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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, October 19, 2022

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

Prayers.

SENATORS' STATEMENTS

MUNICIPAL ELECTIONS

Hon. Bernadette Clement: Honourable senators, on Monday, October 24, Ontarians will go to the polls to elect their municipal councils — well, not all Ontarians.

According to the Association of Municipalities of Ontario, voter turnout in 2018 was the lowest since 1982, with an average of 38.3%. In British Columbia's municipal elections, just a few days ago, voter turnout was around 37%.

[*Translation*]

In my community of Cornwall, there are 10 council seats. Of the 27 candidates, only five are women.

[*English*]

Now, I could share more statistics, disappointing data around the number of acclaimed seats, the lack of diversity in council chambers and the overall lack of engagement with municipal politics, but I've always said that this is about love. Running in an election and dedicating time to public life is an act of love. I'm an optimist. I believe that the numbers only tell one part of the story. The people tell the other part.

Over the last few months, I've met with many folks running for office in this region. Many of them are new to the world of politics. They're young and energetic. They represent folks who aren't often visible in council chambers. They give me hope.

They are willing to face a mounting barrage of online harassment — abuse that is dissuading a growing number of potential candidates. It's the same abuse that I've experienced and that many of my esteemed colleagues have experienced as well. These candidates are willing to work long hours with very little recognition from the community for their efforts. They are willing, and we need them.

Municipal councils do it all. Nation building doesn't just happen here. It happens one municipality at a time. What's more, they're clearing snow, operating swimming lessons, ensuring drinking water is clean and safe, building relationships with neighbouring municipalities and Indigenous communities and driving economic development.

Honourable senators, I'm standing up to speak to this today to remind us all how important local leadership is.

I continually encourage people to run. Now I'm asking — no, urging — the people of Ontario to vote on October 24. Go vote!

Vote, because all politics is local. Vote, because your local candidates who are running for you need your support. Vote, because nothing will have a bigger impact than the decisions made by your municipal council. Thank you. *Nia:wen*.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague and friend, the Honourable Lillian Éva Dyck. She is accompanied by her son, Nathan.

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

Hon. Senators: Hear, hear!

[*Translation*]

TRIBUTE TO INDIGENOUS ARTISTS

Hon. Michèle Audette: Good afternoon, colleagues.

[*Editor's Note: Senator Audette spoke in Innu.*]

First of all, I would take a moment to express how proud I am to be able to honour today the Teweikan Gala artists, musicians and, of course, the organizers of the event, the Société de communication Atikamekw-Montagnais, or SOCAM.

The event took place in Sept-Îles on October 7, at the Jean-Marc-Dion Concert Hall. The 4th edition of this gala honoured numerous artists and musicians, all of whom sang in their Indigenous language. This grand tribute enabled them to share their mission, their passion, beautiful sounds and, of course, their language.

This 4th edition, in partnership with Aluminerie Alouette, also paid tribute to the men who play the *teueikan* drum and to the incredible women who contribute to the preservation of Indigenous languages, including my mother.

I would like to take this opportunity to thank this communications company, SOCAM, and in particular Florent Bégin, a dedicated Innu man who has organized this gala for several years now.

• (1410)

There are also people I know, people I've come to know, and I would like to congratulate them on the awards they won at the Teweikan Gala. They are Kathia Rock, Laura Niquay, an Atikamekw woman, Petapan, an Innu group from Pessamit, Samian, from Pikogan, Scott-Pien Picard and Florent Vollant.

It is always a pleasure for me to share beautiful and positive things with you, things that are still very much alive. We must remember that music transcends all territories, even here in the Senate.

I encourage everyone to listen to all of this beautiful music, and once again, thank you to SOCAM and to everyone who helped make this gala possible.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Deborah Bisnaire and Abigail Chelchowski, granddaughter and great-great-granddaughter of former senator Edgar Sydney Little, and Scott, Patricia and Kendra Allen. They are the guests of the Honourable Senator Black.

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

Hon. Senators: Hear, hear!

INTERNATIONAL ASSOCIATION OF PROGRAMS FOR AGRICULTURAL LEADERSHIP

Hon. Robert Black: Honourable senators, I rise today to highlight the work of the International Association of Programs for Agricultural Leadership, which is hosting its annual meeting here in the nation's capital this week. I have had the pleasure of being previously associated with this group for over 12 years, and, while I am no longer a leadership director, I have remained connected with this important organization.

The International Association of Programs for Agricultural Leadership, otherwise known as IAPAL, was founded in 1987 in Arkansas and is a professional consortium of agricultural, rural and urban leadership program directors, but I would say it's much more. It's truly a family — a family of peers and of leaders — and I am honoured to have been involved with this program before being called to the Senate. I continue to be kept abreast of their work to this day.

The program was initially created for agricultural leadership programs in Canada, the U.S., Australia and Scotland, but IAPAL expanded their scope in 2017 to include Nuffield International. I am proud to say that IAPAL now celebrates 52 leadership programs with immense capacity for global interface. Their core mission is to provide a forum for leadership directors to share information, opportunities and challenges. Above all, it is a support network of the highest quality for all who are involved.

[Senator Audette]

Over the course of this week's events, they will award the Outstanding Leadership Program Director Award. I was honoured to receive this award in 2013 in New Orleans. Countless leaders of rural and agricultural organizations from all walks of life — from farm fields to research and innovation professionals to rural tourism and agricultural tourism experts — will have the opportunity to connect during their time in these leadership programs. They will learn valuable skills that they will take back to their communities to be well used.

Honourable senators, I would like to share a story about the 2014 IAPAL meeting in Kentucky that, in my opinion, truly showcases the support that IAPAL members offer to each other. It is especially timely to share this as we approach the anniversary of the shooting that took place on Parliament Hill which took the life of Corporal Nathan Cirillo.

While I was not yet appointed to this chamber, the events of October 22, 2014, shocked me just the same. After we learned of the tragic incident, members of my IAPAL family gathered around an Ontario colleague and me to relay their thoughts and prayers and to comfort us. Their acts of compassion and kindness make me emotional to this day — all the more now that I serve Canadians on Parliament Hill. I certainly tried to return that favour on January 6, 2021, with my U.S. colleagues. I know that, in good times and bad, IAPAL members are there for each other.

Thank you. *Meegwetch.*

CLEAN50 AWARDS

Hon. Mary Coyle: Honourable senators, I rise today to regale you with more good news coming out of my home province of Nova Scotia.

This year, three national Clean50 awards were handed out to Nova Scotians: Dr. Dave Risk of St. Francis Xavier University, recognized in the Education & Thought Leadership category; Shannon Miedema and the City of Halifax for its climate action plan called HalifACT in the Cities and Top Projects categories; and Clean Foundation of Halifax for its Clean Energy Financing program for homeowners, which works through municipalities.

