SENATE SÉNAT

CANADA

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OFFICIAL REPORT
(HANSARD)

Tuesday, March 7, 2023

The Honourable GEORGE J. FUREY,
Speaker

This issue contains the latest listing of Senators, Officers of the Senate and the Ministry.

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# THE SENATE

**Tuesday, March 7, 2023**

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

Prayers.

## SENATORS' STATEMENTS

### SUPPORT FOR UKRAINE

**Hon. Peter M. Boehm:** Honourable senators, I rise today to address the shameless, unprovoked and unjustified invasion of Ukraine by Russia. A year on, this is a war with great loss of life on both sides and horrific atrocities committed by Russian military and paramilitary forces at the behest of their dictator, Vladimir Putin. The ramifications of this cynical war are global: strains on the global economy, grave impacts on food security, massive movement of Ukrainians beyond their homeland and, yes, an exodus of Russians who want no part of Putin's war.

The global community voted convincingly at the United Nations two weeks ago, condemning the Russian Federation for its aggression. It has often been said that Putin is a master strategist, always a step ahead in his calculations as to how to garner advantage. But now, to use the direct vernacular, he has blown it. The Russian military has sustained significant losses, and its weaknesses have been exposed. NATO is more united, coherent and stronger than ever, with Finland and Sweden on the cusp of joining the alliance. Europe has turned its back on Russian energy imports, business connections and commerce. We have all stood together to impose the harshest economic and individual sanctions ever undertaken. We have provided arms and financial assistance packages to Ukraine. Was this part of Putin's calculation? Probably not.

I have attended two major security policy conferences over the past year. The first was the Halifax International Security Forum in November, and the second was the Munich Security Conference just two weeks ago. At both, the predominant focus among leaders, policymakers, experts and parliamentarians like ourselves from around the world was the war in Ukraine. Our solidarity is palpable and strong.

Putin is increasingly cornered. In fact, I believe that his continuity in office will depend on achieving small victories that his propagandists can spin for domestic consumption. The chances of a dangerous escalation in this war are high, particularly if Putin receives some foreign help beyond that already proffered by the Iranian regime.

As for how to proceed, as leaders said at the Munich Security Conference, now is the time for us to double down. It seems to me that neither side in this conflict is ready for negotiations any time soon. Canada has a great role in this conflict and its aftermath, and, in my opinion, should continue to take all the right measures. Political leaders and ministers are in dialogue with their counterparts, including those in Ukraine, and are providing every assistance to Japan in its G7 presidency this year.

When this war is over, Russia will almost certainly be one of two things: a diminished global power with fragile institutions, subservient to its raw material outputs, or an isolated dictatorship considered a pariah by much of the world and at continuous odds with the rest of us. Perhaps it will be both.

Colleagues, the aftermath will be long and not easy. We, as other parliamentarians, must be firm in our resolve to support Ukraine and its people to the utmost of our abilities, particularly in what will be the parlous and difficult months ahead.

Thank you.

[*Translation*]

### MIKAËL KINGSBURY

**Hon. Claude Carignan:** Honourable Senators, I rise today to pay tribute to an athlete from my region, my province and my country, Mikaël Kingsbury, an Olympic champion in moguls skiing. Mikaël claimed a third straight world title in singles moguls and then another in dual moguls in Bakuriani, Georgia, on February 25 and 26.

He has a record 115 podium finishes at the World Cup, including 80 wins. He is obviously the most decorated mogul skier of all time.

He is now 30 years old, but he was only 20 when he won his first World Cup title in moguls in Voss, Norway, in 2013.

Since then, Mikaël has been taking home medals both at the world championships and the Olympics. I have known Mikaël personally for over 16 years, since I first supported him through the Fondation Élite de Saint-Eustache when he was just beginning his career on Canada's freestyle circuit.

Mikaël is an unusually passionate individual. He has always been very serious, diligent and determined about practising his sport, and he has always pushed his limits. In fact, that's what stands out about him the most. He is someone who always pushes his limits and never settles for good enough.

This high-performance athlete is a role model for all the young people in our country who are involved in sports. He could also be a role model to all of us who aspire to push our limits in our own disciplines.

Mikaël has become a legend in his sport in particular and in the world of competitive sports in general.

At only 30, when the vast majority of athletes his age have already retired, Mikaël is still in peak form. Outside of his regular world cup competitions, he is getting ready for the 2026 Olympic Games.

As the saying goes, it takes a village to raise a child. In Mikaël's case, his original tribe was his immediate family: his father, Robert, and his mother, Julie, who always supported him, not to mention the time and money that went into helping him achieve his dreams as a young, ambitious, audacious and talented athlete.

I should also say that beyond his magnificent talents as a skier, Mikaël is down to earth. He is humble and has both feet on the ground — when he is not on skis — and he is exceptionally friendly.

Mikaël continues to dazzle us at lightning speed. Congratulations, Mikaël. You are an inspiration to several generations of young athletes and you are our national pride. Thank you.

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

[*English*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Candies Kotchapaw, Angelica Johnson Baptista and Danisha Decius from the Black Diplomats Academy. They are the guests of the Honourable Senator Bernard.

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

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

## COMMUNITY NEWSPAPERS

**Hon. Pamela Wallin:** Honourable senators, today I pay tribute to the people who, against all odds, try to keep the voice of their community alive. However, after more than a century in business, the *Wadena News* has had to close its doors. It's the latest casualty, but it won't be the last.

• (1410)

Community papers are particularly disadvantaged because they must compete with larger, well-subsidized players who can capture bigger audiences, charge more for ads and attract government help.

The federal government has long ignored the power of community newspapers except when there is a crisis or a federal election. They might well remember that nearly 8 out of 10 Canadians still read their community newspaper — the hard copy. But governments have stopped advertising in these papers, then turned around and offered subsidies to larger competitors.

To quote Alison Squires, the last publisher of the *Wadena News*:

> Newspapers don't want subsidies, but if *Maclean's* magazine gets $1.5 million, then those who are at the grassroots of their communities recording local history as it happens, sitting in council meetings and following the local hockey scene should get a cut as well.

She went on to say, ". . . but we would rather have the advertising."

They are businesses and they are looking for a level playing field. When you buy an ad, you are paying for a service and getting your message out. When you offer a subsidy, you are buying — or trying to buy — favour.

If the government really wanted to help our local papers, it would do better to get out of the way and buy an ad. It would be a more genuine expression of support, and it would also show an understanding of community when you make a point of speaking to people where they live.

I am proud to have presented the paper with the Queen's Diamond Jubilee Medal for service to community. They are deserving. These papers are the connective tissue of our communities. Their archives that tell our story will be lost — the births, the deaths, weddings and anniversaries, good crop years and bad, the successes of our sons and daughters, and the impact of policies dreamed up in that faraway place called Ottawa.

I would like to thank Alison Squires, her father Bob, Jim Headington and Ethel Keele who built the paper. They were people of and for their community.

And to all those who have contributed and supported this paper over the years, thank you for 115 years of service to your fellow citizens, thank you for reporting our stories and thank you for taking up the task of writing down the first draft of our local history as it happened each and every day in our hometown. Thank you.

**Some 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 Vijay Dube and Girija Dube. They are the guests of the Honourable Senator Deacon (*Nova Scotia*).

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

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

## THE LATE PETER A. HERRNDORF, C.C., O.ONT.
## THE LATE GORDON EDWARD PINSENT, C.C.

**Hon. Patricia Bovey:** Honourable senators, Canada recently lost two internationally and nationally acclaimed icons — both with Winnipeg roots — Peter Herrndorf and Gordon Pinsent. Canada claims to have six degrees of separation. I contend that in Winnipeg it's only 0.6 degrees.

While Pinsent hailed from Newfoundland, his acting career began in Winnipeg. He stayed in our city after his Royal Canadian Air Force career. He talked about Winnipeg's quality of life, where he had sandbagged during the 1950 flood. His early jobs there included that as a ballroom dance instructor. But at 24, in 1954, he found the world of theatre, and soon met John Hirsch and Tom Hendry. That meeting changed his life. He had roles in their Theatre 77 productions of *An Italian Straw Hat* and *Death of a Salesman*.

Hirsch and Hendry then went on to found the Manitoba Theatre Centre, and in that inaugural year Pinsent starred in *A Hatful of Rain*, *Cinderella*, *Of Mice and Men* and *The Glass Menagerie*. He returned in 1972 for *Guys and Dolls*. We all know the heights and multi-dimensions of his career and will be forever grateful.

Peter Herrndorf, a lawyer with a Harvard M.B.A., had a legendary career in television and as CEO of the National Arts Centre. He grew up in Winnipeg, arriving from his native Netherlands when he was 8. Always curious, with a quick and generous mind and determined nature, this avid reader charted a unique path. We go back decades. As students, he and my older brother had a summer job selling encyclopedias door to door together. They once hit a bit of a speed bump in Steinbach, but that's a story for another day.

An inspiration to many Canadians, Herrndorf's love of and pride in Canada was truly evident throughout his career. In television, he became vice-president of the CBC. He grew audiences through new programming like "The Fifth Estate" and by moving "The National" to 10 p.m. Not dumbing down programming, he made it more accessible.

He was TVOntario president before his 19 years at the helm of the National Arts Centre. There he put the "national" back into the organization. I was thrilled when he started inviting organizations from across Canada to perform on these magnificent stages in Canada's capital city. He also commenced Indigenous programming.

He and I met frequently, and we spoke of our goals for artists and audiences. We had both inherited troubled cultural institutions at the same time. Our lunches were always fascinating, and our discussions covered myriad topics, from growing up near each other in Winnipeg to challenges faced by the arts and how to solve them, and our futuristic dreams of a time when all society would realize and support the true importance of the arts in every sector of society.

May these two passionate, inspirational icons rest in peace.

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

## THE LATE ALEXA MCDONOUGH, O.C., O.N.S.

**Hon. Mary Coyle:** Honourable senators, former parliamentary poet laureate George Elliott Clarke asked me to read his elegy for Alexa Ann (Shaw) McDonough on this eve of International Women's Day.

A Kindergarten is what a proper
Legislature is, where the Treasury
Is *Sharing*. How else do humans prosper
If not by Charity beyond measure?
To parcel out fairly peanut butter
Cookies, sluiced down by lemonade, and teach
That *Policy* is *Rhyme* — never stuttered —
And Law is verses versus what pirates preach,
So the bee may hop-scotch, dipsy-doodle,
And songbird serenade (like Portia White),
And poutine mash well with apple strudel,
And finger paints mirror stained-glass delights . . . .
So did you model such *Wisdom*, *Beauty*,
O Miss Shaw, sprightly and winsome, laughing
In your lessons, the chalked-letter duties
Lightning cross blackboards, sea chanteys puffing
From a record player, or flared spirituals
Hymning out of sing-song mouths and cherry
Or ebon cheeks? Pure, Mother Goose minstrels —
Our alphabets sloppy, dictionaries
With crayon-crazed pages half-torn-out —
We well-versed citizens are, who do trust
That *Magic* is possible when we vote,
And *abracadabra* rhymes with *must*.
O my teacher, an essential element
Of the *Superb*, so you were — in plaid skirt,
Working daily such endless astonishments:
Crafts to soothe bruised egos, kiss-salves for hurts;
So intrinsically sensitive, or stern —
To cure misdeeds with sharp look or a hug,
As you could, so we civil rites would learn
And our human rights never would we shrug.
You always said I was a rascal boy
In that pre-school legislature of yarns,
Tall tales, short naps, where ideas were toys —
Pixie-dust dreams, such *Nonsense* that discerns
Better ways of thinking, being, doing,
While *Charity* ushers *Euphoria*.
(What's a rainbow save all colours hewing
To-and-from gilt phantasmagoria?)
O my teacher, the first politico
To breathe my *Poetry* into Hansard,
News of your passing stirs my vertigo —
Til tear-cracked eyes and tear-wracked voice (censored
No more), now weep for you — liberator
Of gulag-tortured man or downpressed mom —
Opponent of each troop-backed dictator;
Sister to each feminist from-the-womb!
O my teacher, to the assembly born —
The whole people's parliamentarian —
You took my mom and me boating one morn
On waters smooth, egalitarian.
After, as the sun washed its beams in froth —
And you and my mom talked of schoolbook things —
I spooned clam-chowder's buttered broth,

And chewed cookies, slurped juice, and soared on swings.
That was one day distinct from thousands since —
One moment of momentous radiance!
The lesson taught? O *Joy* is *Insolence*
Upsetting all vile, petty governments.
The House of Commons' most uncommon *Sense* —
Intransigent, insurgent *Eloquence* —
O my teacher (*Grammar* all future-tense) —
You taught — I witnessed — deathless *Magnificence*.

