated.

The Hon. the Speaker pro tempore: Senator Dasko, we have two more senators who wish to ask you questions, and you are out of time. Are you requesting five more minutes to answer questions?

Senator Dasko: Yes.

The Hon. the Speaker pro tempore: Is permission granted?

Hon. Senators: Agreed.

Hon. Donald Neil Plett (Leader of the Opposition): I will take a page out of Senator Dalphond's way of asking questions and, clearly, Senator Gold's way of asking questions, which is of putting forward statements rather than questions. So let me do that as well, Senator Dasko. Thank you very much for your speech.

If we pass this particular motion, it will be passed, in all likelihood, not before Tuesday of next week, which is May 31. Clearly, the very first time that the Transport and Communications Committee would possibly be able to meet, just to organize, would be June 1, which is their slot for their committees. That leaves us exactly four meetings, if we go to the very end of June.

I think you said that, in this iteration of Bill C-10, there have been 30 committee meetings in the other place. Now the Leader of the Government is asking us to do a pre-study and try to rush this through. He says he has no reporting deadline. Clearly, there should be no reporting deadline, because there won't be time for a pre-study, a regular study or anything without us not doing our proper due diligence that this bill will clearly deserve. We have no indication of when it is coming here.

So I would suggest — I'm doing this the way your colleague did, Senator Gagné. I'm just encouraging her to agree with me. Would you agree, Senator Dasko, that there is simply no adequate time to do proper service or proper justice to this bill?

• (1600)

Senator Dasko: Yes, I think if we all look at the calendar, we would come to this conclusion. I thank Senator Gold for his comments.

With respect to there being no time limit on this, obviously this would seem to take us well into another season, whether that be summer. I don't know if we're trying to sit then, I doubt it, but probably into September. I mean, that seems to be logical, yes. That would seem to be a logical time frame for looking at this bill.

I'm pretty sure that we need much more than the number of meetings you just referenced, four meetings. I'm quite sure that our committee needs more time than that to look at this bill. Thank you.

Hon. Leo Housakos: Honourable senators, I would like to thank Senator Dasko for her comments. I ask a question, because I'm looking for somebody to answer the question.

This is an important issue, Bill C-11. It is something that has not been addressed by successive governments now in over 25 years. Why is this suddenly considered in the public interest? Why is it that this has not been presented to us by this government in the last seven years? The last time we heard about it, other than what we're going through right now, was the end of last May, early June. We were sort of forced to push this through as quickly as possible.

I agree that this is an important issue. We all agree that it requires a robust, thorough debate and review. What would be the public interest urgency to get this done in a matter of two or three weeks, come hell or high water?

Senator Dasko: Thank you, senator. I am not the person to answer questions about the timing of the bill. I think you should address your questions to the Government Representative. Maybe you'll get some good answer there.

Let me put you on notice, senator, that I will be contacting you to discuss this issue with you in the coming days, so, thank you very much, and you will be getting a call from me. Thank you.

[*Translation*]

Hon. Julie Miville-Dechêne: My speech will show that, at the same committee, two members of the Independent Senators Group have different positions. No, I have not been "whipped," as you would say, Senator Plett. I rise to speak in favour of Motion No. 42 and to support a pre-study of Bill C-11 by the Standing Senate Committee on Transport and Communications, of which I am the deputy chair.

The online streaming act is crucial for the future of broadcasting in a world where more and more cultural products are moving to the digital realm and where listening and viewing habits are changing at breakneck speed. For Quebecers and francophones across the country, the main concern with regard to this bill is how much space French-language music and film will be able to occupy in the online streaming arena. I should mention that in Quebec, French-language music is still protected by quotas of approximately 30% that apply to radio, but with the migration to Spotify, YouTube and other platforms, no more than 8% of the songs being streamed are in French.

Therefore, this is an important bill, but it is also complex because it involves many stakeholders.

[*English*]

But let's get back to the motion before us, which is about a pre-study of the bill.

Since my arrival in the Senate, the complaint I hear most often is that we do not have enough time to study bills in depth. I have experienced this myself, of course. I find it very frustrating. The calendar, the bottleneck at the end of sessions, parliamentary tactics — many factors conspire to reduce the time we have to carefully study legislation.

In his question, Senator Plett said that we only had five sessions in four weeks to do this possible pre-study if we vote for it, but in fact if we had passed that motion on Tuesday, when it was presented, we would have had one and a half extra weeks. So by debating this particular motion, we are once again losing time, and I am once again frustrated.

This context is precisely why I believe a pre-study of Bill C-11 would be particularly useful.

I see two main reasons. The first is that a pre-study would give us more time to hear from key witnesses, experts from various persuasions, affected groups and so on; in short, to understand the fundamental tenets of this important bill.

I would like to cite our honourable colleague Senator Patterson who, in February 2019, supported the pre-study of Bill C-91, An Act respecting Indigenous languages, in these words:

> . . . I rise briefly today to speak in support of this motion calling for a pre-study of Bill C-91 . . . . This is a bill that is vitally important to get right. With this ever-increasing slough of legislation we all know about, we need the time to do our jobs. A pre-study is a responsible way of taking advantage of the time available to the Aboriginal Peoples Committee at this moment.

I could not agree more.

I know that some of my colleagues are worried about wasting their time studying a bill that could be substantially amended by the House of Commons. I understand these concerns and I share them in part for the more technical aspects of this bill.

But on the substantive issues — on the main orientations and the political foundations of this bill — the questions and positions are well known, and they will not change.

In my opinion, the Transport and Communications Committee could benefit from a pre-study to learn about other models of cultural promotion around the world and to hear and understand the political and ideological visions that will inevitably clash over Bill C-11.

I also think that members of the committee — myself very much included — would also benefit from certain educational presentations on the technological aspects of contemporary platforms, very basic, user-friendly presentations, in some case. This kind of presentation seems to me particularly appropriate for a pre-study, and if I can make a joke, appropriate for our age group.

The second reason why a pre-study seems useful is that it should have no impact on the duration of the formal study of Bill C-11 as it will be adopted by the other place. We retain control over our future agenda. Although the government may want us to pass its bill quickly — and that is evident — it will be up to us at that time to resist the pressure if we feel that we do not have the time to do our job properly. There is no election or prorogation in sight. Bill C-11 will not die if we continue to study after June. If anything, a pre-study will give us more time to study the bill and understand its context, not less.

I am confident that we have all the tools necessary to resist the pressure to pass this bill quickly once the pre-study is completed. I know that, for some of us, pre-studies should only be accepted in very few circumstances because the Senate is a legislative body, not an advisory one. According to this logic, it should therefore intervene after the House of Commons, and not concurrently.

With respect, I do not find this principle very convincing in this case. A pre-study of Bill C-11 would simply allow us to perform our legislative work with more expertise and a better understanding of the complex issues and technology underlying this bill. Nothing prevents us now, or later, from taking all the time necessary and using the full powers of the Senate to debate and improve the bill as we see fit.

Pre-studies were rare traditionally, but times can change. Right now, the Senate is studying Bill S-5, an important piece of legislation before the other place. I support this initiative, and I can certainly confirm that this has not diminished the quality of our work. Many amendments are being considered, as we saw this morning.

• (1610)

In any case, I don't think we should be prisoners of tradition. The risk seems especially high for the Senate, an institution that some consider outdated. For all these reasons, I think we should be flexible and seize the opportunity of a pre-study when it offers us a chance to have more time and expertise to perform our legislative duties. I believe this is what a pre-study of Bill C-11 would allow us to do.