The Clean50 awards recognize leaders from across Canada who have done the most to advance climate action and develop climate solutions. Our colleague, Senator Rosa Galvez, was previously recognized with a Clean50 award.

Dr. David Risk and his Flux Lab at St. Francis Xavier University — which happens to also include my daughter, Lindi Coyle — was recognized for delivering societally relevant science at scale. They recently completed the largest bottom-up oil and gas measurement study of its kind in the world as they measured the methane emissions of over 7,000 sites across six major oil and gas-producing regions in Canada.

The resulting data sets will be crucial for improving Canadian inventories and drafting regulation to achieve emission reduction targets within our country and around the world. Also working in the Arctic to measure the gases associated with permafrost decay and conducting measurements in the waste sector, Dr. Risk's Flux Lab website says:

Whether by foot, truck, drone, robot, plane, or satellite, we work to improve the measurement of greenhouse gases.

Now, to the provincial capital, the city of Halifax, which was voted the Clean50 Top Project of-the-Year in all of Canada for its ambitious and inspirational plan HalifACT: Acting on Climate Together. On January 29, 2019, Halifax declared a climate emergency and began a careful, comprehensive and participatory process to develop a plan to get city operations to net-zero emissions by 2030 and the whole city to net zero by 2050. Approved by council in June 2020, the HalifACT initiative focuses on mitigation, adaptation and resilience for this coastal city and includes a set of 46 actions to help the city meet its goals. The main components are retrofitting existing buildings, building net-zero new buildings, installing rooftop solar, developing large-scale renewables and electrifying transportation.

Honourable senators, please join me in congratulating Shannon Miedema and her team at HalifACT, the Clean Foundation of Halifax as well as Dr. David Risk and his Flux Lab team at St. Francis Xavier University in Antigonish. These impressive climate solutions are making a difference.

Wela'liog. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the board of directors and leadership staff of the Canada Fetal Alcohol Spectrum Disorder Research Network. They are the guests of the Honourable Senator Ravalia.

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

Hon. Senators: Hear, hear!

FETAL ALCOHOL SPECTRUM DISORDER

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I rise today on behalf of Senator Duncan and myself to help recognize the tremendous efforts of the Canada Fetal Alcohol Spectrum Disorder Research Network. With interdisciplinary collaborators, researchers and partners across the nation, they work together to address the nationwide gaps in the diagnostic and treatment services available to individuals with fetal alcohol spectrum disorder, or FASD, and to improve the lives of those who are affected. The group is also Canada's first comprehensive national FASD research network.

Fetal alcohol spectrum disorder is a complex and lifelong disability. It is the leading cause of neurodevelopmental disability in Canada, affecting 4% of the population. For context,

more individuals live with the disorder than with autism, cerebral palsy, Down syndrome and Tourette syndrome combined. Those affected may face challenges with motor skills, physical health, learning, memory, attention, communication, emotional regulation and social skills.

Further measures can and should be taken to address and foster positive outcomes. Currently, access to diagnostic clinics, interventions and supports is patchy at best across our nation. The immense variation of symptoms and the complexity of the challenges associated means that a multidisciplinary diagnostic approach is required to diagnose the disorder, and that each individual requires a comprehensive, tailored plan to address their unique and specific needs.

• (1420)

Representatives from the Canada Fetal Alcohol Spectrum Disorder Research Network, or CanFASD, are in Ottawa this week for meetings with members of Parliament, senators and government officials to discuss initiatives to address fetal alcohol spectrum disorder. I would like to thank them for their continued efforts in ensuring that individuals affected by the disorder and their caregivers have the supports that they need.

Through interdisciplinary collaboration, we must continue to work toward standardizing guidelines, improving diagnostic criteria and data, as well as enhanced reporting tools that allow us to expand knowledge bases and facilitate information exchange that will continue to increase both public and professional awareness.

Please join me in acknowledging the representatives who have joined us here today in the gallery. Thank you. *Meegwetch.*

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Professor David Wright of the University of Calgary and his wife, Christina Lin Wright. They are the guests of the Honourable Senator Woo.

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

Hon. Senators: Hear, hear!

[*Translation*]

WOMEN'S HISTORY MONTH

Hon. Pierre-Hugues Boisvenu: Honourable senators, I am honoured to rise today to speak to you in memory of my dear mother Monique. My mother had 10 children, taught for 35 years and died at the age of 92. To me, she was a shining example of motherhood and of an emancipated, courageous family woman.

In 1927, when my mother was only seven years old, five women that are now known as the Famous Five launched a legal challenge that marked a turning point in the fight for rights and freedoms in Canada. Ms. Murphy, Ms. McClung, Ms. McKinney, Ms. Muir Edwards and Ms. Parlby, five women activists from Alberta, asked the Supreme Court of Canada to determine whether the term “persons” in section 24 of the British North America Act included women.

After five weeks of deliberations, the Supreme Court ruled that the term “persons” did not include women. Outraged by this decision, the Famous Five refused to give up the fight. They took their case before the Judicial Committee of the British Privy Council in London, the highest court of appeal in Canada at the time. On October 18, 1929, the ruling was announced by Lord Sankey, Lord Chancellor of Great Britain. It read as follows:

The exclusion of women from all public offices is a relic of days more barbarous than ours. And to those who would ask why the word “persons” should include females, the obvious answer is, why should it not?

Persons Day represents a particular moment in Canadian history. It commemorates that day in 1929 when the legal definition of the term “person” was changed to include women. The decision in the Persons Case was a decisive moment in the quest for equal rights in Canada by giving women the right to be appointed to the Senate, paving the way for women to become more involved in public and political life in Canada.

Over the years, statues of the Famous Five have been erected throughout Canada, namely in Winnipeg, Calgary and here in Ottawa, near the entrance to the Senate.

October is Women’s History Month in Canada. This is a time to celebrate the brave women of our past and present who contribute to making Canada a better country. This better Canada must also and above all demand that we protect the women who no longer accept being trapped by domestic violence. In my eyes, they are today’s brave women.

In 1992, the Government of Canada designated October Women’s History Month, thereby kick-starting an annual celebration of the exceptional accomplishments of women and girls throughout Canada’s history.

Yesterday, we marked the thirtieth anniversary of Women’s History Month, and this occasion reminds us that we must protect women. Thank you.

[English]

ROUTINE PROCEEDINGS

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

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUBJECT MATTER

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

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

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

[Translation]

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 25, 2022, at 2 p.m.

[English]

NATIONAL FRAMEWORK FOR FETAL ALCOHOL SPECTRUM DISORDER BILL

FIRST READING

Hon. Mohamed-Iqbal Ravalia introduced Bill S-253, An Act respecting a national framework for fetal alcohol spectrum disorder.

(Bill read first time.)