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

### TOWN OF PLACENTIA

**Hon. Fabian Manning:** Honourable senators, today, I am pleased to present Chapter 73 of "Telling Our Story."

I am confident that when most of you hear me tell the stories of Newfoundland and Labrador, the French are not who you would expect me to talk about. However, it is a fact that the French played an important role in the early exploration and settlement of our province. Although not always obvious at first glance, the French roots in Newfoundland and Labrador run very deep.

The abundant cod fishery was the major factor in attracting French settlers to Newfoundland and Labrador, and they were among the earliest Europeans with the first documented fishing trip taking place in 1504.

• (1420)

Up until 1713 and the signing of the Treaty of Utrecht, the French were able to use any part of the colony they wished to, and they established several communities on the island, the most prominent of which was Plaisance, now known as Placentia. In the early 1660s, France established a garrison and colony at Plaisance to provide shelter and protection for the fishermen while they stayed in Newfoundland. Plaisance developed into the largest and most prosperous French settlement on the island and became the site of the ancient French capital of Newfoundland and Labrador.

Placentia has many features that make it a popular tourist attraction in our province. It has a unique lift bridge named the Sir Ambrose Shea Bridge. There are many archaeological sites that reflect the deep history of the area. You can step back in time to the 18th century with a visit to the Castle Hill National Historic Site and imagine cannons and muskets blazing as the British and French forces battled on the shores of Newfoundland, vying for control of the lucrative fishery. There, you will explore a chapter of our history that determined the fate of a continent.

Then there is the story of the will of a Basque region seaman that was discovered in an archive in Spain in which Domingo de Luza asks in 1563:

> . . . that my body be buried in this port of Placentia, in the place where those who die here are buried.

It is believed to be the oldest original civil document written in Canada.

While at Castle Hill, take in a performance by the Placentia Area Theatre d'Heritage troupe who, through their very popular shows, depict the lives of early inhabitants of Placentia under the leadership of Governor de Broullion.

In 1893, Harry Verran, a mining engineer from Cornwall, England, built a historic house that now operates as a bed and breakfast called Rosedale Manor, a must-see for any visitor.

In 2009, the Placentia Bay Cultural Arts Centre was opened, and I am proud to say that I played a part in securing the funding for that beautiful state-of-the-art facility. It is a place that hosts presentations and performances of some of our most gifted musicians, actors, playwrights and a host of other performers.

O'Reilly House Museum, the boardwalk and St. Luke's Cultural Heritage Centre are just some of the other many unique attractions you can explore in the town of Placentia. As well, one of the two Marine Atlantic ferry links from Nova Scotia to Newfoundland is just minutes from Placentia, located in Argentia.

While you might be more than *bienvenu* in Placentia, it will be difficult to say *au revoir*.

Thank you.

## ROUTINE PROCEEDINGS

### FEDERAL OMBUDSPERSON FOR VICTIMS OF CRIME

2020-21 ANNUAL REPORT TABLED

**Hon. Marc Gold (Government Representative in the Senate):** Honourable senators, I have the honour to table, in both official languages, the 2020-21 Annual Report of the Office of the Federal Ombudsperson for Victims of Crime.

### PENSION PROTECTION BILL

BILL TO AMEND—SIXTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE PRESENTED

**Hon. Pamela Wallin,** Chair of the Standing Senate Committee on Banking, Commerce and the Economy, presented the following report:

Tuesday, March 7, 2023

The Standing Senate Committee on Banking, Commerce and the Economy has the honour to present its

SIXTH REPORT

Your committee, to which was referred Bill C-228, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Pension Benefits Standards Act, 1985, has, in obedience to the order

of reference of December 14, 2022, examined the said bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

PAMELA WALLIN

*Chair*

(*For text of observations, see today's* Journals of the Senate*, p. 1281.*)

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

(On motion of Senator Wells, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

## LEGAL AND CONSTITUTIONAL AFFAIRS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTER OF SELF-INDUCED INTOXICATION

**Hon. Brent Cotter:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Thursday, June 23, 2022, the date for the final report of the Standing Senate Committee on Legal and Constitutional Affairs in relation to its study on self-induced intoxication be extended from March 10, 2023, to April 30, 2023.

## OFFICIAL LANGUAGES

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY MINORITY-LANGUAGE HEALTH SERVICES

**Hon. René Cormier:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report on minority-language health services, including matters related to the following:

(a) the inclusion of language clauses in federal health transfers;

(b) population aging, including the ability to obtain health care, long-term care and home care in one's own language, which encompasses linguistic resources to support caregivers, the quality of life of seniors and disease prevention;

(c) access to minority-language health services for vulnerable communities;

(d) the shortage of health professionals in public and private facilities serving official language minority communities and the language skills of health care personnel in these facilities;

(e) the needs of francophone post-secondary institutions outside Quebec and anglophone post-secondary institutions in Quebec respecting recruitment, training and support for future graduates in health-related fields;

(f) telemedicine and the use of new technologies in the health sector, including the associated language challenges; and

(g) the needs for research, evidence and solutions to foster access to health care in the language of one's choice; and

That the committee submit its final report to the Senate no later than October 31, 2024, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

## LIFE OF GORDON PINSENT

### NOTICE OF INQUIRY

**Hon. Fabian Manning:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the life of Gordon Pinsent.

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, it's a few minutes before 2:30 when Question Period is due to begin. With leave of the Senate, we can begin now and finish at 3:28. Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

# QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and Canadian Coast Guard, appeared before honourable senators during Question Period.)

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, we welcome today the Honourable Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard, to ask questions relating to her ministerial responsibilities.

Pursuant to the order adopted by the Senate on December 7, 2021, senators do not need to stand. Questions are limited to one minute and responses to one-and-a-half minutes. The reading clerk will stand 10 seconds before the expiry of these times. Question Period will last one hour.

## MINISTRY OF FISHERIES, OCEANS AND THE CANADIAN COAST GUARD

### ICEBREAKER FLEET

**Hon. Leo Housakos (Acting Leader of the Opposition):** Minister, last month, your department provided a response to questions on the Senate Order Paper related to the procurement of two Polar-class icebreakers for the Canadian Coast Guard. One of the questions concerned the budget for this project. Your department refused to provide any estimate as to what this project would cost, despite the fact that the Parliamentary Budget Officer provided an estimate of more than $7 billion. The Trudeau government has said that the first ship will be in service in 2030 — seven years from now — yet you don't even have a budget estimate that you can share with Parliament and the people of Canada.

• (1430)

Minister, you are either unwilling or unable to provide that number, and neither option is acceptable to Canadians. Do you have an estimate as to what that project will cost, and will you share it with us today?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question. No, I don't have an estimate with me, but I'm happy to ask my department to forward you any information that they may have.

I would like to add that the Canadian Coast Guard is expected — by Canadians — to have modern capabilities. We, as a government, have chosen to stand up a new shipbuilding industry. We have shipyards on the West Coast and the East Coast, and we are in the process of adding a third shipyard in Quebec. That decision has meant some delays and some challenges, but we have already delivered quite a number of the Coast Guard ships — some 15 of 20 small ships, and 3 large ships — so I'm pleased to be welcoming this new fleet as it rolls out of the shipyards. We'll continue to do our very best to have this happen in a timely and effective way.

**Senator Housakos:** Minister, Canadians, taxpayers and Parliament also deserve to know how much this will cost.

[*Translation*]

Despite the threats to Canada's Arctic sovereignty, the Trudeau government doesn't seem to have a plan to so much as start the polar icebreaker construction project. The year 2030 is quickly approaching and not only have the ships not been ordered, but your government still hasn't signed a framework agreement with Davie for the construction of one of the two icebreakers.

Every year for the past three years, your government has promised to sign an agreement with Davie. However, every year, it hasn't kept its promise. Minister, why haven't you been able to sign an agreement, and what is the impact of this failure on the 2030 delivery date?

**Ms. Murray:** Thank you for the question. We're currently making historic investments in shipyards, and I'm proud of that decision.

[*English*]

The senator referred to the Arctic where it's critical that Canada has the tools and capabilities to protect our waters, borders and ecosystems in that area, and we're making historic investments to do just that.

I recently had a chance to spend half of a day on an icebreaker — with the Canadian Coast Guard on the St. Lawrence River — that was keeping the seaway free of ice, and I want to commend the Canadian Coast Guard for the amazing job that they do on their rotations in the South in the winter. They will be heading up to the Arctic in a few months to do the icebreaking and protective services there.

### SPECIES PREDATION

**Hon. Rose-May Poirier:** Minister, the Miramichi River — one of the greatest Atlantic salmon rivers of the world, supporting both Indigenous and recreational fisheries — is in crisis. The problem is predation. Science collected in 2022 indicates that only 3.8% of smolt, which is baby salmon, made it to the ocean through the iron curtain of striped bass in the estuary. As a result of this low number, the 2022 year class of salmon in the Northwest Miramichi River is lost due to striped bass predation.

As Minister of Fisheries, Oceans and the Canadian Coast Guard, are you now prepared to move forward on an urgent basis to implement — in the spring of 2023 — the recommendations from the recent Department of Fisheries and Oceans Canada, or DFO, study? If so, which ones are your priorities?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you very much for your concern about wild Atlantic salmon which is, indeed, an iconic species and in trouble. We're dedicated to helping the stock recover and grow.

I am in the process of developing Canada's first wild Atlantic salmon conservation strategy. I had some briefings on that in recent weeks. We are working very closely with Indigenous people on the development and implementation of the strategy. We have been working with a number of partners to finance some of them in order to ensure the recovery of wild Atlantic salmon, and I look forward to continuing to do that.

With respect to any specific document, I'm happy to follow up, and have the department share it with the senator.

HIGH SEAS TREATY

**Hon. Mary Coyle:** Welcome, Minister Murray. This weekend, at the UN's Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction, countries agreed to a new treaty to protect ocean biodiversity in the high seas. The agreement will be key to achieving the goal to protect 30% of the world's oceans set in the global biodiversity framework.

The new High Seas Treaty creates a framework for establishing marine protected areas, and conducting environmental impact assessments in ocean areas beyond national jurisdictions. We know this was no easy feat.

This important agreement still needs to be formally adopted and ratified. Minister Murray, could you tell us what the next steps are internationally with this agreement? When could we expect the Government of Canada to ratify this High Seas Treaty?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thanks for asking about that accomplishment. I was delighted as well, of course, to see that there is framework emerging to have international agreement on protecting the high seas.

We have made a lot of progress on protecting Canada's oceans. As you may know, we are now protecting almost 15% of Canada's oceans — up from 1% in 2016. At the Fifth International Marine Protected Areas Congress, or IMPAC5, I recently had the privilege of announcing a major new protected area: the Tang.G̲wan — hačxʷiqak — Tsig̲is protected conservation area.