Thank you.

Senator Housakos: Would Senator Miville-Dechêne take a question?

Senator Miville-Dechêne: Of course.

Senator Housakos: The tradition of the institution here when it comes to pre-studies has always been to pre-study bills when there is public consensus for a bill or when there is a consensus from the other place that a bill needs to be passed in a timely fashion because of public interest.

At this particular juncture, in the case of this bill, it is controversial and without consensus. There is no stakeholder consensus. It is not responding to some kind of timely urgency, clearly, because successive governments have not tackled this particular issue now in more than two decades. More fundamentally, wouldn't you agree, senator, that our role is one of sober second thought and not to simultaneously engage in what will invariably be a very acrimonious debate and discussion on this issue in the other place? As we see, the committee in the other place has not even started their deliberations yet.

Wouldn't it be prudent to allow for the political pressure cooker on the other side to do its due diligence while we engage in our sober second thought? Nothing in your speech has indicated that there is public urgency for this to be done in two weeks, a month, or even the fall for that matter. What I hear from many people is that it requires robust and thorough review. Wouldn't you agree, senator?

[*Translation*]

Senator Miville-Dechêne: No, I wouldn't agree. You seem to think that the current process, in which a bill spends time in the House of Commons before coming to the Senate, is a flawless process that works very well.

However, last year's study of Bill C-10 highlighted the flaws in our traditional process. Two out of the four months we had were literally wasted on filibustering. That was around half of our time. I was one of the people who was waiting and who thought that the Senate would conduct a pre-study, which would have helped us better understand all of the issues related to the bill, but that is not what happened.

The system we have is not perfect. We can try something new, as is the case with Bill S-5. I don't think that there is an overwhelming consensus on that bill. In that case, we started studying the bill in the Senate. Unlike you, I find it quite helpful to start working on bills, because we can get an idea of others' opinions in the early stages of the process.

I understand that conducting a pre-study at the same time as a bill is being studied in the House of Commons is not quite in line with our role as a chamber of sober second thought. However, I don't see how that would diminish our role or prevent us from doing our job well. On the contrary, I think that we get a better understanding of a bill if we spend time on a pre-study and then study it. It makes perfect sense.

Hon. Renée Dupuis: Would Senator Miville-Dechêne take a question?

Senator Miville-Dechêne: Certainly, Senator Dupuis.

Senator Dupuis: I was wondering if a pre-study would be a good opportunity for the committee to conduct what I would call an "educational" exercise. This is a fairly complex bill, with technical and technological aspects that the general public may have trouble deciphering. Even for us senators, it can be difficult to follow. Wouldn't this be a good opportunity to do some educating? Wouldn't a pre-study also be an opportunity to hold the government accountable for the choices it has made in this bill?

Senator Miville-Dechêne: Of course. We could bring in technology experts to teach us about algorithms, how to prioritize certain options and what kinds of things to do or not do. In this case, the government said it was not using algorithms. Why? Are there other ways to influence content availability so that users can see Canadian content? These are very complex issues that my son understands a lot better than I do because he is a big fan of Spotify. I am not.

We could definitely play an educational role, and those experts would be available to the Senate. Our meetings are public. At a time when culture is virtual and efforts to protect culture tie into the virtual world, it is very important to understand what we are doing.

I think you are right about how the general public, myself included for sure, does not thoroughly grasp all these concepts. Would it be a bad thing to do a pre-study? Absolutely not. The more we know, the better we are and the better our decisions are.

Hon. René Cormier: Would the senator agree to take a question?

Senator Miville-Dechêne: Of course, Senator Cormier.

Senator Cormier: My question will be brief. Do you agree that although there doesn't seem to be a consensus on this bill in Parliament, there is a rather significant consensus in Canada's cultural sector, as we heard during the culture summit? Artists are calling for this bill to be studied as soon as possible, since it will have an impact on their quality of life and the discoverability of their work.

Senator Miville-Dechêne: Certainly, and I have heard them as well. I didn't attend the same summit you did, but of course, since we know that music and other cultural products are so central to francophone minority culture, it should be obvious that this issue is important.

The Hon. the Speaker pro tempore: Your time is up, senator. Senator Housakos would like to ask you a question. Would you like to ask for another five minutes?

Senator Miville-Dechêne: Yes. May I have another five minutes, with leave of the chamber?

The Hon. the Speaker pro tempore: Is leave granted? Please continue.

Senator Miville-Dechêne: The cultural sector wants to see a speedy resolution. Let's face it, the government has made some mistakes.

Following the 2015 election, the government had a really hard time understanding and admitting that this area needed some attention, and the Liberals said they would make deals and resolve the issue amicably. However, the Trudeau government did fall behind on this, and that is on them.

However, from the moment Bill C-10 was introduced, it was hotly debated, but there was also a lot of filibustering. A lot of time was wasted. Obviously, the more time passes, the more listening habits tend to crystallize and the more young people ask themselves why they should listen to French-language music, because they think Spotify is a good tool. As I often say, the user is not free to choose. What is presented to this francophone user is English-language content, so it becomes a vicious circle and we end up listening to music in English, because that's what we're fed. The same is true of YouTube.

• (1620)

Senator Housakos: Senator Miville-Dechêne, do you agree with me that if passage of this bill were delayed, it would have nothing to do with the parliamentary process and more to do with the fact that it is not a priority for this government?

I have another question. If I follow your reasoning for conducting a pre-study of Bill C-11, can we use the same reasoning to conduct pre-studies of all government bills from the other place? If not, what's the difference, and what makes Bill C-11 more urgent than other bills, so much so that we need to conduct a pre-study right away, three or four weeks before the end of the parliamentary session?

Senator Miville-Dechêne: First of all, your internet connection is not very good so I missed some of what you said. Putting that aside, there is no one specific moment when we need to conduct a study or pre-study. You keep repeating that the session is ending in four weeks.

I have to admit that I find it absolutely unbelievable to start hearing from senators in May that we no longer have time to do things. I must say that this is not in keeping with my former experience as a journalist, where we used all the time at our disposal to get things done. I know that politics is different, and I am aware of that, but it's quite concerning when I hear, "No can do, we're out of time." We are discussing the fact that we have no time left, instead of doing what needs to be done. That is just absurd.

I am not saying that we need to do a pre-study on everything. As Senator Saint-Germain stated, we are not quite back to normal. We don't have enough time in committee. I'm sure this has an impact on the pace of our work. I am convinced that we should probably conduct pre-studies for bills that are more important, more complex and, in this case, controversial. It's obvious that there will be more controversy.

My stance on this is pretty firm, but I understand that you don't agree with me, Senator Housakos. We can debate this in our committee and try to bring in good witnesses to answer our questions.

Senator Carignan: Would you take a question, senator?

Senator Miville-Dechêne: Yes.

Senator Carignan: In your previous life, did you ever experience translation problems that meant that you could only meet once a week instead of twice and could therefore only do half of your job?

Senator Miville-Dechêne: That's exactly why I'm saying that in this case, if we want to do a pre-study, it would be urgent to get on it instead of just talking about it. If we continue to discuss this and vote next week, we're losing out on 10 potential days of work.

No, I've never experienced that problem before, and I probably shouldn't have compared journalism to politics. I just wanted to highlight this idea of using all of the time available to get things done, instead of simply talking about deadlines and saying that we don't have enough time.