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

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

NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE OPERATION, APPLICABILITY AND FUNCTIONALITY OF THE EMERGENCIES ACT

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

That the Standing Senate Committee on National Security, Defence and Veterans Affairs be authorized to examine and report on the operation, applicability, and functionality of the *Emergencies Act* in a modern context, as well as the robustness of parliamentary supervision it provides for and its interaction with the rules and procedures of the Senate; and

That the committee submit its final report no later than September 28, 2023.

QUESTION PERIOD

NATIONAL DEFENCE

ARCTIC SOVEREIGNTY

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, yesterday General Wayne Eyre appeared before the defence committee in the other place. In his testimony, he reminded Parliament of the importance of reinforcing Canada's sovereignty and security in the Arctic in the face of the increasing threat of Russia and China in that region.

The general said:

... in the decades to come, that threat, that tenuous hold that we have on our sovereignty at the extremities of this nation, is going to come under increasing challenge.

As of 2021, Canada only spends about 1.4% of GDP on the military despite a long-standing Russian and Chinese military buildup.

Leader, the only measure that your government is belatedly taking is to promise to upgrade the North Warning System. But even that, leader, has no timeline.

Why is the government so intent on ignoring a growing threat?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The answer is the government is not ignoring this threat, quite the contrary. The government is making landmark investments to increase our ability to operate in and defend the Arctic. These include a \$38.6 billion plan to modernize our continental defences. This is the most significant update to Canadian North American Aerospace Defense Command, or NORAD, capabilities in almost four decades, colleagues.

• (1430)

The government has awarded a \$122-million contract to strengthen the CFS Alert. It is conducting joint exercises in the Arctic. It is purchasing six Arctic and offshore patrol ships and it is enhancing surveillance and intelligence capability in the Arctic with 88 fighter jets.

The Canadian government will remain firm in defending our sovereignty in the North, the peoples and communities in the North and our national interests.

Senator Plett: Leader, under the previous government, the Arctic was treated as a priority. Then your government came to power, and this was largely neglected. Every defence measure currently under way — whether it's building the new Arctic patrol ships, the naval facility in Nanisivik or an Arctic training centre — these were all initiated by the previous Conservative government, Senator Gold. Since that time, we have seen absolutely no progress apart from empty promises of replacing our fighter jets, starting construction on the planned Arctic icebreakers for the Coast Guard and replacing our submarines — empty promises.

I reiterate my question, leader: Why is the government so intent on ignoring the growing security challenges we face?

Senator Gold: The government is not ignoring this. The government's expenditures on defence have been increasing and continue to increase well above the levels of the previous government — the rhetoric notwithstanding.

I shall remind colleagues of the increases in total defence dollars spent by the current government since 2015: \$23.9 billion in 2015, \$23.47 billion in 2016, \$30.76 billion in 2017, \$29 billion in 2018, \$29.95 billion in 2019, \$31.64 billion in 2020 and \$33.67 billion in 2021.

[Translation]

PUBLIC SAFETY

ILLEGAL IMMIGRATION

Hon. Pierre-Hugues Boisvenu: My question is for the Government Representative in the Senate. According to a damning report by the Auditor General of Canada, in 2020, the

Canada Border Services Agency lost track of 35,000 illegal immigrants who were supposed to be deported, including 3,000 criminals. The report stated the following:

[The agency] issued immigration warrants for their [foreign nationals'] arrest but seldom completed the . . . investigations to locate those with criminality.

Last December, the CBSA disclosed a similar figure for 2022. It has lost track of 29,719 illegal immigrants, but only 469 of them are criminals, not 3,000. That is a difference of 2,531.

Can you tell me the exact number of illegal criminals whose whereabouts are unknown to the CBSA? Can you provide the list of the 2,500 criminals who were deported?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I don't have the numbers you're after, but I will do my best to get them. I will get back to you with a report and an answer to the question as soon as possible.

Senator Boisvenu: I have a supplementary question. It is true, Senator Gold, that this is a troubling issue for public safety, so you must get back to us quickly with some numbers, especially since we're talking about offenders who have very serious criminal records, including crimes like homicide and sexual assault, and who are now walking our streets.

Will the Department of Public Safety show some transparency and compel the agency to disclose the real numbers, which so far it has refused to make public?

Senator Gold: Thank you for the question. I will add that to my list of questions for the government.

[English]

TRANSPORT AND COMMUNICATIONS

BUSINESS OF THE COMMITTEE

Hon. Yuen Pau Woo: My question for the Chair of the Standing Senate Committee on Transport and Communications is as follows: Senator Housakos, in a fundraising letter that you sent to, by your account, hundreds of thousands of Canadians, you describe Bill C-11 as a censorship law. This use of hyperbolic language has the effect of labelling witnesses who are in favour of the bill as supporters of censorship.

Senator Housakos, this is, at best, name-calling; at worst, it creates a chill for witnesses who are favourably disposed to Bill C-11.

How can this chamber and how can Canadians have confidence that you will honourably chair this committee so that we will have a fair, impartial and expedient review and investigation of this bill?

Hon. Leo Housakos: Senator Woo, your partisanship has no bounds. At the end of the day, why weren't you ripping your shirt in indignation when you've had committee chairs who are in

favour of government legislation? You take exception to chairs of committees — the few chairs of committees that the opposition has in this chamber — who oppose government legislation.

I will repeat what I said yesterday in answer to a question. In this chamber, every senator is equal, regardless of their position. We have a privilege and obligation to articulate on bills, policies and motions as chairs of committees. For the information of this chamber, the significant difference between this chamber and the House is that even our own Speaker is not an arbitrator; he is a barometer of consensus. He can participate in debate and can also vote. That precedent and existence of our rights and obligations should be respected by all senators.

When I articulate my position against a bill, I do that as a senator. I can assure you, as chair of our committee, that all procedures and rules have been respected. Free debate and questioning of all witnesses have been encouraged to the point where I will stand firm that every stakeholder who wants to appear before the committee to articulate for or against will have that right. I hope that every senator on the committee will respect that privilege — yourself included, Senator Woo. That's called democracy. If you provide any indication of where there's been a preference by the chair in terms of stifling opposition or favour to this bill, I would love for you to point it out to this chamber.

Senator Woo: I'm not aware of any chair of a Senate standing committee sending a fundraising letter and using inflammatory language as part of that person's duty in chairing such a committee.

Senator Housakos, I take it you are committed to discharging the work of this committee in a responsible and honourable way. Tell us, then: What are you doing to ensure that this committee and the proceedings in this chamber — including discussions with your leader and caucus — that we will, in fact, get to the promise that leaders signed of a third-reading vote on November 18?

Senator Housakos: Senator Woo, I know you're more preoccupied with the machinations of leadership in this place. I'm preoccupied with democracy and making sure all stakeholders are heard.