In terms of the next steps, we will continue to work with the international community on how to move forward regarding protected areas in the open seas. This is about biodiversity; it's about conservation areas; it's about conservation of stock, and standards for those things. There will be next steps. Again, I can follow up with you with specific next steps that my department will be undertaking, but — I can assure you — I am an enthusiastic champion for ocean conservation and protected areas.

INTERDEPARTMENTAL COORDINATION

**Hon. Colin Deacon:** Thank you, Minister Murray, for being with us today in the Senate. Minister, a significant portion of your department's priorities and goals, including commitments under the Oceans Protection Plan, fall under the control of Transport Canada. Considering this, Canadians would reasonably expect horizontal collaboration across government — that's not always the case. Some of us in this chamber have encountered challenges where Transport Canada is the lead department on priorities that it shares with DFO and Environment and Climate Change Canada, or ECCC. One example is the lack of action on implementing Canada's 30-year-old commitment to the International Convention for the Prevention of Pollution from Ships, or MARPOL, to prevent Maritime pollution from bilge water and petroleum waste in our coastal and inland waters — something that affects both of our home provinces: Nova Scotia and British Columbia.

Minister Murray, how do we begin to overcome the lack of horizontality as it relates to the whole-of-government priorities, like protecting our environment?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thanks for that question. While the collaboration between DFO and other departments is not perfect — and we always have more work to do — I would say that the Transport Canada and DFO collaboration is very strong. We have worked together on the Oceans Protection Plan, for example, which is, at this point, I think, a $2.5-billion investment that has had very strong and positive impacts on Indigenous reconciliation.

With respect to the vessel discharge of waters, I took a personal interest in that before being appointed as the Minister of Fisheries and Oceans, and worked with two consecutive Transport Canada ministers. There is movement on that. There are measures being put in place to match some of our neighbouring nations in terms of their vessel discharge. I have shared the concern about discharge into vulnerable waters, and will continue to keep a close eye on our progress as a government in that regard.

• (1440)

TURBOT STOCK ASSESSMENT

**Hon. Dennis Glen Patterson:** Thank you, minister. Your government provides itself on making decisions based on science, as it should. However, your February 10, 2023, decision to reduce turbot quotas in fishing areas 0A and 0B by 9.25% was made due to a lack of scientific data as opposed to basing it on current reports on actual stock levels. These areas are off the coast of Nunavut, and I was very concerned that multiple offers from the Nunavut fishing industry over the years to conduct stock assessments were made and yet ignored by your department.

Minister, will you commit to allowing the Nunavut fishing industry to conduct the science going forward as you have recently agreed to do with the Atlantic Groundfish Council?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question, senator. First, I want to assure all senators that we make the decisions at Fisheries and Oceans Canada, or DFO, based on the best available science. In the case of the turbot stock, there was a temporary gap in the science due to the fact that the ship that had been doing the assessments, which was provided by Greenland because we have a shared stock, was temporarily not in service.

For that year, we were still able to utilize the data from the time series of assessments over the past 10 years as well as fish harvester data to have an assessment, albeit the trawling had not been done that year. We were slightly more precautionary

because of the absence of the trawling data, but this was a temporary issue and Greenland's vessel that was out of commission has now been replaced.

We made a one-year decision on the tack rather than the normal two-year decision because we knew that we would be able to fill that data gap when Greenland provided the vessel, again, a year later. I'm confident in our ability to manage the stock, and I will continue to make sure that conservation underpins everything we do.

RIGHTS-BASED FISHERIES

**Hon. Brian Francis:** Minister Murray, in 1999, the Supreme Court of Canada affirmed that the Mi'kmaq, Wolastoquey and Peskotomuhkati First Nations in Atlantic Canada have a treaty right to fish to attain a moderate livelihood. However, 23 years later, the federal government continues to enforce the legal and regulatory regime that not only infringes on constitutionally protected rights but makes impossible for their meaningful and safe exercise.

My question is simple: As Minister of Fisheries and Oceans, exactly how many more years or decades do you think is reasonable for the Mi'kmaq, Wolastoquey and Peskotomuhkati to wait for the full implementation of their rights-based fisheries?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, senator, for that question. I won't speak to what has happened in the past, but I will say that it is our government's strong commitment to respect the moderate livelihood fisheries rights of the Mi'kmaq people. To that end, we have had a number of initiatives that have enabled us to ensure that those communities have access to training, to equipment and to allowable catch so that this treaty obligation can be honoured.

AQUACULTURE INDUSTRY

**Hon. David M. Wells:** Minister, your government is in the process of shutting down 79 salmon farms in British Columbia. Scientists have publicly pushed back on the non-peer-reviewed science. In fact, an independent report said that these salmon farms have little or no effect on wild stocks.

My question is about the science and about the government's plans. What is your government's plan to shutdown the vibrant aquaculture industry in Newfoundland and Labrador, one that employs thousands and has investments of millions, including the resources of First Nations?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thanks for that question. My primary concern is the wild Pacific salmon stocks on the coast of British Columbia. Those stocks are in deep trouble. Many of them are listed under either the Committee on the Status of Endangered Wildlife in Canada, or COSEWIC, or the Species at Risk Act, or SARA. Those wild salmon stocks have long been an absolutely critical source of food security, but also food, social and ceremonial use by literally dozens of First Nations in the interior of British Columbia.

I did wide consultation with First Nations both on the coast and in the interior, as well as with industry. Based on the fact that there are many pressures on the wild salmon — some of which we can do nothing about, like climate change, warming Fraser River waters and habitat loss — what we can control, we need to control because it is simply not an option for us to lose wild Pacific salmon. So there's that, as well as the fact that the Discovery Islands were identified as a vulnerable area because of the migration of salmon through that area. Justice Cohen spent two years examining this situation and recommended that it be a priority area to consider not allowing salmon aquaculture. Consider also the fact that more recent science was showing that there are risks that bad pathogens and parasites can affect the juvenile salmon. Altogether, these were my reasons that I felt compelled to not renew the licences in the Discovery Islands.

MACKEREL FISHERY

**Hon. Elizabeth Marshall:** Minister, welcome to the Senate of Canada. Almost a year ago, without any warning, consultation or financial compensation, you shut down the entire Atlantic mackerel and commercial bait fishery. At the time, the Maritime Fishermen's Union said they were shocked by your radical decision and appalled by its impact on workers in coastal communities.

In a press conference two weeks ago, Greg Pretty, the President of the Fish, Food and Allied Workers Union, or FFAW, blamed your closure of this fishery on:

> . . . DFO's colossal mishandling of the Atlantic mackerel fishery and the failure of DFO science to accurately estimate the mackerel biomass . . . .

Minister, what is your response to the FFAW and indeed to all mackerel harvesters and processors across Atlantic Canada? Will there be an Atlantic mackerel fishery in 2023? Yes or no?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** In terms of the last question, senator, that decision is yet to be taken. In terms of the mackerel fishery shutdown, it's always difficult to close a fishery because I know the impact that it has on fish harvesters and their communities. In fact, I just spent last week in Eastern Canada, the Gaspé and the Magdalen Islands hearing from fish harvesters from a number of stocks.

With respect to the mackerel, the science was very clear that this stock is in the critical zone, and it has been there for more than a decade. There has been a collapse of mackerel age class. I actually have the spawning stock biomass document with me. When I read it, I was severely concerned about the stock.

It's never easy to do that, but the reason is for conservation purposes for the long term. We want to be able to provide an opportunity for the stock to recover. It's an important source of

food for many other fish stocks, as it is important for use as bait. But if we continue to fish it down its curve, we may never see it recover. That's why I have taken this precautionary approach.

PROTECTION OF VARIOUS SALMON SPECIES

**Hon. Pat Duncan:** Thank you, minister, for your visit to the Yukon to learn first-hand about the decline in chinook salmon stocks and the low return of other salmon resources.

Discussions of salmon in the Yukon and in all of Canada's West Coast are complicated. In the Yukon, it's multi-layered with international components of the commercial Alaskan and First Nations subsistence fisheries, the Yukon River Salmon Agreement and the Pacific Salmon Treaty. Mandate letters require a whole-of-government approach mindful of Canada's commitment to First Nations. The management of the salmon in the Yukon is in critical need of a whole-of-governments, whole-of-ecosystems approach, supported by Indigenous knowledge in the face of climate change and other challenges.

• (1450)

Minister, would you outline your approach to ensuring that there continues to be several species of salmon for future generations of Yukoners and of Canadians?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thanks for that question. Firstly, my approach included going to the Yukon and spending several days there visiting and listening to the committees of fish harvesters that include Indigenous harvesters that provide advice to my ministry.

I went to remote communities like Little Salmon Carmacks, where community members spoke with me about their grief at not being able to harvest any fish, not being able to conduct their fish camps, not being able to conduct their ceremonies that are so important to their communities and their teachings.

So I have a great deal of concern about the state of the salmon stocks in the Yukon of various species, and that's why I took the opportunity to contact Dr. Spinrad, who is the U.S. Under Secretary of Commerce for Oceans and Atmosphere and current NOAA administrator, and expressed my concern about potential overfishing by U.S. fleets at the mouth of the Yukon River and expressed my desire to see the United States adopt a precautionary approach to their management of fisheries as we have done here in Canada. I hope to see benefits from that.

Many of the First Nations in the watershed in the Yukon have been funded to help with the data collection and science and are working very closely with my ministry officials and providing their advice as to what can be done to recover the salmon.

**The Hon. the Speaker:** Your time has expired.

CARBON EMISSIONS

**Hon. Stan Kutcher:** Minister, thank you for being with us today. My question is on the Canadian Coast Guard and its decarbonization efforts. I understand that there are currently a number of different initiatives on this issue under way, such as a biodiesel testing project and construction of a hybrid electric vessel.

Would you please update us on these efforts and share with us if there are any additional plans for decarbonization efforts within the Canadian Coast Guard?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for asking about that very important program because, as with the rest of the Greening Government Strategy, my ministry will need to progress on decarbonization as part of our government's climate plan for reducing greenhouse gas emissions.

I was on a Canadian Coast Guard vessel doing icebreaking in the St. Lawrence estuary, as I mentioned before, and that's one of the things that I spoke with the captain about. The changeover of engines will take a while. The power that is required for something like a Canadian Coast Guard icebreaker, even a medium-sized one, is almost half the size of this chamber here filled with large engines. So this will take some time.

In the meantime, the vessel, in many ways, is decarbonizing, through its shift to its electricity systems. Its provision of services is being done through a greener means. We will continue to explore ways that the fuel use can be greener and less greenhouse-gas-intensive over the years to come.

TURBOT STOCK ASSESSMENT

**Hon. Dennis Glen Patterson:** Minister, you said that there was a vessel not available from Greenland that resulted in the absence of data on the turbot stock. As I said, the Nunavut fishing industry was willing to conduct those stock assessments, and those offers were rejected by your department. This has resulted in a $15-million estimated loss per year for our fledgling and developing fishery in Nunavut. Wouldn't it only be fair that the Nunavut fishing industry be considered for compensation by your department for this loss?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thanks for that question. As I mentioned, the reduction in tack was a temporary one, and it had to do with the lack of availability of our partner nation Greenland's ship, which has now been resolved.

The challenge with introducing assessments that are not part of a time series is that the validity of that data is not as strong as data that is done with the same ship, with the same methods and patterns of doing the fishing to make the assessment.

As senators are probably aware, when a new vessel is introduced, it will do the assessment trawling side by side for a great deal of time with the outgoing vessel, the retiring vessel, just to make sure that the equipment is set up in a way to achieve the same results, or else what happens is that the time series doesn't have the integrity that it needs to have to be able to make allocation decisions and be confident that the science is robust. So patching in something for a year or two is not a solution that is as robust in terms of the scientific validity as continuing with a vessel configuration that has already been used to develop that data series.

HIGH SEAS TREATY

**Hon. Patricia Bovey:** Welcome, minister. As Senator Coyle has said, the High Seas Treaty agreed to last week at the UN is an historic step in protecting the world's oceans.