(On motion of Senator Martin, debate adjourned.)

[*English*]

SUBSTANTIVE EQUALITY OF CANADA'S OFFICIAL LANGUAGES BILL

BILL TO AMEND—MOTION TO AUTHORIZE OFFICIAL LANGUAGES COMMITTEE TO STUDY SUBJECT MATTER—DEBATE ADJOURNED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 17, 2022, moved:

> That, in accordance with rule 10-11(1), the Standing Senate Committee on Official Languages be authorized to examine the subject matter of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts, introduced in the House of Commons on March 1, 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 or adjourned, with the application of rules 12-18(1) and 12-18(2) being suspended in relation thereto.

She said: Honourable senators, once again we find ourselves at this busy time of the year, all of us juggling competing priorities while we ensure that we continue to exercise our due diligence. Without rehashing the remarks Senator Gold previously put to the chamber, I do want to briefly echo his argument on why we must pass these motions on these two pre-studies.

Colleagues, a pre-study gives us an opportunity to maximize our time, to give proper and fulsome consideration to the government's parliamentary agenda and it gives us the flexibility we need to best achieve our work. Work on government legislation, such as Bill S-6, An Act respecting regulatory modernization, and Bill C-19, the budget implementation act, which has drawn on the resources of several committees, is coming to a close. This motion will empower committees to occupy new space as it becomes available.

For obvious reasons, over the past two years, our Senate work has been sidelined. Adopting our government motions, which would enable these pre-studies, is a small way for us to advance important work Canadians expect us to do.

[*Translation*]

Honourable senators, let me briefly explain why we should allow the Standing Senate Committee on Official Languages to conduct a pre-study on Bill C-13. As you well know, during the Forty-second Parliament, the Official Languages Committee produced no fewer than five reports on the modernization of the Official Languages Act. The committee consulted young Canadians, members of official language minority communities, stakeholders who had witnessed the evolution of the act, as well as representatives from the justice sector and federal institutions.

The 20 practical recommendations set out in the report were aimed at correcting the issues with the implementation of the act and were divided into the following themes: leadership and cooperation, compliance, enforcement principles, and judicial bilingualism. In total, between April 2017 and April 2019, more than 300 witnesses and 72 briefs and follow-ups informed the measures that the Standing Senate Committee on Official Languages recommended taking to modernize the act.

In fact, the content of Bill C-13, and its predecessor Bill C-32, largely reflects the work of the Official Languages Committee. It should also be noted that Bill C-13 responds to most of the recommendations outlined in the final report of the Standing Senate Committee on Official Languages.

The committee members possess impressive expertise, and a pre-study of the content that has already been looked at will enhance their ability to guide the government. Let's not forget that the Official Languages Act was passed in 1969, which was over 50 years ago, and that it has not been substantially updated in over 30 years. Society has changed considerably in that time. Our reality is more complex, and language laws have to better reflect those changes. A pre-study will give us the time we need to give the content of the bill the attention it deserves.

Pursuant to the order of reference adopted by the Senate on February 10, 2022, the Standing Senate Committee on Official Languages began its study on francophone immigration to minority communities in order to examine federal government support for the immigration sector. Because Bill C-13 includes elements essential to francophone immigration for the purpose of enhancing the vitality of francophone minorities in Canada, it is one of the focal points of exchanges between witnesses and committee members.

Practically speaking, we are doing preliminary work on this bill as part of our study. It is also important to note that the witnesses and official language minority community representatives very much want this bill to be studied and passed without delay so the government can adopt an immigration policy and start developing Part VII regulations and a multi-year official languages action plan.

[*English*]

Finally, I would like to remind senators that the general order of reference for the Official Languages Committee states:

> That the Standing Senate Committee on Official Languages be authorized to study and to report on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act . . .

The order of reference goes on to state:

> That the committee also be authorized to study the reports and documents published by the Minister of Canadian Heritage, the Minister of Economic Development and Official Languages, the President of the Treasury Board and the Commissioner of Official Languages, and any other subject concerning official languages . . .

So the pre-study of Bill C-13 is consistent with this order of reference.

Thank you. *Meegwetch*.

• (1630)

Some Hon. Senators: Hear, hear.

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gagné, thank you for your comments. Can you tell us where the bill is at in the other place right now?

Senator Gagné: It has not been sent to committee.

Senator Plett: So we know where it is not. Of course, I would like to know where it is. They've had three meetings so far at second reading — April 1, April 6 and April 12 — and we don't know when they will have their next meeting. So they have not even considered a vote yet and sending it to committee. Bill C-11 has, at least, made that step, although it also isn't nearly far enough.

Nevertheless, here is a bill that isn't even at committee. It has not been referred to committee, let alone had any studies. Again, we are putting the cart before the horse here, and we are studying something that we have no idea when we will get it. We have no idea what it will look like because it may well be amended, and we simply have no idea when it will even go to committee.

Would you not agree, Senator Gagné, that maybe the government should start getting their priorities right over there instead of worrying about our priorities over here? They should get their act together. They should be able to schedule these bills. This, again, is a piece of legislation that is not new to the government. As with Bill C-11, these are bills that were promised — that were presented earlier — and here we are again asking to do a study when we have limited committee time. We are asking to study something that we have no idea what the actual bill will look like when it gets here.

[*Translation*]

Senator Gagné: Thank you for the question, senator.

You know, I think the Senate needs to make a decision on the importance of doing a pre-study, even though the bill is still at second reading stage.

I believe that's one more reason to conduct a pre-study, in order to guide the government and inform its analysis. As senators, we truly have a responsibility to minorities, including linguistic minorities. We are certainly well-equipped to conduct this pre-study, after a lengthy study that lasted two years, and to study and assess the differences between our recommendations and the bill that was introduced and that is now at second reading stage in the other place.

Hon. René Cormier: Would you agree that the Senate is the master of its own affairs? We can read the following about the *Rules of the Senate* on the Parlinfo site, and I quote:

> The Rules of the Senate allow the Senate to examine the subject matter of a bill before the bill has been passed by the House of Commons. The bill must have been given first reading in the House of Commons but not yet been passed by it and, therefore, not introduced in the Senate.

In the context of studying a quasi-constitutional act on which the Standing Senate Committee on Official Languages worked for a very long time, demonstrating the complexity of this constitutional act, would you agree, Senator Gagné, that a pre-study is, in this case, entirely appropriate in our context?

Senator Gagné: I completely agree. I also believe that, seeing as we have a very complex bill dealing with a quasi-constitutional law that has not been reviewed for over 30 years, along with the experience and content we've been able to gather from the 300 witnesses who appeared and the more than 70 briefs we received, all with very specific recommendations, I think we are in a position to have a second look when we receive the bill for the second, or even third, time.

Hon. Claude Carignan: My question is about the committee's current mandate.

Can you tell us what the Standing Senate Committee on Official Languages is currently studying, and how important it is to francophones?

Senator Gagné: Thank you for the question, senator.

The committee is currently studying the immigration policy, which is extremely important in the context of the bill. The bill includes an obligation to develop an immigration policy, so it's an integral part of the bill.

As I mentioned in my speech, whenever we hear from witnesses, the immigration policy in Bill C-13 inevitably comes up, both in the questions and in the answers.

Senator Carignan: Am I to understand that, without even receiving an order of reference or permission to conduct a pre-study of Bill C-13, the committee is already studying immigration policy? Does that mean it's already studying Bill C-13?