I can assure you, as chair, that all Canadian stakeholders who want to express themselves freely on any side of the debate will have an opportunity to do so. If you feel otherwise and you want to put parameters or leadership wants to put parameters, of course, the committee is at the whim of this chamber.

PUBLIC SAFETY

SUPPORT FOR VICTIMS OF HURRICANE FIONA

Hon. Ratna Omidvar: My question is to Senator Gold, the representative of the government in the Senate.

Senator Gold, I want to pursue the line of questioning undertaken by Senator Francis yesterday about the Maritimes and, particularly, about Prince Edward Island.

We all know how the people of the Maritimes are struggling to get their lives back. The situation is difficult and complex. The people of Canada are generous. They have opened their hearts and minds and wallets to the people of the Maritimes, and the Canadian government is matching their donations for disaster relief.

Senator Francis also noted that the Canadian Red Cross — the primary agency with which the government is matching donations — has had difficulty in rolling out aid and services to Maritimers and, in particular, Islanders. The charitable community is disappointed that the government has once again chosen to limit the matching funds to the Red Cross.

I have nothing against the Red Cross. They are a storied institution. We trust them and rely on them. However, I think we all know that when you are on the ground and in need, it is local agencies like the local United Way and the local food bank that are best positioned to provide immediate and effective relief.

• (1440)

Can you tell us why the government has made this choice of limiting matching dollars to only the Red Cross?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. First of all, the government acknowledges and recognizes the important work that so many NGOs and organizations are doing to assist and get support to those who were affected by Hurricane Fiona.

As colleagues would know, the Canadian Red Cross has previously been a partner to the Government of Canada in response to similar natural disasters — such as the 2021 B.C. flooding and the wildfires in 2017 in Fort McMurray — and the Red Cross has demonstrated an ability to provide impactful assistance to a significant number of people. The government is grateful for all the partners working and is focused on the well-being of those who are suffering.

I will make inquiries to the government to see what plans there may be to broaden the pool of groups where matching funds might be available. I'll try to get an answer as quickly as I can.

Senator Omidvar: Thank you, Senator Gold, for that response. I'm grateful that you will look into this matter and get back to me. I should tell you that the charities themselves have reached out to me. They're afraid of asking the question because they're afraid of jeopardizing their government funding.

I also want to point out that when the government matches charitable dollars for overseas disasters, they recognize the need for many players and they match charitable donations to other charities. Why is it the Canadian government chooses to be so exclusive in their choice in Canada?

Senator Gold: As I said, I'm going to make some inquiries, senator, and I'll do my best to get an answer as quickly as I can.

PUBLIC SERVICES AND PROCUREMENT

INDIGENOUS PARTICIPATION

Hon. Marty Klyne: Senator Gold, the Government of Canada is committed to increasing participation by Indigenous businesses in federal procurement. Last year, former minister of public services and procurement Anita Anand announced a mandatory requirement for federal departments and agencies to ensure that Indigenous businesses hold a minimum of 5% of the total value of contracts. This requirement was to be phased in over three years with annual reporting on progress required. This is a very important initiative and one that will help this government work toward economic reconciliation with Indigenous peoples.

Could you tell this chamber how close the federal government is to meeting this target of 5%?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. I'll have to make inquiries to find out the status of it, but it's an important project. It's one of the many ways in which we — as a country, this government and other governments who work with Indigenous communities *sur le terrain*, as we say in French — can make real, meaningful change for the well-being of this and future generations. Thank you.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUSINESS OF THE COMMITTEE

Hon. Pamela Wallin: I'd like to direct my question to the Chair of the Standing Senate Committee on Social Affairs, Science and Technology.

Senator Omidvar, as you know, Canadian charities and NGOs — groups such as War Child — cannot provide humanitarian aid on the ground in Afghanistan because they would be breaking Canadian law. The government has been asked repeatedly to do what many of our allies have done and make a simple exemption to their anti-terrorism code.

Given our country's broken promises to Afghanistan, I'm wondering whether the Social Affairs Committee could conduct a spot study on this matter to show the government how simple the fix is. It would also be a powerful gesture for many Afghans who have put their lives on the line for our soldiers — our men and women.

Hon. Ratna Omidvar: Thank you, Senator Wallin, for that question. It is indeed a novelty for me to answer a question. I can see Senator Gold looking very pleased as I do so.

I want to tell you, I really appreciate the thrust of your question because I believe the matter you have raised is one of great urgency. I have raised it in this chamber with Senator Gold. I have followed up with a letter to Minister Lametti that was co-signed by my colleagues Senator Ataullahjan, Senator Marty Deacon and Senator Jaffer.

But you're asking me a question as the Chair of the Standing Senate Committee on Social Affairs, Science and Technology. While I agree that a spot study could really provide some context and solutions to the government — although the solutions are apparent and clear because the U.K. and the U.S.A. have provided exemptions — I'm not sure that the Senate's Social Affairs Committee is the right place. It is a matter of the anti-terrorism code, so it could be referred to the Legal and Constitutional Affairs Committee. It is a matter of the human rights of the Afghan people, so it could be referred to the Standing Senate Committee on Human Rights, and it is a matter of international development as well, so it could be referred to the Foreign Affairs Committee.

I really appreciate the question, and I hope my colleagues who are the chairs of these other committees will take up your idea. Thank you.

Senator Wallin: Because it has been raised on many occasions, I would put the same question to Senator Gold. I don't know whether I'm allowed to do that.

The Hon. the Speaker: No, but you can ask a supplementary question of Senator Omidvar, or we can do it another day.

Senator Wallin: Okay, I'll do it another day.

[Translation]

IMMIGRATION, REFUGEES AND CITIZENSHIP

SOLE-SOURCE SERVICE CONTRACT

Hon. Leo Housakos: My question is for the government leader.

Yesterday I asked you a question about the document that the government hid showing that Pierre Guay, a Liberal Party donor, was awarded over \$28 million worth of contracts in connection with Roxham Road.

You answered as follows, Senator Gold, and I quote:

The disclosure of confidential contract information would be a violation of agreements between the government and suppliers. This is standard practice, obviously.

Senator Gold, I do not understand you. If, as you stated, the disclosure of this information is a violation of agreements, why did your government disclose this information two years later? Is it a violation of agreements, yes or no?

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

However, as is often the case with your questions, there are nuances and it is not that simple. The government has agreements with suppliers under which it cannot disclose information. Other agreements may be drafted differently or still the government has an agreement with the supplier allowing the information to be disclosed.

[Senator Omidvar]

That information was protected and there is other information that must remain confidential, at least for the time being, given the agreements that were signed in good faith.