Canada has much experience in this. For example, we have upped the protected areas along our coasts. We have taken a leading role in the 1994 Convention on the Law of the Sea and the Sargasso Sea Commission. I have been hearing that many countries are looking to us to take a lead on this agreement as well. How do you see Canada becoming a leader in seeing that this treaty accomplishes its goals?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, senator. I would like to acknowledge the many people that have already made Canada a leader and seen to be a leader in terms of ocean conservation. We were one of the first members of the High Level Panel for a Sustainable Ocean Economy. We, as Canada, were asked to partner when China was not able to physically host COP 15, which was co-hosted by Minister Guilbeault in Montreal, and I had a chance to participate in that as well and see the Canadian delegation and negotiators at work. We were the host for IMPAC5, which is the International Marine Protected Areas Congress, just weeks ago in Vancouver.

So I would assert we already are leaders, and I know our Prime Minister has a very strong support for that leadership. We have stood up as a group of countries that are committed to addressing illegal, unregulated and unauthorized fishing on the high seas. It was Britain, the United States and Canada that launched that initiative, which now has a number of other countries who have joined. I am very concerned about conservation. I will continue in this tradition of leadership on ocean conservation that those before me and our Prime Minister really have pioneered.

• (1500)

MARITIME SEARCH AND RESCUE

**Hon. Fabian Manning:** Madam Minister, in 2017-18, the Standing Senate Committee on Fisheries and Oceans conducted an in-depth study on maritime search and rescue, releasing our report *WHEN EVERY MINUTE COUNTS: Maritime Search and Rescue* in November 2018. The number one recommendation in that report reads as follows:

> 1a) The committee recommends that the Canadian Coast Guard establish additional primary research and rescue stations in the Canadian Arctic to meet the growing demand in areas where marine activity is forecasted to increase.

Our report followed up with this recommendation:

> 5. The committee recommends that, as a pilot project, the Department of National Defence authorize a civilian helicopter operator to provide aeronautical search and rescue coverage in the Canadian Arctic and in Newfoundland and Labrador.

Two Labrador fishermen Marc Russell and Joey Jenkins went missing on September 17, 2021, and, sadly, they were never located. The search was clouded with allegations from the families due to the lack of coordination by the governments and the search ending too soon. Marc Russell's parents, Jeanette and Dwight, are calling for the 5 Wing Goose Bay military base to become a search and rescue centre, for fast rescue stations to be located in Labrador, for emergency beacons to be required on all vessels and for a review of standards for fishing vessels.

Last fall, Jeanette and Dwight came to Ottawa and held several meetings.

**The Hon. the Speaker:** Senator Manning, your time has expired. Do you wish to answer, Minister Murray?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that very important and compassionate question. My heart goes out to the families of the fish harvesters that you referred to whom we were not able to assist in time.

I've asked the Canadian Coast Guard to give me the model on which search and rescue stations are based. It is about the diameter of coverage and the time it would take to be in place to assist. The Canadian Coast Guard optimizes the resources it has to provide the best possible coverage on the coast. The St. Anthony base is the one that provides service to the Labrador coast, but it's not just search and rescue. There are many resources on the Labrador coast that are auxiliary Canadian Coast Guard teams, as well as other resources that complement major search and rescue and the helicopter.

**The Hon. the Speaker pro tempore:** Madam Minister, I'm sorry, but your time has expired.

SPECIES PREDATION

**Hon. David Richards:** Madam Minister, thank you for being here.

I'm following up on Senator Poirier's question, because Atlantic salmon is part of the Miramichi's spiritual life. Over the last 15 years, up to 70% of juvenile salmon moving from Miramichi estuaries toward the open sea have been taken by the voracious, predatory striped bass. This horrid decline is never

evident on rivers like the Cascapedia or the Restigouche. I've been here for six years, and the DFO has been blind and deaf to this predation. I believe it is almost totally responsible for the devastation of an entire way of life for both White fishers and First Nations bands.

Is there any indication that the government cares for the eradication of an entire species and an entire way of life, or will we allow the taking of mature bass by both White and First Nations peoples?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Earlier I said that I have a deep concern for the state of wild salmon on both coasts. As a coastal British Columbian, I know first-hand how important the wild salmon are to all citizens, and especially our First Nations.

On the East Coast, I can only imagine there is the same culture of long-term historic and traditional dependence on the wild Atlantic salmon. That's why we're doing everything we can to work with conservation groups to fund their efforts. We're developing a strategy for wild Atlantic salmon conservation and restoration.

With respect to the other fish you mentioned, I would have to get back to you on that, senator. We'll take a look at the transcript of the question and provide you with an answer in writing.

## ARCTIC RESEARCH FOUNDATION

**Hon. Margaret Dawn Anderson:** Minister Murray, your government is investing $7.46 million to the co-management of marine protected areas in the Inuvialuit Settlement Region. However, no plans have been announced to conduct stock assessments, bathymetric surveys or other fundamental ecosystem studies despite consistent requests from nearby communities, scientists and Hunters and Trappers Committees.

The research vessel *Nahidik II*, operated by the non-profit Arctic Research Foundation, or ARF, serves communities in the region. ARF has offered to invest its own money in the project and can conduct the work more cost effectively and with less environmental impact; however, it would require an investment of $1.5 million from the federal government. This investment would enable crucial stock assessments, scientific studies and foster traditional and cultural knowledge.

Will you commit to working with the communities and the Arctic Research Foundation to bring sufficient funding to the region to complete stock assessments and begin baseline ecosystem studies in the marine protected areas within the Inuvialuit Settlement Region?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question. I will commit to getting a briefing and reviewing the situation that the senator is describing.

The reality is that funds go through Treasury Board, and any funds we have access to are dedicated to specific initiatives that we've committed to. Whether there is funding for the Inuvialuit conservation research processes, I can't answer right now.

However, I spent a week travelling the Arctic, starting in the Northwest Territories and going right through to the eastern coast of the Arctic, to understand the critical issues. I met with Indigenous peoples wherever I went and heard about the concerns and opportunities that they see in front of them. I'm very committed to our Arctic region. We recently stood up a new Arctic region that will be based out of Iqaluit because we want to have a presence on the ground, but we have not been able to move all our public servants there yet. That is taking time because of the increase in wages and the cost of housing and office space. However, I spent a number of days talking with the Canadian Coast Guard.

**The Hon. the Speaker pro tempore:** Minister, we have to move to the next question.

## COMPARATIVE FISHING

**Hon. Michael L. MacDonald:** Minister, you mentioned the importance of the process known as comparative fishing. I find that interesting. The Coast Guard just decommissioned the CCGS *Alfred Needler* in February — five months earlier than scheduled. I'm very familiar with this vessel because my now-retired brother-in-law was the long-time captain of that ship. The CCGS *Alfred Needler* was expected to bring two vessels into service through the process known as comparative fishing when the new vessels trawl side by side. How do you intend to do that now when the CCGS *Alfred Needler* has been decommissioned before the new vessels come on stream?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** It's unfortunate that the CCGS *Alfred Needler* was not able to serve out its expected vessel life. The best available science is important to our allocation of catch in the fisheries. There are other sources of science that we will be using. As I mentioned before, the fishing information about where and how much of the stock has been caught provides data. We work with Indigenous communities on their science and data, as well as the fish harvesters, and we will make sure that we have data to base our decision on. Of course, the stronger the data, the higher the allocation we can make.

• (1510)

## SEAL HARVEST

**Hon. David Richards:** Minister, I will ask a question about another predatory animal.

Is there any consideration of a seal cull in the waters of the Northumberland Strait or the Gulf of St. Lawrence? Both the seals and the predatory bass now number in the thousands. Even limited seal culling is desperately needed at this time to protect the mackerel and salmon stocks and, in fact, to protect the seals themselves.

Is there any information you can give me in that regard, minister?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question. I am very aware that seals eat fish and I have been quite public on my views on that. It's why I hosted a Seal Summit in St. John's last year and brought together Indigenous communities, seal harvesters, fish harvesters, as well as the product developers and marketers to explore how we can actually harvest the sustainable natural resource which is the seal population.

As the senator is probably aware, a cull creates a great risk of having the United States apply the Marine Mammal Protection Act and block imports of our seafood and fish from going into the United States. The U.S. is a very important market for our fish harvesters, so we cannot take measures that risk that market.

What I am doing is encouraging that we develop the seal harvest and product industry. That's why I joined the seal celebration in Gaspé just a few days ago, where I met with some of the seal harvesters, including a young emerging group of seal harvesters, and enjoyed a seal hamburger in their celebration of the seal harvest.

RIGHTS-BASED FISHERIES

**Hon. Brian Francis:** Minister Murray, for decades, First Nations in Atlantic Canada have been subject to extensive government surveillance, policing and subsequent criminalization when exercising their constitutionally protected treaty and Aboriginal rights to fish. As a result, many live in fear of having their traps, equipment and boats seized or being arrested, charged and convicted, as well as intimidated, harassed and attacked by officials and others.

Could you please provide an update on the measures taken by Fisheries and Oceans since the fall of 2020 to address and prevent incidents of racist violence and oppression faced by Mi'kmaw or Wolastoqey harvesters at the hands of officials and others? Have you, for example, made ongoing Indigenous cultural competency and anti-racism training mandatory for the department, which is Call to Action 57?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thanks for that question. Racism in any of its aspects is completely unacceptable. My ministry has a number of programs to increase the sensitivity of DFO's staff to potential racism and to ensure that that's not something we're bringing into the communities. There does need to be compliance and enforcement of rules, and it needs to be done in a culturally sensitive way.

Conservation is my number one responsibility as the Minister of Fisheries, Oceans and the Canadian Coast Guard because if we are not conserving our stock, we are doing a disservice and injustice to the next generations, who count on being able to enjoy the economic benefits of stock. That's what enforcement is all about.

We work closely with the Indigenous communities to ensure that our approach is appropriate to the situation and to their culture in order to avoid any racism or perception of racism.

BIOMASS DATA COLLECTION

**Hon. Michael L. MacDonald:** I want to go back to the science, minister. Again, before my brother-in-law was on the *Alfred Needler*, he was the fishing captain on the *Gadus Atlantica*, which did all the research on the decline of the North Atlantic cod. He knows very well the importance of data collection when making decisions.

It's well known that DFO has not conducted many stock assessments in Atlantic Canada for many years. For example, in November, CBC reported that your department missed most of last year's spring survey off Newfoundland, with Cape Breton and eastern Nova Scotia getting no coverage at all in the 2022 summer survey.

How can you competently manage the Atlantic Canadian fisheries when you don't have any current data on the biomass in order to justify your decisions?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question. I would contest, really, the characterization that we don't have any data. The ministry is very committed to working from the best available science. There are sometimes reversals that make it difficult to do everything that we would like to do, but we have a very committed set of ministry officials who are working with the harvest community in most cases to develop robust data that is complemented, of course, by the trawl surveys. There are other sources of data that they feed into the algorithms as well, and we will always do our very best to have good-quality data that is done in a way that we can count on.

[*Translation*]

ELVER FISHERY

**Hon. Jean-Guy Dagenais:** Indigenous communities both in British Columbia and in the Maritimes enjoy Aboriginal fishing rights that have been upheld by the courts. Last year, your department took 14% of New Brunswick businesses' baby eel and elver quotas and reallocated them to Indigenous peoples. The businesses didn't receive any compensation, and the matter is still before the courts. I doubt your government would have acted with the same indecency and cut Indigenous people's fishing quotas without at least negotiating and giving them compensation.

Could you explain your conduct towards these Maritime fishing companies? As a point of information, the 1,200 kilograms of elvers that you clawed back represent $6 million in revenue for the eight fishing companies. In your opinion, do those people not deserve to be considered?