Senator Gagné: Thank you for the question, senator.

That is a small part of the study, a fairly limited part compared to all the changes that are being made to the Official Languages Act. I think that the policy has to be discussed in a broader context, and that is why it keeps coming up, with questions about how that policy will be developed within a very specific legislative framework.

(On motion of Senator Martin, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of May 18, 2022, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 31, 2022, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1640)

[*English*]

PROHIBITING CLUSTER MUNITIONS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Plett, for the second reading of Bill S-225, An Act to amend the Prohibiting Cluster Munitions Act (investments).

Hon. Mary Coyle: Honourable colleagues, I rise today as the critic — a friendly one — of Bill S-225, An Act to amend the Prohibiting Cluster Munitions Act (investments), which was sponsored by my colleague, Senator Ataullahjan.

Colleagues, this important bill is about money — the money of Canadians; your money and mine. It's a bill about clarity for investors and about accountability. It's a bill about limiting and ultimately eliminating the horrific damage, mostly to civilians, done by a certain class of weapons. Ultimately, colleagues, this bill is about global responsibility and humanitarian leadership.

Colleagues, I would like to start off by bringing this topic closer to home. As far as I can tell, cluster bombs have never been used on North American soil. But a weapon with some similar characteristics and impacts has been used in cases of domestic terrorism in the United States.

Colleagues, do you remember the 2013 Boston Marathon bombing when two bombs went off near the finish line, instantly turning that location of athleticism and excitement into a gruesome scene of bloodshed and chaos?

At approximately 2:49 on the afternoon of April 15, two pressure cooker bombs loaded with nails and ball bearings went off, killing two women in their twenties and an eight-year-old boy, while more than 260 other people were wounded. Sixteen people lost legs, with the youngest amputee a seven-year-old girl. The devastating impacts were both immediate and long-lasting for the people affect that day.

Now, colleagues, with that human devastation in Boston in your minds, transport yourselves back to the Vietnam War era. Colleagues, just imagine the situation between 1964 and 1973 for the farmers, small business owners, school children and the elderly people of Laos when the United States Air Force and the CIA's own airline, Air America, as part of its secret war, dropped two million tons of ordnance — more than all the bombs dropped during the Second World War — decimating that country and its people.

Laos is the most bombed country in the world per capita. The U.S. dropped the equivalent of a planeload of bombs every eight minutes, 24 hours a day for nine years. By 1975, one tenth of the population of Laos, or 200,000 people, was dead and twice as many were wounded. It is estimated that at least 25,000 people have been killed or injured since the war because of unexploded cluster bombs — people trying to eke out a living in their rice fields or children innocently playing with these shiny objects.

A cluster munition, colleagues, is a container filled with small submunitions. The container may be a shell, a rocket, a missile or another device. It is dropped from aircraft or fired from the ground. It opens up in the air and releases a carpet of submunitions over a large area.

The submunitions, or bomblets, are often the size of a tennis ball, and are actually fairly similar to those pressure cooker bombs used in Boston in that they are packed with more than

300 pieces of metal designed to destroy human targets. The blast of one submunition can cause deadly shrapnel injuries in a 65-foot radius and injure anyone within a 328-foot radius.

Colleagues, we now have documented cases of cluster munitions being used by the Russians in their war in Ukraine, including the shelling of a railway station in Kramatorsk, killing at least 50 civilians, including children, and injuring many more.

Photos from Ukraine indicate that unexploded submunitions now contaminate residential areas of Kharkiv. Shopping mall parking lots, city streets and residential areas are now contaminated with these deadly, unexploded weapons.

In the 2020-21 period, cluster munitions were used in Syria, and by Armenia and Azerbaijan in the conflict in Nagorno-Karabakh. Since the end of the Second World War, at least 23 governments have used cluster munitions in 41 countries, some using them on their own citizens.

The U.S. has used cluster munitions in Cambodia. I mentioned Laos. They have used them in Vietnam, Grenada, Lebanon, Libya, Iran, Iraq, Kuwait, Saudi Arabia, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Afghanistan and Yemen.

In addition to using them in Ukraine, Russia has used cluster munitions in Chechnya, Afghanistan, Georgia and Syria.

There are 16 countries, colleagues, that produced cluster munitions, including the U.S., China, Russia, Iran, Israel and North and South Korea.

Colleagues, with that background and context of cluster munitions, let's turn our attention to Canada and to this bill, Bill S-225.

Canada participated in the Oslo process that produced the Convention on Cluster Munitions, and advocated for strong provisions on victim assistance and on international cooperation and assistance.

The process and the substance of the convention were modelled on the Ottawa Treaty that banned anti-personnel landmines in the late 1990s. That was a significant international diplomacy achievement for our country, Canada.

Canada signed the Convention on Cluster Munitions on December 3, 2008, and ratified it on March 16, 2015, with it coming into force that September. The convention prohibits the use, production, transfer and stockpiling of cluster munitions. It also requires the destruction of stockpiled cluster munitions within eight years, clearance of cluster munition remnants within 10 years and assistance to victims, their families and affected communities.

The Convention on Cluster Munitions has a total of 110 states parties as well as 13 signatories who have yet to ratify it.

Canada has never produced, nor has it used cluster munitions, although we did purchase them. In accordance with the convention that we have signed, Canada destroyed its stockpile of over 13,000 cluster munitions and 1.36 million submunitions.

Colleagues, the bill we have before us today is a bill which would amend Canada's Prohibiting Cluster Munitions Act.

When Parliament passed Bill C-6 in 2014, there was much criticism from a number of MPs, senators and from Canadian and international expert civil society organizations. The International Campaign to Ban Landmines — Cluster Munition Coalition called it the worst legislation of any state party to that convention. Colleagues, critics have found Canada's legislation to be flawed on two counts.

First, critics said then — and they still assert now — that Canada's cluster munitions law allows for Canada to participate in military operations where cluster munitions are used with other countries which are not signatories to the Convention on Cluster Munitions, including the U.S. — a close ally of ours. This is something known as military interoperability.

Observers indicated that there had been a long, drawn-out, interdepartmental battle largely between the then-Department of Foreign Affairs and International Trade and the Department of National Defence, and that a political decision was taken supporting the Department of National Defence's position on this provision in the law, which ultimately passed on November 6, 2014.

That's the first area of concern. But that's not what this bill is about.

The second area of concern related to our existing cluster munitions law is the omission of a clear and explicit — and I underline "explicit" — provision for prohibiting Canadian investment in companies manufacturing cluster munitions or their components.

• (1650)

Domestic and international critics indicate that Canada's legislation fails to meet the standards of the historic Convention on Cluster Munitions that it is supposed to uphold, and they are surprised that the Liberal government did not act immediately to clean up the law when it came into power in 2015.

Colleagues, the bill we have before us, Bill S-225, addresses one of those two loopholes in our current prohibition of cluster munitions legislation — that matter of investments.

This is the second time Senator Ataullahjan has tried to address this important gap by introducing legislation amending the Prohibiting Cluster Munitions Act.

In 2017, Senators Ataullahjan and Jaffer and former Senator Hubley spoke in favour of the previous Bill S-235 at second reading. The Senate actually referred the bill to the Standing Senate Committee on Foreign Affairs and International Trade, but it did not progress from there.