[English]

Senator Housakos: Government leader, every time we ask a question, more often than not the answer always starts off with the fact that the issue is complicated and the answers are not always simple. But when it comes to Roxham Road, it is striking what is going on over there. In 2017, a crisis began thanks to a poorly thought-out tweet by Prime Minister Trudeau that encouraged illegal immigration to come to Roxham Road. Since 2017, we've seen the government spend half a billion dollars building permanent installations, correct? That is a fact. We've seen the government signing long-term leases in order to continue and encourage the flow of illegal immigration at Roxham Road.

I'm a son of immigrants. Most Canadians are children of immigrants or immigrants themselves. They come here legally. They follow the rules and work hard. What kind of a message is this government sending to Canadians when you're encouraging illegal immigration? When we see what's going on at Roxham Road and all the facts I've alluded to, has the government simply shrugged off a solution to this problem they created? Or are we now saying that illegal immigration is part of this government's immigration program? I know you find the question frustrating, but it has been going on for five years, senator, and what the government has done now is give a Liberal Party donor \$28 million, and you set up permanent installations to continue the flow of illegal immigration.

I think Canadians should have some kind of an answer aside from the fact that it is a complicated issue.

• (1450)

Senator Gold: Thank you. The government is not encouraging illegal immigration. The government is putting into place facilities for the proper and humane treatment of those who arrive seeking refuge. The fact remains that this government is committed to an open and transparent immigration process for the benefit of this country and to the fair treatment of those who find themselves here, however they arrive, and that is what the facilities that were placed at Roxham are there to do: for the CBSA to do its work and process and deal with, as appropriate, those who have arrived.

FINANCE

SMALL BUSINESS TAX RATE

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, this week is Small Business Week. Small-business owners are the grease in the Canadian economy. They employ nearly two thirds of the Canadian workforce. They are moms and dads. They are friends and neighbours. They love their communities and give back every day, yet this government continues to punish them with higher payroll and carbon taxes, leaving them with higher costs for families that rely on that business for a paycheck.

Will the government commit to reviewing their planned tax hikes on small-business owners?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. As I've said on many occasions, first of all, the government understands, as we all do, the importance of business, and small business in particular, to our economy and to the lives of those who benefit from it. The government is always reviewing its policies — tax and otherwise — to make sure that they're fair, equitable and achieve the objectives that this government is committed to achieving.

That includes, as I've said on many occasions, continuing to address climate change and continuing to address the challenges that individuals and households have with the rising cost of living. Even though inflation seems to have plateaued and, indeed, is falling off, that doesn't change the difficulty that individual households are still feeling with regard to putting food on their tables, gas in their cars and heating their homes. The government is focused on all of these issues, as all responsible governments should be.

Senator Martin: Yes, but on a week we should be celebrating small businesses, the Bank of Canada has announced the worst drop in business outlook since 2020. Many businesses expect slower sales growth as interest rates rise and demand slows. Many think a recession is likely within the year, and fewer businesses are planning to hire. With the central bank's indicators falling, if the government is still determined to heap more taxes on small businesses, will they at least consider providing some relief by delaying these hikes until the economy improves?

Senator Gold: I won't enter into complex, beyond-my-capacity economic analysis. We have far more expertise in this chamber, as we heard most recently. It's out of respect to those who still have questions. If there's going to be any change in the government's position vis-à-vis the measures that are introduced to which you referred, they will be announced if and when there is going to be change.

JUSTICE

EXPUNGEMENT OF SIMPLE POSSESSION CONVICTIONS

Hon. Mary Coyle: Senator Gold, in their submission on Bill C-5, the Black Legal Action Centre, the Canadian Association of Elizabeth Fry Societies and the Women's Legal Education and Action Fund supported the government's characterization of substance use as a public health matter rather than a criminal one. Among other recommendations, they asked for automatic expungement of records for simple drug possession to replace the current costly and cumbersome system. In 2018, when cannabis was legalized in Canada, there was strong support to include pardons for previous offences as part of that legislation, including from the C.D. Howe Institute, which called it an "economic waste" to saddle people with criminal records for something that was no longer a crime.

Carrying a criminal record, as we all know, can make it harder for people — especially the already marginalized — to find housing, go to school, find a job or cross a border. Estimates range anywhere from 10,000 to hundreds of thousands of Canadians who are impacted by this ongoing burden.

Senator Gold, even with the now-lower cost and the possibility of applying for pardons for cannabis-related offences, only 631 applications have been accepted in the past three years. Senator Gold, will the government take note of this stark evidence of the inadequacy of the current system and heed the sensible recommendation to take the responsibility to automatically expunge records for simple drug possession?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question, honourable colleague. My understanding is the government has already expressed support for the sequestration of drug possession records, and consultations have begun on the automatic sequestration of a wider variety of criminal records.

The government remains committed to implementing measures that will bring our justice system closer to eradicating systemic racism in the system as well as ensuring a more effective and fair justice system for all.

TRANSPORT AND COMMUNICATIONS

BUSINESS OF THE COMMITTEE

Hon. Yuen Pau Woo: Senator Housakos, given your avowed commitment to agreements by leaders, can we take it then that you will do everything you can so that the committee study will be completed in time for proper third reading debate in this chamber and to have a final vote on Bill C-11 by November 18?

Hon. Leo Housakos: Senator Woo, you seem to have missed in my previous answer that I'm committed to one thing — making sure that every stakeholder in the country who wants to come and speak on behalf of the bill, in favour or against, has an opportunity to do so. I know that is not your particular preoccupation, but that is my preoccupation and I am steadfast in defence of that. I will not have the fiasco reoccur that we saw over in the House of Commons where witnesses were chopped off and were not allowed to go before the committee — both witnesses in favour of the bill and against the bill.

We are a genuine chamber of sober second thought, and all I've been hearing from this place is independence and the newfound wonders of it, but yet we seem to be working under very clear political pressure here to get a bill out by a particular timeline that leadership or the government wants. I don't aspire to those particular principles. That is more, I think, your preoccupation. I'm clear — I don't want to burden you with the same answer — that every witness who wants to be heard will be heard.

Some Hon. Senators: Hear, hear.

Senator Woo: I understand you would support holding additional hearings of the committee and perhaps having those meetings over our break week.

Senator Housakos: Senator Woo, it's the chamber's will to decide these things. Again, you're making it sound like you're asking some kind of question I have an answer to. Bring that up with your leadership group. As you know, they are the ones who determine the timeline. You've been here for a while. You have a lot of clout, it seems, with leadership in this chamber. I'm sure you will be able to get it done.

ANSWERS TO ORDER PAPER QUESTION TABLED

AGRICULTURE AND AGRI-FOOD—BUSINESS FEES

Hon. Marc Gold (Government Representative in the Senate) tabled the reply to Question No. 118, dated February 8, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding business fees — Agriculture and Agri-Food Canada.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT— BUSINESS FEES

Hon. Marc Gold (Government Representative in the Senate) tabled the reply to Question No. 118, dated February 8, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding business fees — Innovation, Science and Economic Development Canada.