[*English*]

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question. My ministry and I prioritize willing buyer/willing seller as a mechanism for addressing the treaty rights that Indigenous communities have to fish, and we do that wherever it's possible.

In the case of the elver fishery, we were not able to secure a quota for the Indigenous communities that was priced in a way that we deemed to be affordable and reasonable, so that's why I went to the fish harvesters and their representatives directly and asked how they can help make sure that the right to fish of the Indigenous fishers can be satisfied. The proposal that was put in place was actually the one that came from the quota holders.

I appreciated that cooperation which provided an opportunity for the Indigenous fishers to have a share in that fishery, and from my perspective, that had multiple benefits.

• (1520)

RIGHTS-BASED FISHERIES

**Hon. Brian Francis:** Minister Murray, in line with Recommendation 2 of the report titled *Peace on the Water*, in 2022 and 2023 Fisheries and Oceans Canada introduced an interim measure to reallocate some of the quota of baby eels, or elvers, from commercial licence holders to increase the participation of the Mi'kmaq in this fishery, which is critical to ensuring that the exercise of the constitutionally protected right does not remain contingent on the government's ability to buy back licences.

In the interest of greater clarity and credibility, are you considering permanently reducing the number of commercial licences for lobster, elvers or other species in order to create greater access for First Nations who want to exercise their constitutionally protected rights and overcome dire economic and social conditions?

**Ms. Murray:** The decision on the elver fishery for this year has not concluded and been made public, so I can't confirm any specific strategy.

What I will say is that our department's work and my work is really guided by three key principles: One is further implementation of treaty rights; the second is the sustainability and conservation of all stocks; and third is the stable management of the fishery.

I am of the view that a willing buyer and a willing seller is an approach that's good for reconciliation, and it respects the investments that are made by the quota holders that are being asked to reduce their share. Wherever possible, I'll be going on a willing buyer-willing seller basis, and where that's not possible, we have to find a solution in consultation with all parties involved.

MARINE DEBRIS

**Hon. David M. Wells:** Minister Murray, as you're aware, lost, abandoned and discarded fishing gear, also known as ghost gear, is the number one type of marine debris in the world. Last summer, I recognize the government invested an additional $10 million in funding towards the Ghost Gear Fund to help remove thousands of units of ghost gear from our waters.

Minister, with the changing climate, this is not enough. With the stronger seas and annual ice conditions that damage fixed and mobile gear, will the government invest even more for the identification and removal of the increasing volumes of ghost gear?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you for that question. I couldn't agree more that this is a very important program, and I was pleased that out of the Fiona funding, there is approximately $30 million in addition to the $10 million that the senator mentioned for removing ghost gear.

I just want to tell you, I was recently on a vacation for a week with my family in Ecuador, and on a trip out to an island off a relatively remote part of the country, my daughter saw a large sea turtle with ghost gear wrapped around its neck and fins. It was an awful sight. The people from the boat, the crew, lifted it into the boat and spent a half an hour cutting off the fishing line and the floats for this turtle to be able to be taken to the rehabilitation centre. For me, it was a first-hand look at what ghost gear can do to vulnerable other species.

We'll continue to invest in that and work with the local communities and Indigenous communities to do that work of removing the ghost gear out of the waters. For the North Atlantic right whale, this is a very important part of our protection of that endangered species as well.

[*Translation*]

LOBSTER FISHERY

**Hon. Jean-Guy Dagenais:** Madam Minister, despite agreements with the majority of Indigenous communities, during the 2022 lobster fishery in Nova Scotia, lobsters trapped by Indigenous individuals and sold illegally were seized. Boats and traps were seized as well, but there seems to be ongoing tension between commercial fishers and some Indigenous groups.

Can you tell us what measures have been taken for the upcoming fishing season? Have you hired more staff to monitor the fishing areas and intervene faster? Can you tell us if First Nations fishers still have the right to fish in the off-season?

[*English*]

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** We've been working very hard to create opportunities and working with the Indigenous communities to launch their own fisheries in lobster, crab and other species, and I've been very pleased at the

evolution of these measures to respect treaty rights and the importance of having the opportunity to be part of the fishery on the part of the First Nations.

I'm going to continue to work towards that further allocation of opportunities for First Nations. Of course, conservation is very important, and that's why we have compliance and enforcement doing their work. Non-Indigenous and Indigenous alike, we need fish harvesters to respect the rules so that we don't overfish the stock and create problems down the road.

FISHING VESSEL SAFETY

**Hon. Fabian Manning:** On September 17, 2021, two Labrador fishermen, Marc Russell and Joey Jenkins, went missing, and, sadly, they have never been located. Marc's parents, Jeanette and Dwight, came to Ottawa last fall, pleading for a federal inquiry into fishing vessel safety.

Minister, can you tell us today if and when your government is going to conduct this much-needed inquiry?

**Hon. Joyce Murray, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard:** Thank you, senator, for that question.

My understanding is that much of the vessel safety aspect has to do with Transport Canada. We work closely with Transport Canada to review any incidents such as the one that cost Marc and Joey their lives and look for measures that we can put in place to improve vessel safety with Transport Canada. Harmonizing regulations is one thing that we've been doing.

I would say one thing that is really important is that people on the vessel are using the safety equipment, are using their life jackets and are doing the very best they can so that if there is an incident, the Canadian Coast Guard can do a rescue, and not a search and rescue.

That includes having the beacons always active and in good form so that if there is an incident, we can quickly find them; we're working on promoting that kind of compliance as well.

**The Hon. the Speaker pro tempore:** Honourable senators, the time for Question Period has expired. I am certain that you will join me in thanking Minister Murray for joining us today.

We will now resume the proceedings that were interrupted at the start of Question Period.

Thank you, Madam Minister.

[*Translation*]

# ORDERS OF THE DAY

## BUSINESS OF THE SENATE

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, pursuant to 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 C-39, followed by all remaining items in the order that they appear on the Order Paper.

[*English*]

## CRIMINAL CODE

BILL TO AMEND—SECOND READING

**Hon. Stan Kutcher** moved second reading of Bill C-39, An Act to amend An Act to amend the Criminal Code (medical assistance in dying).

He said: Honourable senators, I rise today to speak on Bill C-39, An Act to amend An Act to amend the Criminal Code (medical assistance in dying), which was introduced in the other place by the Minister of Justice on February 2, 2023.

This bill proposes to extend the temporary exclusion of eligibility for medical assistance in dying, or MAID, on the basis of a mental illness alone — MAID MD-SUMC — for one year, until March 17, 2024.

In the absence of legislative change, this exclusion will automatically be repealed on March 17, 2023, at which point eligibility for MAID in these circumstances will become lawful under the existing eligibility criteria.

• (1530)

Colleagues, before proceeding, I would like to acknowledge that the material and the subject of our debate that is starting today and will continue into Thursday can be very difficult for some people. It can be very challenging. It has to deal with life-and-death issues. It has to deal with mental illness.

I would encourage any of our colleagues and anybody who is listening or watching our debates to know that if you are having difficulties because of what we are talking about, but also just in general, please seek help for those difficulties. Asking for help is a sign of strength. It is not a sign of weakness.

The purposes of this extension to support federal government readiness in relation to MAID MD-SUMC are fourfold: first, to ensure that a national reporting system meeting the requirements set out in Bill C-7 has been established and has begun to gather data for MAID monitoring and system assessment; second, that the model MAID practice standard has been completed and disseminated to regulators in all provinces and territories; third, that an accredited national MAID training program has been

developed and is available to existing and new MAID providers; and fourth, to allow time for the final report of the Special Joint Committee on Medical Assistance in Dying of the House and Senate to be considered.

I will speak to each of these readiness criteria in due course.

As we all know, Bill C-7 received Royal Assent on March 17, 2021, about a year after the WHO declared the COVID pandemic.

The work undertaken for MAID MD-SUMC readiness — the components of which I just named — was impacted by COVID, the detrimental effects of which on our health care system are well known to us all.

The timely discharge of this readiness work depended on numerous health care providers, regulators, civil servants and other health system actors, all of whom were deluged by the demands of this unexpected scourge.

Indeed, it is to the credit of hard-working people across multiple sectors that so much has already been done on the work to date.

Despite delays due to COVID, significant progress has been made. I am of the opinion that taking some additional time is wise. This will ensure that the federal government has addressed its commitments before the law with respect to MAID MD-SUMC comes into effect. Specifically, it will ensure that the four readiness criteria that I identified earlier will have been appropriately addressed.

While my remarks today will focus primarily on the progress that has been made in the key domains within which the federal government acted following the coming into force of Bill C-7, I would like, first, to take this opportunity to remind us of the complex division of powers and responsibilities between the federal and provincial/territorial governments when it comes to MAID assessment and provision. There has been some confusion in the minds of many Canadians whom I have spoken with about this differential responsibility.

The federal government is responsible for the Criminal Code. This is where the legal parameters for MAID are established.

The federal government is not responsible for the general delivery of medical services, including MAID, as these are the primary responsibility of provinces and territories.

Nor is the federal government responsible for the regulation of those who provide these services. That is the responsibility of provinces and territories, which, in turn, delegate it to independent regulatory bodies, such as Colleges of Physicians and Surgeons and Colleges of Nurses.

I would also like to take this opportunity to remind us of some of the components of how MAID for track-2 conditions, of which MAID-MD-SUMC is one example, are delivered in Canada and, in so doing, correct some misinformation that is swirling around us.

MAID is a medical act provided by trained physicians and nurse practitioners, delivered by provincial and territorial health care systems — with a few exceptions for federal delivery, for example military and prisons — and is regulated through the well-established independent regulatory bodies in each province and territory. As such, it is like any other medical act in that it must adhere to legislation, regulation, practice standards, policies and procedures.

Thus, in addition to any specific rules about MAID, MAID assessors and providers must adhere to the existing rules that apply to all clinical acts, whether they concern confidentiality, documentation, operating within their scope of practice or any other regulatory dictate.

Also, in many jurisdictions, MAID providers work within a centralized intake system within existing health authorities and use a community-of-practice approach to support and consult with each other. In other jurisdictions, MAID practitioners draw upon the networks offered through professional associations in order to obtain advice and guidance from peers. In other words, colleagues, the delivery of MAID clinical services is not an insular practice.

The requesters of MAID MD-SUMC will be protected by the track-2 safeguards in the delivery of MAID.

Individuals may make a request in writing to a physician or nurse practitioner asking to be assessed for MAID MD-SUMC eligibility. Following this, they are assessed by two physicians or nurse practitioners, independently, trained in MAID assessment. If neither of these trained MAID assessors has expertise in the condition causing the person's suffering, a third physician or nurse practitioner with such expertise must be consulted.

For MAID MD-SUMC, an independent psychiatrist, expert in the person's specific condition, would often be an appropriate assessor or consultant.

If the person is found eligible for MAID MD-SUMC as per legislated requirements, at least 90 days must pass between the request for and the provision of MAID. During that time, the MAID practitioners must ensure that the person has been informed of alternative means available to relieve their suffering and that they have been offered consultations with the relevant professionals.

It is worth noting that this 90-day period is a minimum and that practitioners can take all the time they need to do what is necessary to complete the assessment. If there is uncertainty from any assessor about clinical or legal eligibility for MAID MD-SUMC, the MAID procedure does not take place.

If during this 90-day period the person becomes suicidal, suicide-prevention efforts will be mobilized, and MAID does not proceed. If a person changes their mind, the MAID procedure does not occur.

It is simply incorrect, despite all the trumpeted misinformation, that an individual who is actively suicidal or experiencing an emotional crisis, and thus is feeling depressed, anxious or unhappy, can request MAID and have it completed without

careful assessment by highly trained clinicians without the passage of at least 90 days and without due diligence being applied.

The statements that we have heard telling us that a person who is in an acute mental health crisis can arrive at a hospital or clinic, request MAID and promptly receive MAID are simply false.