Senators, as stated so clearly by our colleague Senator Ataullahjan in her recent second-reading speech:

> Bill S-225 aims to bring the Prohibiting Cluster Munitions Act in line with the spirit of the convention. By explicitly prohibiting investments in cluster munitions manufacturing, we would set clear guidelines for Canadian financial institutions . . . .

We know that some of these institutions welcomed this idea over a decade ago. Bill S-225 also closes other related loopholes by prohibiting Canadian financial institutions from loaning funds to the manufacturers, and it prevents them from acting as a guarantor for their loans.

So, colleagues, you might be asking yourselves — as am I — what Canadian companies are these that have been investing in these cluster bomb manufacturers in the U.S. and other countries? Might I, through my investments, be inadvertently causing Canada to be in contravention of this important convention, and might I also be unwittingly contributing to the pain and suffering of innocent people in other countries?

Colleagues, where does the proverbial buck stop?

In the most recent Stop Explosive Investments report issued in 2018, seven Canadian companies had been identified as investors — and I said "had been" because we don't know who is today — in cluster munitions producers. These are: Power Financial Corporation, AGF Management, BMO Financial Group, the Canada Pension Plan Investment Board, Scotiabank, Sun Life Financial and Toronto-Dominion Bank.

In 2016, four Canadian companies, CI Financial, Manulife Financial, Royal Bank of Canada and Sun Life Financial, were identified as being in the so-called Hall of Shame for investing in cluster munitions producers. In that year, the group tracked $12 billion in investments by 49 global firms. Canada is not alone in this.

An updated list of companies should be available in the Stop Explosive Investments report to be released later this year, and it will be very important for all of us to have a look at that report. Let's hope that more companies have moved over from the Hall of Shame to what they have also developed, which is called the Hall of Fame. I'm confident that there has been some movement.

Colleagues, I would like to commend Mines Action Canada, the Cluster Munition Coalition, PAX, Human Rights Watch, the International Committee of the Red Cross, Humanity & Inclusion and all organizations working hard every day to prevent future cluster bomb atrocities, to clear the significant, unexploded ordnance in many regions of the world and to ensure care for victims.

Shining a light on the investors and companies producing these weapons and supporting them to move out of the so-called Hall of Shame into the so-called Hall of Fame is a critical part of this important work. Who would want to do this? I'm sure our Canadian companies don't want to be there.

Colleagues, Canada has a proud history of working with its international partners to create a more peaceful, humane and just world. Preventing human rights abuses and protecting lives is what drives Canada's interest in shaping and joining international efforts to regulate weapons.

In addition to the Convention on Cluster Munitions, Canada is a signatory to other international conventions and agreements on a whole variety of weapons, including biological and toxin weapons, chemical weapons, certain conventional weapons and anti-personnel land mines. Canada is not currently a party to the Treaty on the Prohibition of Nuclear Weapons.

Bill S-225 seeks to improve the way Canada meets its obligations under the Convention on Cluster Munitions. Colleagues, with cluster munitions being deployed in several regions of our world today, and with the flaws identified in our current law, it is time to move this bill along to committee for further study and serious consideration.

Honourable colleagues, before I conclude, I would like to share a quote by renowned Nova Scotian pacifist, feminist, community activist and member of the Order of Canada, the late Muriel Duckworth, who said:

> . . . war is the greatest destroyer of human life, the greatest polluter, the greatest creator of refugees, the greatest cause of starvation and illness. . . . .
>
> I don't know how you reach people who are making money out of making war, who are getting prestige out of making war, who are exerting their power and are getting more power by making war.

Honourable colleagues, with this bill Canada can stop the flow of Canadian money to the manufacturers of these horrific instruments of killing and maiming, and, hopefully, we can influence our international peers by our actions. Ultimately, this is one more step toward saving innocent lives and preventing human suffering.

I can't think of a better reason to move a bill forward. Let's move this forward, colleagues.

Wela'lioq. Thank you.

(On motion of Senator Dalphond, debate adjourned.)

[*Translation*]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Tannas, for the second reading of Bill S-228, An Act to amend the Constitution Act, 1867 (property qualifications of Senators).

Hon. Jean-Guy Dagenais: Honourable senators, I rise today in support of Bill S-228 at second reading. This bill, introduced by Senator Patterson, would eliminate the requirement that senators have a personal net worth of at least $4,000 and that all senators representing a province other than Quebec own real property worth at least $4,000.

In its present form, Bill S-228 does not fix what I would call the constitutional discrimination against all senators from Quebec and only senators from Quebec. With respect to the real property requirements, in order to become and remain a senator, a senator from Quebec must not only own real property in their province of residence, but must also own property in the district or division that they represent. I will come back to this later to explain how this could affect a potential senator from Quebec.

Bill S-228 at least has the benefit of trying to eliminate a selection criterion that could prevent a potential new senator from serving in this chamber.

I do not wish to take up Senator Paula Simons' historical account, going back to ancient Rome, of the reasons that may have induced the fathers of the Constitution to impose economic restrictions on eligibility for the officer of senator. I will simply state that it is no longer 1867 and that, no matter how much effort it takes, it is time to put an end to constitutional criteria that are nothing short of discriminatory for those who could be called to join this chamber.

Considering the condition for entry set in 1867, it is understandable that the first senators of Canada were all rich landowners, businessmen and bankers. The goal at the time was simply to bar a certain class of citizens from becoming senators. Such a clause would not be tolerated today. The eligibility criteria for the Senate must be modernized and updated for 2022.

Let's come back to Bill S-228. I will not dwell on the obstacles that the real property requirement creates for the First Nations, Inuit and Métis peoples of Canada who continue to live on their lands. Senator Patterson clearly explained that the citizens of Nunavut like himself do not own the land on which they live and are therefore excluded from being appointed to the Senate of their country. Because the lands of Nunavut are considered to be a shared asset, this makes the vast majority of its residents ineligible for the Senate.

• (1700)

In 1867, the drafters of the British North America Act that created Canada were inspired by the values of the time, of course. Nonetheless, it is unacceptable that the ability to participate in the politics and democracy of a country like Canada is still governed by archaic rules written in terms that in no way correspond to our demographic reality.

The bill we are studying aims to fix certain elements, at least in part. I would like to come back to the unique situation of Quebec senators.

The Constitution of 1867 gave Quebec 24 Senate seats. However, unlike the provisions for other provinces, where a senator's territory is the entire province in which he or she resides, a Quebec senator is appointed for a particular senatorial district, otherwise known as an electoral division.

In the other Canadian provinces, the real property owned by Senate candidates prior to their appointment can be a residence, a cottage or a plot of land anywhere in the province.

The requirement is quite different in Quebec, as the 1867 Constitution is much more restrictive for Senate candidates in that province. Their property must be located in the electoral division to which they are assigned. I remind you that the province is divided into 24 districts.

Candidates for a Senate seat who reside in their electoral division simply need to own their residence. Anyone who rents is excluded.

That is one kind of discrimination.

Senate candidates who are assigned to an electoral division located outside major centres like Montreal and Quebec City, but who do not live in that division, have a lesser problem because all they need to do is buy a piece of bushland in the electoral division to be eligible for a Senate seat.

That is just as discriminatory because it takes money to do that.

Individuals offered the opportunity to become a senator for one of the two electoral divisions on the island of Montreal face a very different problem if they do not own property there. I am referring to the electoral divisions of Victoria, which I represent and which is located in downtown Montreal, and of Alma, which represents the senatorial district covering East Montreal.