GLOBAL AFFAIRS—BUSINESS FEES

Hon. Marc Gold (Government Representative in the Senate) tabled the reply to Question No. 118, dated February 8, 2022, appearing on the *Order Paper and Notice Paper* in the name of the Honourable Senator Plett, regarding business fees — Global Affairs Canada.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I have the honour to table the answers to the following oral questions:

Response to the oral question asked in the Senate on December 17, 2021, by the Honourable Senator Ataullahjan, concerning the Charter of Rights and Freedoms.

Response to the oral question asked in the Senate on March 24, 2022, by the Honourable Senator MacDonald, concerning the Ukraine International Airlines flight PS752 tragedy.

Response to the oral question asked in the Senate on March 31, 2022, by the Honourable Senator McPhedran, concerning human rights.

Response to the oral question asked in the Senate on June 8, 2022, by the Honourable Senator Loffreda, concerning access to programs.

Response to the oral question asked in the Senate on June 20, 2022, by the Honourable Senator Plett, concerning passport services.

Response to the oral question asked in the Senate on June 21, 2022, by the Honourable Senator Miville-Dechéne, concerning passport services.

Response to the oral question asked in the Senate on June 21, 2022, by the Honourable Senator Carignan, P.C., concerning passport services.

Response to the oral question asked in the Senate on June 22, 2022, by the Honourable Senator Carignan, P.C., concerning passport services.

JUSTICE

CHARTER OF RIGHTS AND FREEDOMS

(Response to question raised by the Honourable Salma Ataullahjan on December 17, 2021)

Department of Justice

We are on the side of Quebecers who are shocked and disappointed that a young teacher can no longer practise her profession because of how she chooses to observe her religion.

Our Government is firmly committed to defending the rights and freedoms protected by the Canadian Charter of Rights and Freedoms, including the right to freedom of religion and the right to equality. This matter touches on fundamental freedoms and the interpretation and application of the Charter.

We expect this case will be appealed to the Supreme Court of Canada. If that happens, our Government is firmly committed to contributing to the debate, given the broad implications for all Canadians and our need to defend the Charter. We will intervene in this matter at the Supreme Court of Canada.

FOREIGN AFFAIRS

UKRAINE INTERNATIONAL AIRLINES FLIGHT PS752 TRAGEDY

(Response to question raised by the Honourable Michael L. MacDonald on March 24, 2022)

Global Affairs Canada (GAC)

Thoughts remain with the families of the victims of this horrific tragedy. The Minister of Foreign Affairs has spoken with families of the victims of Flight PS752. The Response Group has determined that further attempts to negotiate with Iran are futile. Canada is now focused on the next steps on this file, while acting in accordance with international law. Canada will not rest until the families get the justice, transparency and accountability from Iran that they deserve.

HUMAN RIGHTS

(Response to question raised by the Honourable Marilou McPheeran on March 31, 2022)

Global Affairs Canada (GAC)

Canada strongly condemns the crimes of the Myanmar military against their own population. Canada was the first country to recognize the crimes perpetrated against the Rohingya as a genocide. To continue to respond to this humanitarian crisis and support accountability for the crimes committed, Budget 2021 allocated \$288 million over three years. Canada continues to deliver life-saving humanitarian assistance to crisis-affected populations in Bangladesh and Myanmar. Canada is also intervening jointly with the Dutch in support of The Gambia case against Myanmar for genocide before the International Court of Justice (ICJ).

EMPLOYMENT AND SOCIAL DEVELOPMENT

ACCESS TO PROGRAMS

(Response to question raised by the Honourable Tony Loffreda on June 8, 2022)

To help Indigenous Peoples access federal social benefits, Budget 2018 provided Employment and Social Development Canada (ESDC) with \$17.3 million over three years, starting in 2018–19. The 2020 Fall Economic Statement made this funding ongoing. This translates into an annual allocation of approximately \$6 million. No additional funding has been provided to ESDC for targeted outreach activities.

The ESDC funding continued previous outreach efforts and enabled the conduct of over 2,400 visits to more than 650 Indigenous communities, resulting in over 25,000 service transactions. The most common transactions were for Social Insurance Numbers, the Canada Pension Plan, Old Age Security and Employment Insurance (EI).

While COVID-19 caused in-person activities to be suspended, a new 1-800 Outreach Support Centre (OSC) was able to continue this work virtually with a focus on EI. A total of 687 Indigenous communities received virtual services in 2020-21. In 2021-22, the OSC fielded 27,250 calls from vulnerable clients, resulting in 31,800 individual service offerings.

ESDC is working on re-establishing in-person outreach activities while maintaining the OSC.

IMMIGRATION, REFUGEES AND CITIZENSHIP

PASSPORT SERVICES

(Response to question raised by the Honourable Donald Neil Plett on June 20, 2022)

Service Canada continues to face a range of interconnected issues, which have affected the timely delivery of passport services to Canadians.

Service Canada has made numerous changes to ensure a better experience. These include a triage system, an online appointment-booking tool and expanded passport pick-up services. Processing hubs were added across the country and the simplified renewal method for adults was expanded to include adults who have had a passport issued in the last 15 years. Service Canada continues to hire employees to process applications. Over 1,900 employees are currently supporting the delivery of passport services. Service Canada implemented a triage system in metropolitan areas to manage lineups and ensure that Canadians with imminent travel requirements receive their passport in time. These measures have been easing the situation.

For the week ending July 31, 2022, nearly 48,000 passports were issued, 96% of those who applied in-person at a passport office received their passports in under 10 business days and 81% of Canadians received their passports in under 40 business days. All passport processing staff have returned to passport offices and processing sites.

Through continued efforts the passport backlog has been stabilized and passport service delays are expected to be gradually reduced.

(Response to question raised by the Honourable Julie Miville-Dechéne on June 21, 2022)

Service Canada has streamlined the in-person application process by implementing triage measures to provide a more intensive, client-specific approach. Before offices open at busier specialized passport sites, increased numbers of managers and executives are speaking directly with clients to determine urgency of travel. Triage measures have been implemented in Richmond, Quebec City, Gatineau, Calgary, Edmonton, Halifax, Montreal, Vancouver, Surrey, and the Greater Toronto and Hamilton Area.

Triage methods and timeframes vary by location and are based on volumes and local circumstances. Clients with proof of travel within the following 24 to 48 hours are prioritized, while clients with longer-term travel plans are directed to the most appropriate service channels to ensure their passport needs are met and their travel is not interrupted. This includes the possibility of being asked to visit a Service Canada Centre where they have the staff and technology to offer by-appointment passport services to clients with less urgent situations.

Service Canada is examining and implementing every possibility to expedite intake and processing of passport applications.