Additional related misinformation about MAID MD-SUMC includes several other false claims: that a person can be eligible for MAID solely on the ground that they are having difficulty accessing mental health care, that MAID will become an alternative to providing mental health care, and that MAID has been created by the government to save health care costs. These claims are all false.

Unlike what the misinformers would have us believe, MAID MD-SUMC cannot be provided just because someone is having difficulty accessing mental health care or because they are feeling emotionally unwell.

• (1540)

On the contrary, the typical MAID MD-SUMC requester — someone who will also be considered potentially eligible for MAID MD-SUMC assessment — is someone who has a long-standing mental disorder, and who had received a substantial amount of various types of therapeutic interventions for a prolonged period of time — often a decade or longer — and, in spite of all the treatments provided, still continues to suffer intolerably. The issue is not lack of access to mental health care.

People who may be considered eligible to be assessed for MAID have been receiving substantial amounts of mental health care for a long period of time. Again, the issue is not access to care; it is that all the treatments that have been tried — during a long period of mental health care — have not been successful.

The unfortunate reality is — as in all areas of medical practice — that there is a minority of people whose mental disorder does not respond to any available treatment. They continue to experience profound and persistent suffering, in spite of everything that has been tried. This reality is similar to that found with other brain diseases and, indeed, with other non-brain diseases.

Sadly, regardless of whether the illness is a mental illness or another type of illness, occasionally, people do not get well with any of the treatments that we have. Some, but not all, of these people suffer intolerably.

Additionally, some commentators would like us to believe that they — and not the patient — best understand the suffering that the patient experiences. They would have us accept a person being forced to continue to suffer intolerably — for years or decades — while waiting for some miracle cure to surface, just in case it might occur, and because they say so.

They promote the narrative that a competent person with a mental illness — who is suffering terribly, persistently and unremittingly — should not be able to decide how they choose to proceed with their life, even though someone with another type of illness can do so. This is another form of stigma against people who have a mental illness, and misinformation worsens stigma.

Colleagues, since we all have a role to play in correcting health misinformation when we become aware of it, it would behoove us — as members of the upper chamber — to also do so for MAID MD-SUMC. I will now remind us all of the responsibilities established through Bill C-7 by Parliament to promote MAID MD-SUMC readiness. I will then provide an update on what activities have been undertaken to date by the federal government to assist in that readiness.

I'll start off with Bill C-7's requirement that:

> A comprehensive review of the provisions of the *Criminal Code* relating to medical assistance in dying and their application, including but not limited to issues relating to mature minors, advance requests, mental illness, the state of palliative care in Canada and the protection of Canadians with disabilities must be undertaken by a Joint Committee of both Houses of Parliament.

Bill C-7 also mandated the Minister of Justice and the Minister of Health to:

> . . . cause an independent review to be carried out by experts respecting recommended protocols, guidance and safeguards to apply to requests made for medical assistance in dying by persons who have a mental illness.

Bill C-7 also mandated the government to revise the regulations on reporting MAID cases in order to require the collection and analysis of a wider range of information about MAID requesters — most notably, race, indigeneity and disability.

One can reasonably ask this: What progress has been made on all of this?

First, let us consider the Regulations for the Monitoring of Medical Assistance in Dying, which outline the reporting requirements relating to MAID requests. These regulations came into force in November 2018, but were recently revised to ensure significantly enhanced data collection and reporting on MAID activity. Most notably, the regulations now require the collection of data based on race, Indigenous identity and the presence of a disability. The revised regulations came into force on January 1, 2023, and the collection of this enhanced data has already begun. I note that these changes are partially a result of amendments made to former Bill C-7 by this place, as proposed by our honourable colleague Senator Jaffer, and supported by many others.

Second, let us consider the Special Joint Committee on Medical Assistance in Dying. As you all know, the final report of the special joint committee was initially due last year, but this due date was pushed back. The final report was recently tabled — about one month before the mental illness exclusion is set to expire. Without the extension, this delay would make it very challenging for the federal government to meaningfully consider the final report and recommendations before the expiry

of the mental illness exclusion. With the extension, the federal government will have time to consider the report and recommendations.

The Expert Panel on MAID and Mental Illness — created by the federal government — conducted its independent review. Its final report was tabled in Parliament on May 13, 2022. This report includes valuable information about — and analysis of — the issues associated with MAID for mental disorders. For those who have not yet had an opportunity to do so, reading the report is a useful part of preparation for consideration of the bill before us now. This report includes the recommendation that the federal government facilitate the development of a model practice standard that could be adopted or adapted by regulatory bodies.

Health Canada established an independent task group to produce this model practice standard. This model practice standard for assessing complex MAID requests, including requests where the sole condition is a mental illness, has been developed by a task group including clinical, regulatory and legal experts. The task group also prepared a model "Advice to the Profession: Medical Assistance in Dying" document to supplement the practice standard that regulatory bodies can use to provide clinical guidance to MAID providers seeking information about specific aspects of MAID MD-SUMC.

Regulators, provincial ministries, territorial ministries, health care authorities and clinicians from coast to coast to coast have now provided feedback to the task group on the draft model practice standard and draft "Advice to the Profession." These have been reviewed and revised based on the inputs. The model practice standard and the "Advice to the Profession" document are now in translation and will be released very soon. At that point, they can be adapted or adopted by the various regulatory bodies that are responsible for how MAID will be delivered in each province and territory.

To remind us, it is these regulatory bodies that set the clinical and ethical standards of practice for all care, including MAID, and give guidance and direction to physicians and nurse practitioners. They do so in the interest of public protection — this is their primary mandate. They are independent of government control, answer to the public and are entitled to apply disciplinary sanction on their physician and nurse practitioner members up to, and including, definitive revocation of licensure. While each regulatory body is independent of each other, and of government, the creation of a model standard of practice and "Advice to the Profession" — which can be adapted or adopted by each province and territory — will go a long way to protecting the vulnerable, and to improving harmonization of MAID delivery across Canada.

It is important to note that this is, to my knowledge, the first time that such a federal government-led, collaborative and comprehensive approach to practice standard development and "Advice to the Profession" considerations has ever occurred in Canada.

Additionally, with funding provided by Health Canada, the Canadian Association of MAID Assessors and Providers, or CAMAP, has been developing a Canadian MAID education curriculum since October 2021.

• (1550)

CAMAP is an organization that is made up of nurse practitioners and physicians, including family physicians, hospitalists, psychiatrists, internists, anaesthetists and neurologists, who provide MAID services, including assessment for eligibility and the provision of MAID itself.

CAMAP's main purpose is to support those who work in this field by providing clinical guidance and education to both those who are new to MAID, as well as to those who are seeking to enhance or deepen their knowledge.

This national educational curriculum is being developed by a diverse group of experienced MAID clinicians from across Canada who have come together to share their expertise in a series of training modules that will cover the entire spectrum of MAID care. This process is overseen by a consortium that includes representatives from CAMAP and a national advisory committee with multiple stakeholders including the Royal College of Physicians and Surgeons, the College of Family Physicians of Canada, the Canadian Nurses Association, the Indigenous Physicians Association of Canada, the Canadian Indigenous Nurses Association, the Society of Rural Physicians of Canada, the Canadian Psychiatric Association, the Association des médecins psychiatres du Québec and other stakeholders including persons with lived experience — families and other supporters of people who have had MAID.

The training modules will be accredited by the Royal College of Physicians and Surgeons, the College of Family Physicians of Canada and the Canadian Nurses Association. This is, to my knowledge, the first time in Canadian history that a health care curriculum has been developed from federal government funding and simultaneously accredited by these three bodies.

Once completed, CAMAP's educational curriculum will consist of seven training modules, including a background to MAID in Canada; difficult clinical conversations; basic and complex MAID assessments, including a detailed understanding of capacity and vulnerability; and basic and complex MAID provisions. There is a module dedicated entirely to MD-SUMC. All of the modules also include resources to help those involved in MAID care to remain well as they undertake this important work.

The purpose of this accredited MAID curriculum will be to train new and experienced MAID practitioners across the country and, thereby, contribute to the development of knowledge and skills among practitioners, standardization of practices across the country and contribute to the high-quality provision of care in the context of MAID. Rollout of this curriculum is expected to begin this fall.

All of this progress is truly remarkable and is the result of the federal government's leadership and collaborative efforts with health system partners, such as provincial and territorial governments, health professional organizations, regulatory bodies, clinicians and other organizations. As I previously mentioned, to my knowledge, this is the first time in Canadian history that the federal government has demonstrated such initiative in supporting the development of an accredited health training program.

So that is the progress report on the federal contributions to readiness.

At this time, I want to caution against allowing the continuing and enlarging storm of misinformation to impact our considerations of the bill before us. First, I want to address one important issue arising from the expert panel report that has become part of the misinformation industry surrounding MAID MD-SUMC. That is, unlike all other illnesses, including chronic pain, it is never possible to determine if a person with a mental illness has a "grievous and irremediable" medical condition. As you know, this is a legal and not a clinical term. The expert panel has provided a thoughtful and substantive approach as to how this legal term can be translated into clinical practice related to MAID MD-SUMC. This will be further articulated in Canadian clinical practice through the regulatory bodies of physicians and nurse practitioners in each province and territory that establish the standards of practice for MAID.

As I previously said, a Canada-wide input into the consideration of how this will be embedded into practice standards has already been completed and is ready for translation and dissemination. Through practice standards, the regulators will set the criteria that must be adhered to in the clinical interpretation of that legal phrase. This, as with all medical practice, will be further refined as clinical practice evolves.

Of additional interest, *The Canadian Journal of Psychiatry* recently, in 2022, published the results of a two-round Delphi procedure in which psychiatrists established 13 consensus criteria for determining "irremediable psychiatric suffering." These criteria are very similar to those provided independently of this process by the expert panel.

Colleagues, it is simply incorrect to say that "grievous" and "irremediable" are terms that can never be appropriately clinically defined in psychiatric practice. Indeed, they have been. While some commentators may not agree, that does not mean that this issue cannot be properly defined, nor does it mean that the clinical definition offered by the regulatory bodies is inappropriate. Just because someone doesn't like a clinical definition doesn't mean that definition fails to meet the threshold for its utility, reliability or validity.

Just so everyone understands where we actually are with respect to the understanding of "grievous and irremediable medical condition" and "incurability" and "irreversibility," the expert panel was of the view that, in the context of MAID, mental illness may be grievous and irremediable where a person has a long-standing condition leading to functional decline and for which they have not found relief from suffering, despite an extensive history of attempts with many different types of interventions and supports tailored to their specific diagnosis and related issues.

The panel further recommended that each MAID assessor should come to an independent understanding with the requester that an illness, disease, disability or functional decline causes the requester enduring and intolerable physical or psychological suffering, and — this is important — that each be done on a case-by-case basis as the nuances of each situation require a personalized approach.

A key feature of this recommendation is that a person meeting the criteria identified by their expert panel makes the decision that their condition is "grievous and irremediable" in collaboration with each MAID assessor. It is not a single health care provider who alone makes the decision for the person.

In my opinion, this perspective is consistent with the modern medical practice of both evidence-based care and patient-centred care as these are discharged in the context of complex conditions and reflect the evolution of medical care from an autocratic, paternalistic approach to the engagement of the medical provider as a partner in the patient's care. After all, it is the person who is suffering who needs to be heard.

That, by the way, colleagues, is what the word "patient" actually means — one who suffers.

This also reflects the reality of modern medical practice in which all pertinent information is gathered, and medical intervention decisions in complex cases are made on a case-by-case basis. There is no cookbook recipe or checklist for complex medical decisions. All complex medical decisions are made case by case because they must be tailored to the individual, the person's medical condition, the totality of all interventions provided and the impact of those on the person's unique situation and the person's own aspirations and needs. Complex medical decisions also involve more than one highly trained health care provider. These decisions are made collaboratively with a well-informed patient; they are not dictated to the patient.