Just like Senator Simons, when I was contacted about a Senate appointment in 2011, I had to scramble to find land or property I could buy to be eligible for the appointment, and I had to do it in record time.

It would undoubtedly have been easier to buy a small plot of land anywhere in Alberta, where Senator Simons lives, or even in Shawinigan. However, on the island of Montreal, or worse yet, in West Montreal, just try to find a piece of land worth $4,000 in 72 hours so you can become eligible to be a senator. Even a plot at the Notre-Dame-des-Neiges cemetery is more expensive than that.

To comply with the real property requirement for senators, I had to buy a condo on Nuns' Island, which I do not live in. Year after year, I have to prove that I am still the owner in order to keep my Senate seat.

I certainly have no intention of making you cry over my predicament, which I fully accept, but those who would like to follow in my footsteps and become a senator from Quebec should never have to potentially be penalized because they are not property owners and they do not have the financial means to quickly buy enough real property to be eligible for a Senate seat.

In 2022, becoming a property owner in Montreal is not accessible to everyone. I would even say it is hard just to be a renter.

Now that we can all recognize that the constitutional requirements from 1867 regarding real property ownership are discriminatory, we can all make a serious effort to fix this. We can at least make a start with Senator Patterson's Bill S-228, which would fix the problem for 9 of the 10 Canadian provinces and for the territories.

However, while we are working on this issue, we could also take serious steps to seek approval from the Government of Quebec to change the Constitution Act, 1867, regarding the eligibility criteria for senators from Quebec, to ensure that they are treated the same as senators from other provinces and territories.

Thank you.

Some Hon. Senators: Hear, hear.

(On motion of Senator Martin, debate adjourned.)

LANGUAGE SKILLS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Housakos, for the second reading of Bill S-229, An Act to amend the Language Skills Act (Lieutenant Governor of New Brunswick).

(On motion of Senator Dalphond, debate adjourned.)

[*English*]

EMPLOYMENT INSURANCE ACT
EMPLOYMENT INSURANCE REGULATIONS

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Pat Duncan: Honourable senators, I rise today from the traditional territory of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

Later today, I will join the Yukon Aboriginal Women's Council, who are hosting the Yukon's MMIWG2S+ — Missing and Murdered Indigenous Women and Girls 2S+ — Family Gathering & Accountability Forum.

Accountability is a quality, a value, a principle of my life in politics and as a Canadian.

Today, I am rising with accountability to speak to second reading of Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island). As senators may recall, I stood and offered the continued stewardship of this bill in the Senate when the sponsor, our former colleague Senator Diane Griffin, rose to move and speak to second reading on March 3 of this year. Today I account to our former colleague and all of you on Bill S-236.

As we heard from the recently retired sponsor and from the critic, Senator Rose-May Poirier, who spoke on April 28, Prince Edward Island has two different Employment Insurance zones, which results in a very skewed and unfair arrangement for those who live on the Island. It is this unfair arrangement, so eloquently described by Senator Poirier and Senator Griffin, that galvanized me to act.

Honourable senators, the EI divisions are in other places in Canada, including in the Yukon Territory. What stands out is how small P.E.I. is in comparison. The small size makes the current arrangement of a coastal region zone completely unfair.

In the Yukon, the capital, Whitehorse, is one region. The rest of the territory is another. This makes sense. The bulk of the population lives in Whitehorse. Whitehorse is the seat of the territorial government; the offices of the Council of Yukon First Nations, a leadership that welcomes all 14 Yukon First Nations chiefs and councillors to the leadership table; the offices of the Kwanlin Dün First Nation, the largest of the Yukon's First Nations and a self-governing First Nation, as is the Ta'an Kwäch'än Council; and the municipal offices of the City of Whitehorse.

More than the seat of governments, Whitehorse also has a busy international airport, the Yukon's largest hospital, and has a retail catchment area that includes the whole Yukon, Southeast Alaska and the northernmost home communities of Inuvik and Tuktoyaktuk, represented by my colleague Senator Anderson.

• (1710)

In short, the opportunities for employment are far different than the closest communities of Haines Junction — which is home to Kluane National Park and Reserve headquarters and the Champagne and Aishihik First Nations government to the west, or Teslin on the Alaska Highway in the south.

The separation of economic regions in the Yukon is understandable. The nearest other employment opportunities in a community are more than 70 kilometres away in Carcross or more than 100 kilometres in larger centres, like Haines Junction or Teslin.

Allow me to relate this economic region argument more closely to our senatorial duties and the time we spend here. The Parliamentary District, previously referred to as the National Capital Region in the Senate Administrative Rules, is "within 100 kilometres of Parliament Hill . . . ."

Prince Edward Island is divided into two economic zones. Charlottetown is one area. There are very few areas of P.E.I. that are 100 kilometres away from Charlottetown. Some Islanders tell me that, in some instances, you may end up in the ocean if you were to travel 100 kilometres from their economic zone. Practically, those who may reside in the Charlottetown area, which includes the towns of Stratford and Cornwall, work outside of the zone they reside in. The reverse is also true: Individuals might work in one economic zone and live in another. This is the situation that prompted me to take on this bill. A completely unfair situation exists in the receipt of EI benefits on Prince Edward Island.

Honourable senators, we have heard from both the critic and the sponsor in more eloquent terms than I have used that this situation skews the EI qualifying hours and eligibility period for benefits based on residential address, even if workers are employed at the same workplace. In the impact assessment accompanying the amending regulation published in the *Canada Gazette* on July 2, 2014, it shows the expected effect of the change in the Charlottetown zone and how, out of a projected 6,560 EI applicants, 5,450 would have their benefits reduced by more than $2,000. Meanwhile, in the other zone of P.E.I., of a total of 15,070 projected claimants, 9,150 would see an increase of approximately $1,620 in their benefits.

Honourable senators, in a June 2016 report titled *Exploring the Impact of Recent Changes to Employment Insurance and Ways to Improve Access to the Program*, the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities made the following recommendation:

> The Committee recognizes that the recent division of Prince Edward Island and each of the territories into two distinct EI economic regions has had negative consequences on the well-being of these communities, and for that reason, the Committee makes the following recommendation:
>
> RECOMMENDATION 6
>
> The Committee recommends that the federal government reconsider the new employment insurance economic regions created in 2014, and that previous boundaries be restored.

Honourable senators, we have also looked at this issue in the Senate's National Finance Committee. On May 25, 2021, the Standing Senate Committee on National Finance heard testimony from the mayors of the three municipalities mentioned above, where the mayor of Charlottetown brought up the election promise made by member of Parliament Sean Casey to reverse the current two zones. Furthermore, the Standing Senate Committee on Social Affairs, Science and Technology made the following observation in a June 7, 2021 report on the subject matter of Bill C-30, An Act to implement certain provisions of the budget tabled in Parliament on April 19, 2021 and other measures:

> Your committee heard that the Department of Employment and Social Development Canada is aware of concerns regarding multiple Employment Insurance Economic Regions in small geographic areas, such as the two EI Economic Regions in Prince Edward Island. Your committee is concerned about inequities between these EI Economic Regions, despite the temporary relief provided by current COVID-19-related measures, and therefore suggests that the Government of Canada explore solutions to address these inequities.

Recently, we received correspondence from the Government Representative in the Senate about the review of the entire EI system. Phase 1 is concluded, and phase 2 is underway. There is no mention of the peculiar situation in P.E.I. in the phase 1 report. Considering this is a comprehensive review, it is not certain that it will include the very specific situation in P.E.I. Considering the unfairness of the current regime, I suggest the relatively simple amendments that are proposed by Senator Griffin are an elegant, worthwhile solution.