Overtime hours are significant, with passport staff working over 6,000 extra hours per week, including weekends. Service Canada has also adjusted hours for clients who cannot be accommodated during regular hours.

(Response to question raised by the Honourable Claude Carignan on June 21, 2022)

Service Canada continues to face a range of interconnected issues, which have affected timely delivery of passport service to Canadians. These include an increase in volume of applications, a shift to mail applications which take more time to process and a large proportion of complex applications.

Service Canada has made a number of changes so that Canadians have a better experience at passport offices. These include a triage system, an online appointment-booking tool and expanded passport pick-up services. Processing hubs were added across the country and the simplified renewal method for adults was expanded to include adults who have had a passport issued in the last 15 years. Service Canada has also implemented a triage system in metropolitan areas to manage lineups and ensure that Canadians with imminent travel requirements receive their passport in time. All of these measures combined have been easing the situation.

Through continued efforts to maximize efficiency, increase resources and streamline processes, the passport backlog has been stabilized and is expected to reduce passport service delays.

(Response to question raised by the Honourable Claude Carignan on June 22, 2022)

Service Canada has streamlined the in-person application process by implementing triage measures to provide a more intensive, client-specific approach. Before offices open at busier specialized passport sites, increased numbers of managers and executives are speaking directly with clients to determine urgency of travel.

Triage methods and timeframes vary by location and are based on volumes and local circumstances. Clients with proof of travel within the following 24 to 48 hours are prioritized, while clients with longer-term travel plans are directed to the most appropriate service channels to ensure their passport needs are met and their travel plan is not interrupted.

Service Canada is examining and implementing every possibility to expedite intake and processing of passport applications. Clients will not be charged any additional fees if a complete application is submitted, and if we do not meet our published service standard. This includes transfer and pick up fees.

In order to protect the privacy and security of clients and staff, as well as ensuring the integrity and security of the services provided, Service Canada does not allow the media, or anyone, to film or take pictures in any Service Canada Centres.

• (1500)

ORDERS OF THE DAY

ONLINE STREAMING BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Bovey, for the second reading of Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

Hon. Michael L. MacDonald: Honourable senators, I rise today to speak to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

I am privileged to be a member of the Senate, for more than 13 years now, so I've seen many bills pass through our chamber. For most of this time, I was a member of the Transport and Communications Committee, eventually serving as both deputy chair and finally chair of the committee, until this new Parliament was established after last year's election. I have acquired a lot of experience, over those years, in dealing with communications issues.

I believe I am safe in saying that this bill is one of the most controversial pieces of legislation to have been brought before any recent parliament. Many of the more controversial bills have been opposed by particular special interest groups; other bills have, to varying degrees, been controversial with the Canadian public.

However, with this bill, we have a piece of legislation that has truly aroused intense concern among ordinary Canadians. By "ordinary Canadians," I mean people who normally do not have an interest in politics — particularly people under 40 years of age who do not watch the news or read the newspaper. This is what makes this legislation so unique.

Many Canadians believe this bill will have a very direct impact on them in a personal way because it touches directly on their viewing and listening habits. Other Canadians — usually younger Canadians — recognize that this legislation may impact their ability to express themselves online. This bill raises the spectre of government regulation interfering with that ability.

I would like to reference some quotations that help illustrate the depth of concern that has been expressed regarding this legislation. During the Transport and Communications Committee's study on Bill C-11, Tim Denton, the Chairperson of the Internet Society Canada Chapter, made the following comments:

. . . We oppose Bill C-11 because it embodies a fundamentally illiberal idea of communications, because it constitutes a vast overreach of governmental authority and because it threatens the engine of innovation and economic growth, which is the internet.

What we object to is the nearly boundless extension of governmental regulatory authority over communications. . . . [This bill] captures virtually all online audio and video.

Then we have J.J. McCullough, a YouTuber and columnist, who told the committee:

. . . content creators and consumers don't merely consider Bill C-11 a badly written bill — although it is, . . . many people consider the bill at its core badly motivated. Of the dozens of online video makers and viewers I've heard from, all have been crystal clear that they have zero desire to live under a government with the power to force platforms like YouTube to push, promote, suggest or otherwise encourage certain kinds of Canadian content to Canadians who have not freely chosen to see it.

Morghan Fortier, the Co-Owner and Chief Executive Officer of Skyship Entertainment — a Toronto-based company that produces children's content and has more than 48 million subscribers and more than 20 billion views in the past two years — testified before the Senate committee that:

Bill C-11 poses a danger not only to my company but to thousands of Canadian content creators who have been steadily building this industry with nothing more than their unique voices and their hard work. Their content is enjoyed by millions of Canadians here at home and many millions of people outside of Canada. They do it all without a government handout and without the government forcing it down people's throats through false algorithm manipulation.

Senators may or may not agree with these perspectives, but the common element between them is the belief that Bill C-11 represents an attack on consumer choice and on the freedom of Canada's online entrepreneurs. In essence, Bill C-11 is increasingly seen as an attack on freedom of expression, freedom of consumer choice and freedom of the press.

Freedom of the press was established in 1835 — in what is today known as Canada — by Joseph Howe, who was the editor of Nova Scotia's leading newspaper. Howe was accused of libel by those who wielded social and political power at the time, and, since no lawyer would represent him, he had to represent himself in court.

Howe won his case, but I wonder what he would think of today's circumstances surrounding Canadian mainstream media. The CBC and our legacy print media are now subsidized by approximately \$2 billion annually. With most of our mainstream

media now on the payroll of the government, thoughtful Canadians demand access to independent points of view — not compromised by government interference.

The social engineers in this government want to give the CRTC control over the information that Canadians can access. They want faceless, unaccountable bureaucrats to decide what content Canadians should consume. Who will benefit from that? Rogers, Bell and Shaw might benefit financially — don't they always? All three service providers rake in billions of dollars annually — sometimes quarterly — with Rogers presently trying to purchase Shaw for a mere \$26 billion. They don't seem to be hurting under the present circumstances, do they?

Yet Canadians pay some of the highest fees worldwide for phone, internet and cable services. The CRTC has proven to be little more than a toothless tiger when it comes to looking out for the best interests of the Canadian consumer.

Now the government wants to give the same CRTC control over the algorithms that will direct people toward information and opinions that they prefer and approve of, but limit access to information and opinions that don't subscribe to their views of what the CRTC deems to be appropriately Canadian.

So let's review the public policy objectives this legislation purports to address. A core perception of Bill C-11 proponents is that, today, Canadian law does not apply to the foreign-based web streaming services, like broadcasters that operate over the internet. The perception is that those tech giants siphon billions of dollars out of the country, without any requirement to invest back into the Canadian system. But the reality is that many of those tech giants actually do reinvest in the Canadian economy, and they invest billions in that regard.

That reality notwithstanding, a common perception is, nevertheless, that their investments are insufficient. This bill is supposed to address that.