Every patient must be treated for who they are, not just for the disease that they have. No two people are exactly alike, and what should be done in the best interests of the patient must not be provided by a predetermined recipe or checklist, but by three equal factors: One, the competency and training of the clinician; two, the best available evidence about the health problem and available interventions; and three, the needs and wishes of the informed patient.

• (1600)

This trifecta is what defines evidence-based care, and it can only be provided using case-by-case decision making. This is the foundation for modern medicine's commitment to patient-centred care.

When I was in medical school, I had the incredible privilege to be introduced to the framework for evidence-based and patient-centred care by Dr. David Sackett, the pioneer of evidence- and patient-centred medicine.

Dr. Fraser Mustard, the dean of our school, and two of my most revered teachers, Dr. Jack Laidlaw and Dr. Bill Spaulding, repeatedly reinforced that we don't intervene in diseases; we intervene with people who are suffering from a disease. We don't use recipes or checklists; we use our best clinical judgment, the best evidence we have and we are led by the needs and wishes of our patients. We also don't fly alone. The more complex the case, the more important it is for us to involve other clinicians. Decisions regarding interventions in complex cases arise from this reality.

Colleagues, if we expect that for MAID where a mental disorder is the sole underlying medical condition, or MAID MD-SUMC, a situation that calls for complex decision making, clinicians should be making decisions based on a cookbook recipe or a checklist, and if we accept that we should ignore the foundational principles of evidence-based medicine and patient-centred care for those who suffer from a mental illness, while at the same time using these same tools in helping make intervention decisions for those whose suffering is not solely determined by a mental illness, we are denying those with a mental illness the same high-quality care that we provide to those who have a different type of illness. Colleagues, this is not only stigma, it is discrimination.

Friends, when the time comes — and for some of us, it already has — that we or a loved one is dealing with a complex and pernicious illness, such as cancer or end-stage heart failure, I am sure we would all want to be treated on a case-by-case basis. We would want our clinicians to understand who we are as a person and to do their best to help us while respecting our needs and wishes. Why would we accept that we — or any one of us who may have a mental illness — should not be treated that way?

I would also like to remind us that, given the law regarding MAID in Canada, at least two — and sometimes three — different, highly trained clinicians must independently and together with the patient come to the decision that the patient's condition is "grievous and irremediable." If the clinicians do not agree, then the MAID process does not proceed. The decision of what constitutes "grievous and irremediable" is not made by a solo practitioner with doubtful competencies; quite the contrary.

Finally, on this point, many of us have heard that a person who, for example, may be psychotic and refusing an effective treatment would be able to receive MAID. This is also not true. A person who is psychotic would not be found competent to make that decision. The minimum 90-day period between request and provision would give ample time for the appropriate in-depth evaluations to be carried out by multiple clinicians addressing this issue, especially since this is a minimum period and clinicians will take as much time as they think is necessary to form opinions about eligibility. Furthermore, a capable person cannot refuse all or most interventions and automatically render themselves incurable for the purposes of accessing MAID.

A MAID assessor cannot form a judgment about eligibility in the absence of evidence needed to form that judgment. As such, when reasonable treatments are left to be tried, MAID eligibility cannot be found.

Honourable colleagues, ongoing misinformation about MAID MD-SUMC continues to spread, misleadingly suggesting that persons with mental disorders requesting MAID will be treated in a haphazard, irresponsible and unregulated manner. However, as evidenced by a careful look at the law itself and the regulatory and practice context within which the law sits, this is not the case. In fact, the opposite is true. MAID MD-SUMC will be provided under perhaps the most comprehensive and robust federally facilitated health regulatory and training interventions ever created in this country.

Returning to the task immediately at hand — namely, consideration of a bill extending the period of ineligibility — I think we can all agree that significant progress has been made. However, I believe it would be best to extend the period for one more year. I am confident that one more year will be enough time for the dissemination and uptake by the nursing and medical communities of the key resources I just discussed, as well as increased familiarity with the new reporting regulations.

The Minister of Justice has also said that one more year will provide sufficient time for the federal government to carefully consider the final report of the Special Joint Committee on Medical Assistance in Dying. One more year strikes the balance between ensuring that people can access MAID on the sole basis of a mental illness as soon as possible and ensuring that this change is done at a time when the more robust data gathering is well-established and health care stakeholders have had more time to familiarize themselves with the practice standards and training materials.

Additionally, I am of the opinion that the federal government must do a much better job of communicating with Canadians about the complex and nuanced aspects of MAID.

One critical component of this communication is that the federal government must be clear about what "being ready" means in the context of its role regarding MAID. In my opinion, "being ready" means that four conditions have been met: One, that the model practice standard is finalized, published and distributed to regulators in each province and territory; two, that the certified MAID training program has been completed and is available for access by MAID practitioners; three, that the updated reporting requirements have been implemented and the government has begun to gather the data that will be critical for our ongoing assessments of the MAID system in Canada; and four, that the government has had time to consider the joint committee report.

In closing, I want to take a moment to speak directly to those people who have been waiting to become eligible to receive MAID in March 2023 and who will surely be disappointed by this extension of the period of ineligibility.

I have heard from some who express anguish over this delay. It is important that we all acknowledge the additional prolonged suffering that those who have been waiting will continue to experience. I know that the suffering caused by a mental illness can be just as severe as, or even worse than, that caused by a physical illness. I want to assure those who are waiting that, although unfortunate, I think this extension is necessary to help ensure that MAID MD-SUMC requests can be properly assessed and appropriate decisions can be made.

This extension should not be taken to be an endorsement or validation of the misinformation being circulated about MAID MD-SUMC. This extension does not question the capacity or autonomy of competent people with mental illness to make their own health care decisions. This extension does not question the reality of mental disorders or the profound suffering that occurs when treatments have been tried and all have failed.

I invite all honourable senators to join me in support of this bill so that we can help ensure that Canada has a MAID regime that is carefully considered, appropriately equipped and responsive to the complex dynamics inherent in this important issue.

*Wela'lioq*, thank you.

[*Translation*]

**Hon. Renée Dupuis:** Would Senator Kutcher agree to take a question?

[*English*]

**Senator Kutcher:** Certainly.

[*Translation*]

**Senator Dupuis:** Thank you for your speech, Senator Kutcher; I found it to be very thorough.

• (1610)

I'd like to go back to the very last part of your speech, and the fourth point in particular. You were explaining that procedures have been put in place and training programs are being developed.

However, there is one aspect that bothers me, and that is the fourth point that you brought up. You said that the government will also have time to look at the Special Joint Committee on Medical Assistance in Dying report, which was tabled in February 2023.

However, the issue on the agenda was actually mental illness and how it relates to part of the legislation that was going to come into effect a few days later and allow access to medical assistance in dying.

The government is saying that it wants to push back the implementation of this access to medical assistance in dying by one year. You're right to point out that many people are very disappointed, if not confused, by this proposed delay.

Are you saying that the part of the report by the Special Joint Committee on Medical Assistance in Dying that the government would like to examine covers only mental disorder or did the special joint committee examine all the issues? If we open the door to other considerations in the upcoming year and agree to delay the coming into force of this part of the legislation, we can very well imagine that one year from now the government will come back to us and say that it hasn't had the time to consider the issue of mature minors or the other issues that were included in the committee's report.

What guarantees do you have from the government that, if we delay for one more year, the government will only consider the issue of mental disorders?

[*English*]

**Senator Kutcher:** Thank you, senator. That is an excellent question.

There are four members, including our esteemed co-chair, who have sat on this joint committee, and it has been a challenge that we have all taken on. It did cover much ground, as you have said. It addressed mental illness as a sole condition. It looked at advance requests. It looked at mature minors and a number of other topics.

My understanding is that this legislation is specifically focusing on extending the issue around MAID for mental illness as a sole underlying medical condition and the government's analysis of the joint committee's report related to this particular topic. This particular bill will focus on that.

My understanding is that the other aspects that the joint committee looked at will also be considered by the government, but are not part of the considerations related to this specific topic.

However, we'll have two ministers here tomorrow. I think it would be much better for them to speak on behalf of the government than for me to do it because I don't speak on behalf of the government.

Thank you for your question, and hopefully you can raise that again with them tomorrow.

[*Translation*]

**Hon. Pierre J. Dalphond:** Honourable senators, I rise today in support of Bill C-39. As you know, this bill proposes to delay by one year, until March 17, 2024, the possibility for those suffering from an irremediable mental illness causing them intolerable pain to request medical assistance in dying.

The bill has only one very short provision that targets only one provision of the Criminal Code, the one that makes mental illness ineligible for medical assistance in dying.

My speech has three parts. First, I want to talk about where the exclusion for people suffering from mental illness came from. Second, I will explain why the Senate refused to support that exclusion in 2021, and third, I will talk about the reasons for extending the exclusion.

The debate we're having here today is in response to the September 11, 2019, ruling of the Quebec Superior Court in *Truchon* and *Gladu*.

This ruling found unconstitutional some provisions of the Criminal Code and some provisions of Quebec's Act Respecting End-of-Life Care, which made a reasonably foreseeable death a condition for accessing medical assistance in dying. According to the judge, this criterion, which wasn't suggested by the Supreme Court in its 2015 ruling in *Carter*, violated the constitutional rights of Mr. Truchon and Ms. Gladu, namely the right to equality.

Both the Government of Quebec and the federal government accepted that ruling and promised to take appropriate action.

At the federal level, this took the form of Bill C-7, which was introduced on October 5, 2020. The bill added a second pathway to medical assistance in dying for people suffering from an incurable disease that is causing them intolerable suffering, without that suffering being the cause of imminent or foreseeable death.

By contrast, in Bill C-7, the government proposed to deny access to medical assistance in dying to individuals suffering only from mental illness, arguing that this was an appropriate measure given the lack of sufficient consensus among psychiatric experts at the time.

[*English*]

This is the origin of track 2 and of the exclusion of those suffering from only a mental illness, even if their illness was found to be incurable and the source of unbearable suffering as explained by Senator Kutcher a few minutes ago.

I move now to the reasons why the Senate disagreed with the permanent exclusion. As you may remember, Bill C-7 received much attention in the Senate. First, there was a pre-study in the fall of 2020 that led to a comprehensive report released in February 2021, which has been quoted extensively by many witnesses before the joint committee recently.

On the exclusion of mental illness as a sole condition, our legal committee reported a lack of consensus about the irremediable character of many mental illnesses and signalled that renowned legal experts, such as Professor Downie of Dalhousie University, have argued that the exclusion was unconstitutional.

During the third reading debate in the Senate, five amendments were adopted — some after lively debates. One was the addition of an 18-month termination date on the exclusion of those suffering solely from a mental illness. For the majority of this chamber, this group exclusion was discriminatory, resting on stereotypes and biases against mental illness and thus even unconstitutional. Only a mechanism providing for a case-by-case assessment of requesters of MAID could be acceptable.

The government finally agreed with this conclusion, ending the group exclusion through a sunset clause two years after Royal Assent. That's going to be March 17, a few days from now. In addition, the government proposed an independent review by experts in relation to MAID and mental illness, including safeguards.

A majority of the House of Commons agreed with these proposals, and we later accepted them. As a result, the exclusion from track 2 of those suffering from a mental illness was to end on March 17, 2023.

At the time and to this day, many psychiatrists and citizens believe that a group exclusion for individuals suffering from an incurable mental illness is the option to be preferred. This is the goal of Bill C-314, a private bill tabled yesterday in the other place.

But it remains that this is not the view of most Canadians according to a recent poll conducted by Ipsos for Dying With Dignity Canada. In the context of treatment-resistant mental illness with intolerable suffering, 34% of Canadians strongly support access to MAID in such a case, 48% somewhat support access, 10% somewhat oppose and 7% strongly oppose.