I respectfully remind honourable senators of the considerations by the House of Commons and our own Senate committees that I noted earlier in my remarks. I have listened carefully to my colleagues and observed in my relatively short time in the Senate the excellent work of the Senate committees. I appreciate their advice that, although two Senate committees and the House have made recommendations on this matter and those committees have heard from Islanders — as I have — we must be thorough in our review and examine the legislation itself carefully. That legislation is, of course, Bill S-236.

Some senators feel that the Social Affairs Committee is the best committee to conduct such a review. At the National Finance Committee — guided by our principles of transparency and accountability, enunciated at most meetings by our able chair, and having heard from witnesses like the elected mayor of Charlottetown on this issue — some of us would like to complete this review. However, upon examination of the matters currently before the Social Affairs and National Finance Committees, there is neither the time nor space, nor is there an ability to create the space, for a review of Bill S-236. Currently, there is an ability, as well as the time and space, for the Agriculture and Forestry Committee to examine Bill S-236. I have to emphasize the "currently" with respect to this study.

Colleagues, this situation has existed since 2014. It was briefly ameliorated during the pandemic with the return of cruise ships to P.E.I., the tourism season and spring planting — in short, the return of seasonal employment. This rural-urban divide that artificially and unfairly divides Islanders in their receipt in EI benefits must end. Delaying this study when there is a Senate committee eminently capable of reviewing it perpetuates the problem.

Earlier today, we heard senators speak of the need for urgency in referring other bills to Senate committees for expeditious review. I do not suggest that this issue is of national urgency. I

do suggest it is urgent to Islanders, our fellow Canadians, and that the tools exist for senators to address this matter expeditiously. Today, I ask that we do so.

Senators will recall that I often stand and say that I am grateful for the opportunity to speak to you. Today, my grateful journal reminded me to be authentic and true to what drives you and to use this passion to do good for the people, places and spaces around you. I believe I have been authentic today in my passion for seeing fairness for the Islanders in their receipt of EI benefits. With the passion that I have for the Senate doing good work, I would respectfully ask for us to support the passage of Bill S-236 today and its subsequent referral to the Agriculture Committee.

Mahsi'cho. *Gùnálchîsh*. Thank you.

(On motion of Senator Martin, debate adjourned.)

• (1720)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY THE ASSISTED HUMAN REPRODUCTION LEGISLATIVE AND REGULATORY FRAMEWORK

On the Order:

> Resuming debate on the motion of the Honourable Senator Moncion, seconded by the Honourable Senator Simons:
>
> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the Canadian assisted human reproduction legislative and regulatory framework and any other related issues deemed relevant by the committee, when and if the committee is formed; and
>
> That the committee submit its final report on this study to the Senate no later than October 31, 2023, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO AMEND SECTION 2 OF CHAPTER 4:03 OF THE *SENATE ADMINISTRATIVE RULES* ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Marwah, seconded by the Honourable Senator Duncan:
>
> That section 2 of Chapter 4:03 of the *Senate Administrative Rules* (SARs) be amended by adding the following after subsection (2):
>
> "(3) During periods of prorogation and dissolution, the senators who were members of the Subcommittee on Agenda and Procedure of the Committee of Selection on the day on which Parliament was prorogued or dissolved may exercise collectively the powers of the Committee of Selection under subsection (2).
>
> (4) If a senator referred to in subsection (3) retires, resigns or otherwise ceases to be a member of a particular recognized party or recognized parliamentary group for any reason during a period of prorogation or dissolution, he or she simultaneously ceases to be a member of the Committee of Selection for the purposes of subsection (3), with the resulting vacancy to be filled by the leader or facilitator of the party or group to which the senator had belonged."

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CHALLENGES AND OPPORTUNITIES OF CANADIAN MUNICIPALITIES

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Simons, calling the attention of the Senate to the challenges and opportunities that Canadian municipalities face, and to the importance of understanding and redefining the relationships between Canada's municipalities and the federal government.

Hon. Brent Cotter: Honourable senators, I rise to speak in support of the thrust of Senator Simons's inquiry regarding municipalities in Canada. I will speak to five themes in my remarks. So that the thread will not be lost — and particularly not

lost to me — I will announce them as I get to them. The five themes are identity; history; economic and social influence; autonomy and subsidiarity and community.

You will be familiar with speakers whose remarks proceed from the sublime to the ridiculous. Today I will try to do the opposite; that is, I will start with the ridiculous and try to move to the sublime. Wish me luck.

I have two stories about identity. In September 1971, I had taken the train from Saskatoon to Halifax. It was my first day of law school at Dalhousie University. I was sitting in the student lounge. My future friend Senator Wetston was probably there, but I didn't know him at the time. Indeed, I knew no one. I was extremely insecure and unsure of myself.

Another student walked over and introduced himself to me. He said, "Hi, I'm Jim McPherson." I introduced myself and he then asked where I was from. I replied, "Moose Jaw." And he said he was from Lunenburg. He said, "We have many traditions and ways of being in Lunenburg, and I am sure you have many traditions and ways of being in Moose Jaw; but," he said, "one of the traditions that we don't have in Lunenburg is that we don't go around with our flies down."

I run the risk in telling this story that you will only remember that punchline and in future check whether my fly is down. But I'd like you to remember a different point, at least for today.

When it came to identifying ourselves, both Jim and I referenced the town or city we were from — where, essentially, our identities started.

Here's a more serious story: I served for a number of years as the Deputy Minister of Intergovernmental and Aboriginal Affairs in the Government of Saskatchewan. During the first year in the position, I was invited to make a presentation to the provincial cabinet and the premier. I wanted to make my first point regarding isolation; that is, the two solitudes that existed and, in my view, still exist between Indigenous and non-Indigenous communities and people in Saskatchewan, and to communicate something that had bothered me for years.

I handed out to each cabinet minister and the premier a Saskatchewan highway map and asked them to locate on the map the village of Herschel, Saskatchewan. Everybody found it within seconds. It was the home of my then-minister Bernie Wiens, a village of perhaps 30 people.

I then asked them to find "IR41." There followed much confusion. I gave hints. We eventually got there: IR41 is the Poundmaker Cree Nation, a community at that time of 1,041 people with an historic and honourable name in our history. I have a portrait of Chief Poundmaker in my office. But our highway maps dignified this community with a number, and not even a name. To the credit of Premier Romanow, he immediately pointed to the Minister of Highways and said, "fix this." He understood that our identities are deeply connected with our communities.

We identify with our communities. We take pride in them. Our communities matter. Their health and prosperity matter today more than ever.

My next theme is history. In 1867, Canada was a predominantly rural country. Nearly 85% of Canadians lived in rural areas. Ottawa was a town of 18,000. Our biggest city, Montreal, had a population of 107,000; and Toronto, 56,000. In case you are wondering, Moose Jaw, in 1867, had a population of zero. It didn't then exist.

Towns and cities were not unimportant in 1867, but they were not what they are today. It is not surprising, therefore, when the British North America Act, 1867 was written, civic leaders were not at the table and matters of local concern were assigned not to these relatively insignificant towns and cities, but to provinces. And as we have seen only too clearly in recent court cases, towns and cities — essentially the creations of provinces — even as large as Toronto are sometimes left to the whims of provincial inclination.