This bill also purports to ensure that investment flows to Canadian-based companies and artists. It is designed to try to force streaming services to give Canadian audiences a chance to discover Canadian shows. I understand the depths of this perception. I know that this perception has served as the foundation of Canadian cultural policy for, at least, part of the past half-century.

But this approach does not align with many of the realities of the internet world in which we now live, so we seem to have a dichotomy: The traditional view, from elements of our cultural history, is that Canadian culture is highly vulnerable unless we have significant government regulation and control. The other view is that the past 30 years demonstrate exactly the opposite, namely that Canadian culture and Canadian content have actually thrived in an era with little regulation.

What concerns me about this bill is that it largely comes down to favouring the former position. It pays very little attention to the new realities that have emerged over the past several decades.

So although I'm not currently a member of the Transport and Communications Committee, I've been following the mounting critiques of the bill, and it is increasingly evident that this bill — based on cultural policies that originated in the last century — constitutes a serious overreach by the government. Notwithstanding the public policy arguments in favour of the legislation, the bill is too one-sided since it ignores contemporary realities. I fear that — unless we amend the bill in a significant way — there's considerable danger that we will generate backlash that's so significant that the bill itself, including policies that are worthwhile, will become unsustainable.

Much of what is wrong with this bill seems to be grounded in sections 4.1 and 4.2. Those are the sections related to the incorporation of user-generated content within the scope of the bill. Those are the sections that Senator Simons has accurately characterized as the “problem child” of the bill. This characterization is very widely shared and has certainly been fed by the government's extremely poor handling of the issue of user-generated content in both Bill C-11 and the previous Bill C-10.

In relation to this issue, the Consumer Technology Association warned — in a brief to our Senate committee in August — that:

. . . Bill C-11 may bring us full circle by placing a regulatory hand on user discovery and choice of opinion and content.

Regulation of user search and selection is **even more concerning today** because the Internet offers users the ability to *post* as well as to choose, receive, and store *spoken, musical, and video expression and content*.

• (1510)

The association noted its strong concern related to the breadth of Bill C-11, about the bill's lack of precision in certain areas, particularly in terms of the power it is granting to the CRTC and how those powers may be used. So what do sections 4.1 and 4.2 of the bill precisely do?

I've tried to understand this issue in layman's terms, and in essence, these sections purport to exclude user-generated content, but then immediately create an exception to that exclusion. Section 4.1(2) notes that despite what is stated in subsection 4.1, the act does apply to user-generated content if a program:

(a) is uploaded to the social media service by the provider of the service or the provider's affiliate, or by the agent or mandatary of either of them; or

(b) is prescribed by regulations made under section 4.2.

Point (b) is a considerable concern, since the regulations allowed for under section 4.2 are, to say the least, extremely expansive.

[Senator MacDonald]

According to some witnesses, theoretically, the CRTC could arbitrarily consider any factors that it wants in making regulations prescribing programs in respect to the act. This is precisely why so many ordinary Canadian creators and consumers are so concerned.

When she testified at the Senate committee, Morghan Fortier referenced the situation as follows:

What keeps me up at night about this bill is the potential to gate content that is deemed not Canadian . . .

Ms. Fortier referenced potential retaliation from other countries:

. . . should this type of a law pass through, we're done. I don't mean my company. I mean we don't need to talk about this bill anymore because it's over. That will affect regionalized content creators, small content creators and larger content creators. The world is watching. Australia will follow, and the U.K. If the U.S. were to decide, well, what's fair is fair, that's a complete game changer that no one seems to be talking about, which scares me.

She continued to say:

It's the free, open internet for a reason. Attempting to put in place a bill that insists the government mandates its behaviour and intentionally gates content of a particular nature is exceptionally problematic.

I know that the Senate Transport and Communications Committee is looking at these concerns very seriously, and I know senators on both sides of the aisle are aware of these concerns. Some of you have noted in your remarks the potential negative implications. I am encouraged by that, since I think we are witnessing a groundswell of concern throughout the country about the implications of this bill and about some of its more troublesome provisions. I am hopeful that when we consider the bill at third reading, we will receive a bill from our Senate committee that will at least try to address some of these serious issues. I fear that if we pass this bill without addressing these concerns that have been raised by so many Canadians, particularly young Canadians, we risk undermining the legitimacy of our entire broadcasting policy.

In this regard, I think it is useful to reiterate the comments made by J.J. McCullough before the committee when he said:

Of the dozens of online video makers and viewers I've heard from, all have been crystal clear that they have zero desire to live under a government with the power to force platforms like YouTube to push, promote, suggest or otherwise encourage certain kinds of Canadian content to Canadians who have not freely chosen to see it.

We need to understand that if we do not heed this warning, these Canadians have options. Should they choose to simply opt out of Canada, we will all end up losing.

I encourage all senators to listen to the substantive and legitimate concerns of all Canadians regarding these issues. Freedom of speech, freedom of expression and freedom of the press are protected in our Constitution. Those are core Canadian values that should never be compromised. Thank you.

[*Translation*]

The Hon. the Speaker: Do you wish to speak or ask a question, Senator Dupuis?

Hon. Renée Dupuis: I would like to ask Senator MacDonald a question if he agrees to answer.

The Hon. the Speaker: You have one minute left, Senator MacDonald.

Senator MacDonald: Yes.

Senator Dupuis: Thank you, Senator MacDonald. Can I ask you to clarify what problem you see? You said that the problems with Bill C-11 are grounded in proposed sections 4.1 and 4.2.

Section 4.1 states, “This Act does not apply in respect of a program that is uploaded to an online undertaking” unless the program is prescribed by regulations made under section 4.2, which sets out the criteria and regulations that could apply.

Can you specify or explain again exactly what problem section 4.2 in particular causes with regard to programs that would be excluded under section 4.1?

[*English*]

The Hon. the Speaker: Senator MacDonald, your time has expired. Are you asking for five minutes to answer questions?

Senator MacDonald: Yes.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted to answer this question.

Senator MacDonald: Well, as you know, I’m not alone in these concerns. As I mentioned in the speech, Senator Simons raised the same concerns. Proposed sections 4.1 and 4.2 are contradictory. One suggests it’s going to be protected, and the next provision removes that protection. So what are we to make of it?

It doesn’t give me any confidence. Certainly, it doesn’t give the witnesses, who are very well versed in this stuff, any confidence. I think this stuff has to be better explained and better justified. That’s why I’m looking forward to it going to committee to see if we can get a handle on these particular provisions, because I don’t think they give Canadians the confidence that they deserve and need when it comes to free speech, freedom of expression and free access to information on the internet.

(On motion of Senator Martin, debate adjourned.)

(*At 3:17 p.m., the Senate was continued until tomorrow at 2 p.m.*)

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