Today we see a complete reversal of that picture. Residents of urban areas now make up over 80% of the Canadian population, a percentage that has been rising almost uninterrupted for decades. The town of Ottawa, that 18,000-person town, is now home to 1,017,000 people. Toronto's population, that 56,000-person place, is now 2.794 million people. The city of Moose Jaw, I'm sure you are anxious to know, is the home of 33,655 wonderful people.

Now, on to economic and social influence. Our towns and cities are nothing like the communities of 1867. They are much larger, more dynamic, more central to our culture and more engaged in the delivery of services to our citizens. Urban centres are now more than ever engines of our economy. There are a few highlights to emphasize the point.

The City of Saskatoon operates the largest bus service in Saskatchewan. The budget of the City of Toronto is $13.53 billion. In Toronto there are over 800,000 businesses. It is home to 38% of Canada's business headquarters and a $364 billion economy which represents 20% of Canada's GDP.

Remarkable as that seems, urban Canada continues to grow and prosper, despite its modest status constitutionally as creatures of the provinces, an historical curiosity of 105 years' standing.

As we hear from civic leaders and the Federation of Canadian Municipalities on a regular basis, it is a challenge for them. For example, the revenue backbone of our Canadian municipalities is property taxes. They account for 32% to 60% of the municipal revenue depending on the city and the province.

It often feels to me that the two key revenue sources for my city of Saskatoon are property taxes and parking tickets; sadly, I contribute to each.

More seriously, we need to take these issues seriously in a principled and long-term way.

The next theme of my speech is subsidiarity. One of the governing principles in the establishment of our country was that of subsidiarity; that is or was that functions performed effectively by subordinate or local organizations — here, I invite you to

think of towns or cities — belong more properly to them than to the dominant central organization. Here I invite you to think of the provincial or federal government.

This was the central basis upon which, in the assignment of powers in the Canadian constitution, matters of a so-called local or private nature were assigned to the so-called subordinate organization at that time — the provinces, but not towns or cities.

• (1730)

When one thinks about the present, however, if we were to design a governance regime for our country on the basis, among others, of the principle of subsidiarity, we would be likely to provide much greater responsibility and autonomy to our urban governments.

Now, we are not going to rewrite the Constitution to restructure this modern reality through constitutional means, but there are other ways. Many have reflected on how this might be done. I don't have a magic-bullet answer, but it must be based on a recognition — and partnerships on the part of the federal and provincial governments — to achieve organized, structural and stable modernization of the legal and governance authorities for towns and cities, as well as stable, long-term access to fiscal resources, to enable our cities to deliver so many government services critical to our citizens. This should include long-term fiscal framework agreements — not so much piecemeal but long-term fiscal framework agreements. It should include structured access to new revenue sources. It could include new authorities for our cities.

Let me provide one example, which we discussed at the Agriculture and Forestry Committee a short while ago with Mayor Braun of the City of Abbotsford. I served for a few years as Saskatchewan's deputy minister of municipal affairs. As I mention these different positions, you might be thinking, "This is a guy who couldn't hold a job," and you might be right.

In my first year there, we rewrote The Cities Act of Saskatchewan to give cities the status and authority, within limits, of "natural persons" — essentially turning the grant of governing authority upside down. Rather than granting only specific powers, The Cities Act gave urban municipalities in Saskatchewan sweeping authority except where specifically limited in the legislation.

There are many other ideas out there to strengthen and vitalize our cities from wiser commentators than me.

My last point is about community. All of these ideas, and many other possibilities, are proffered to strengthen our communities — and it cannot be overstated how important that is for us, for our communities and for our country.

I am reminded of remarks delivered in a slightly different context by my friend John Whyte but which I think are relevant to this important conversation, particularly in terms of what governments can and must do together to build our society and country. Mr. Whyte once said, more eloquently than I could ever do:

> A nation is built when the communities that comprise it make commitments to it, when they forego choices and opportunities on behalf of a nation, . . . when the communities that comprise it make compromises, when they offer each other guarantees, when they make transfers and perhaps more pointedly, when they receive from others the benefits of national solidarity. The threads of a thousand acts of accommodation are the fabric of a nation. . . .

In conclusion, let me say simply that we at all levels of government owe to our municipalities acts of accommodation — acts that benefit us all and that, woven together, comprise the fabric of a wonderful nation. Thank you, *hiy hiy*.

(On motion of Senator Martin, debate adjourned.)

(*At 5:34 p.m., the Senate was continued until May 31, 2022, at 2 p.m.*)

APPENDIX

DELAYED ANSWERS TO ORAL QUESTIONS

FINANCE

BANKRUPTCY AND INSOLVENCY ACT

(*Response to question raised by the Honourable Diane F. Griffin on February 21, 2022*)

The government continuously monitors Canada's insolvency laws to ensure that they remain responsive to the needs of Canadians and marketplace developments.

With respect to the treatment of Registered Education Savings Plans (RESPs) under the *Bankruptcy and Insolvency Act*, it is important to note that the RESP features that provide flexibility in case a child does not pursue further studies also increase the risk that an RESP could shelter assets from creditor claims in a bankruptcy, without ensuring that RESP funds would benefit the child. RESPs as currently structured are not "locked in" – the subscriber can access contributions at any time, and RESP funds can be used for non-educational purposes. As part of our monitoring of insolvency laws, we will continue to look for any changes in RESPs, such as a lock-in mechanism, that could allow for an equitable balancing of interests among creditors and RESP beneficiaries, while preserving the integrity of Canada's insolvency regime.

CHARITABLE SECTOR

(*Response to question raised by the Honourable Tony Loffreda on March 24, 2022*)

CANADA REVENUE AGENCY (CRA)

The disbursement quota (DQ) is determined as 3.5% of a charity's assets that are not used directly in charitable activities or administration, subject to certain thresholds. These assets are reported at line 5900 of Form T3010, but line 4140 can also be used to estimate these assets.

An analysis of 2019 T3010 data found that of the 14,918 charities that appeared to meet the asset thresholds, approximately 82% met their DQ requirement. However, these statistics are only estimates, as the data provided by charities in their Form T3010 has not necessarily been verified for accuracy by the CRA. Generally, an audit would be required to determine whether a charity is subject to, and met, the DQ requirement.

Some charities may not meet their DQ for various reasons – for example, they may experience operational difficulties which limit their ability to expend funds. Charities can request a DQ reduction if they experience circumstances beyond their control and have exhausted other means to make up a DQ shortfall. On average, the CRA receives three of these requests per year.

INDUSTRY

STATISTICS CANADA

(*Response to question raised by the Honourable Rosemary Moodie on April 5, 2022*)

Within the first year of the Disaggregated Data Action Plan, Statistics Canada released new data disaggregated by specific racialized groups, Indigenous persons and women by improving and expanding data collection of key surveys, including the Labour Force Survey, Canadian Community Health Survey, General Social Survey and the new Canadian Survey on Business Conditions. Population projections for Indigenous persons and racialized groups have been developed for the next several decades. Groups have been engaged to develop options for appropriately collecting and disseminating data on interactions with police. Based on 2021 Census data, Statistics Canada released its first comprehensive profile of the gender-diverse population on April 27. Access to all the data is provided through the enhanced website of Statistics Canada's Gender, Diversity and Inclusion Statistics Hub. The Disaggregated Data Action Plan allows for a deeper understanding of the socioeconomic conditions and lived experiences of sub-populations and its information is already being taken into account in decision making.

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