• (1620)

Essentially, over 80% of Canadians think that access to MAID should be available for those suffering in that type of situation, which is incurable illness and unbearable suffering.

In my view, those numbers confirm that the Senate rightly concluded that a permanent exclusion was not only unjustified and likely unconstitutional, but also that Canadians do not support further stigmatization of those suffering from an incurable mental illness. The law should not treat them as unable to make a choice for themselves by denying access to track 2 if they are otherwise eligible and meet the safeguards provided for track 2.

Bill C-39 does not revisit the exclusion issue but, rather, it extends by one year the current temporary exclusion. We must ask this: Why postpone the coming into force of track 2 access for those suffering solely from a mental illness who otherwise meet the stringent requirements of track 2? The answer is that Parliament should proceed with some caution in lifting the exclusion in order to allow provinces and territories sufficient time to prepare for the required assessments. Harmonization and proper training for assessors are critical.

As Minister of Health Duclos has noted, the development of practice standards for MAID falls outside direct federal responsibility. He also said that the government:

> . . . is actively engaging [provinces and territories] and the Federation of Medical Regulatory Authorities of Canada on the development of consistent practice standards.

In his speech, Senator Kutcher referred to the efforts that are being deployed across Canada to achieve such harmonization and develop assessment procedures and standards.

The recent Special Joint Committee on Medical Assistance in Dying, where I had the honour to serve with Senators Martin, Kutcher, Mégie, Wallin and 10 members of Parliament, shared the responsibility of completing an interim report and a final report on various issues related to MAID. The interim report tabled last June was on MAID and mental disorders, and it was dedicated to reviewing the task force report.

A government response followed in October. By that time, everybody was working hard to meet the requirement of March 17, and the government was hopeful that date would be met.

However, further witnesses heard by the committee led the committee to conclude in its final report, which was tabled on February 15, that we were not yet ready to move forward. That final report includes 23 recommendations, including one in relation to mental disorders. That recommendation is to agree with the government about postponing the date of March 17 and also proposes to re-establish a joint committee five months before the new exclusion date, which is March 2024, in order to verify the degree of preparedness attained for a safe and adequate application of MAID for mental disorders as a sole underlying condition. Again, that recommendation reflects a cautious approach.

However, there are also risks to not removing the exclusion in a timely way. The special joint committee noted in its report that the delay in eligibility under Bill C-39 may prolong the suffering of some individuals who are otherwise able to receive MAID. Senator Kutcher referred to that, and I believe most of you received emails from those people, urging us not to accept Bill C-39 and not delay further access to MAID.

Essentially, adults who meet the eligibility criteria for MAID — including irremediability, informed consent and intolerable suffering — currently face discrimination as a class when their condition is mental as compared to physical, or when compared to having both physical and mental conditions, when we don't dispute their ability to consent to MAID.

In my view, Charter compliance very likely requires a MAID law that allows for a case-by-case analysis of eligibility based on individual facts, such as assessing capacity and past attempts at treatment. Such an approach will occur for cases of mental disorders once the sunset clause expires — now in March 2024.

Indeed, Parliament has considered MAID in the context of mental disorders for a long time. Senator Seidman and former Senators Cowan, Joyal, Ogilvie and Nancy Ruth served on another special joint committee on MAID in the Forty-second Parliament. In their 2016 report over seven years ago, recommendation 3 urged:

> That individuals not be excluded from eligibility for medical assistance in dying based on the fact that they have a psychiatric condition.

On legalities, let me refer to lawyer Shakir Rahim's testimony to the special joint committee on October 4, 2022. He discussed MAID and mental disorders in relation to the 2020 Supreme Court decision of *Ontario (Attorney General) v. G*, a leading case on section 15 equality rights. During our third reading debate on Senator Kutcher's amendment to Bill C-7 I referred to that decision of the Supreme Court regarding mental disorders. The special joint committee's final report also refers to that decision.

As Mr. Rahim told the committee:

> In my view, the recommendation of the expert panel on [medical assistance in dying where a mental disorder is the sole underlying medical condition] conforms to the spirit and letter of the section 15 jurisprudence. . . .

Senators, these conclusions show the necessity of having access to MAID for mental disorders.

[*Translation*]

However, it must be done in a way that ensures that there is no slippery slope and no mistakes that might contribute to opposition to this expansion. That's why, honourable senators, I suggest that we pass Bill C-39, and I have a message for anyone who may be listening. This is not about opposing your right to MAID; it is simply a pause. Your right to medical assistance in dying is constitutionally recognized and will soon be available.

Thank you.

[*English*]

**Hon. Denise Batters:** Honourable senators, I rise today to speak to the second reading of Bill C-39, a bill to delay by one year the repeal of the exclusion of mental illness as a sole underlying cause from eligibility for assisted suicide.

This Trudeau government's 2021 decision to extend assisted suicide to people who are mentally ill is nothing short of abhorrent. Since the government expanded the eligibility for assisted suicide from people at end-of-life to those not facing imminent death, Canadians have witnessed the slippery slope rapidly become reality. We have seen it in the news: multiple veterans offered medically assisted death instead of help from the government, and disabled and impoverished Canadians who feel they have no other option but to end their lives through assisted suicide because of a lack of health and social supports.

The parliamentary committee on MAID recommends the expansion of assisted suicide to children. In recent weeks, I saw Twitter posts from the federal Department of Justice actually promoting the virtues of medical assistance in dying. Meanwhile,

psychiatric experts warn repeatedly about the dangers of expanding assisted suicide to people suffering from mental illness, and health practitioners state they're not prepared to do it.

• (1630)

Rather than heed the dire warnings and apply the brakes, this activist Trudeau government has opted instead for this bill a one-year delay in implementation. They want to use the time to "sell" the awful concept of assisted suicide for mental illness to the Canadian public. But Canadians are waking up to the reality of the expansion of assisted suicide, and they are shocked and alarmed at the prospect of it being extended for mental illness. A recent Angus Reid survey found that only 31% of Canadians support this move.

It was only seven years ago that assisted suicide even became legal in Canada. I have been fighting against its expansion into mental illness since before the first legislation, Bill C-14, was introduced in 2016 in response to the Supreme Court of Canada's 2015 *Carter* ruling. Fighting against the expansion of assisted suicide to people with mental illness was what first prompted me to start my social media accounts. My very first Twitter and Facebook posts were my national column on the issue, entitled "Help the mentally ill. Don't kill them."

In 2019, a Quebec lower court ruled in the *Truchon* case that the federal Criminal Code provisions requiring that natural death be "reasonably foreseeable" and the Quebec assisted dying law provision that a person be "at the end of life" to qualify were invalid. Rather than appeal the ruling, as would usually be done, the Trudeau government instead chose to introduce new legislation, Bill C-7, to remove not only the "reasonably foreseeable" criterion but also some minimal safeguards that had accompanied Bill C-14.

Initially, the bill contained an exclusion for mental illness as a sole underlying cause of accessing MAID, but it was actually — shamefully — the Senate that passed a sunset-clause amendment to end that exclusion in 18 months, thus throwing open the gates of assisted suicide to those suffering with mental illness. The government accepted that amendment but modified the delay to two years.

Even though the subject matter of the bill was studied by the Senate Legal Committee twice — once at pre-study, then again during study of the actual bill — the mental illness sunset clause, and thereby the extension of MAID to vulnerable Canadians with mental illness, was never examined by a committee in either house. The government established a committee to study how to implement the inclusion of psychiatric illnesses, not to judge the merits of whether to do so. And a parliamentary committee studied the further expansion of assisted suicide, including the issues of advance consent and extending MAID to minors.

As is so often the case, throughout this process, this activist Trudeau government has prioritized pure ideology over evidence. But the government continues to push its agenda anyway.

Mental illness is not irremediable — one of the primary criteria to qualify for assisted suicide. Recovery or at least the alleviation of suffering is possible and can't be predicted. Expert psychiatrists recognize that the trajectory of mental illness is unpredictable.

Dr. John Maher, a veteran psychiatrist who has worked with patients with some of the most severe, resistant cases of mental illness, testified at the Special Joint Committee on Medical Assistance in Dying:

> . . . I defy literally any psychiatrist to say that this particular patient has an irremediable illness, because you can't. I have patients who get better after five years, after 10 years and after 15 years. You cannot do it. It's guesswork. If you're okay with guesswork, if you're okay with playing the odds, or if your position is let's respect autonomy at all costs — if someone wants to die, they can die — call it what it is. It's facilitated suicide.

Colleagues, often, finding the right treatment for an individual is a process of narrowing down the combination of medications over time. Advocates of psychiatric assisted suicide have recently begun to turn their argument from one of irremediability to that of inaccessibility as irremediability. That is pretty mind-blowing when you consider the state of Canada's health care system at the moment and how inaccessible doctors and treatments are for Canadians.

Dr. John Maher reacted to one such claim at the MAID Committee when another psychiatrist stated that she would consider a patient facing a long waiting list for treatment as "irremediable" on that basis:

> It's actually been said out loud, we'll let people die. We've seen in the news: Let people die because they can't get an apartment. Irremediability, on my understanding of the Supreme Court ruling and subsequent legislation, had nothing to do with psychosocial resources. We were talking about diseases. These were medical diseases — brain diseases we're talking about now — where we couldn't medically treat them.
>
> Boy, has the barn door been opened wide here if that counts as irremediable. I'm going to cite this as a specific example of my great fear of the abuses that are going to follow with this legislation, because there's no oversight. . . . If [a psychiatrist] is going to let someone die because they can't get a treatment that will help them, then I'm frankly just shocked. That is not what this law is about, nor should it be. If we as a Canadian society are willing to let people die over apartments, I'm frankly just disgusted. Forgive my passion here, but you're parliamentarians with a duty to preserve life.

As many of you know, I am a family survivor of suicide loss. My husband, MP Dave Batters, died by suicide days short of his fortieth birthday, after struggling with depression and anxiety. I have seen up close the failures of our mental health care system. There are problems of accessibility, costs, stigma and an utter lack of resources that stand in the way of people getting the help they need. The answer to those barriers is to fix that system, not to confirm a mentally ill patient's feelings of hopelessness and offer them the lethal means to suicide. The answer is certainly not to end their lives for them. As a compassionate society, we have an obligation to hold hope for Canadians with mental illness when they don't have any hope for themselves.

In the limited time I have left, I did want to address some of the specious claims that the government and proponents of psychiatric MAID expansionism are making, because they are misleading, and I think parliamentarians and Canadians should know this.

First, in trying to sell the concept of psychiatric MAID to the Canadian public, Justice Minister David Lametti has implied that extending assisted suicide to people with mental illness has been mandated by the courts. This is simply not true. Neither the *Carter* nor the *Truchon* cases ruled on the constitutionality of expansion for mental illness, and neither plaintiff requested MAID based on psychiatric grounds.

The government and proponents of psychiatric MAID try to draw a false equivalence between physical and mental illnesses. However, the two are very different. A mental illness is not "terminal." Death is not its "reasonably foreseeable" outcome. Again, mental illness is not irremediable and it is unpredictable, even for expert psychiatrists extensively trained to assess and diagnose those illnesses.

Further, suicidality can be a symptom of mental illness. This is something I have unfortunately witnessed first-hand. To evaluate physical and mental illnesses as not identical is not discriminatory. It is simple acknowledgement of fact. As Dr. Sonu Gaind testified before our Senate Legal Committee:

> . . . it is not discriminatory to consider the particular nuances of mental illness in MAID discussions. "Equity" does not mean everything is the same; it means treating things fairly and impartially.

We should not extend assisted suicide on psychiatric grounds if we cannot give Canadians with mental illness full access to treatment and support options.

Honourable senators, we cannot just throw up our hands at the gaps in our mental health care system and sign a death warrant to ease people's pain, congratulating ourselves with the delusion that we do it out of a twisted sense of equality. This is not equality for people with mental illness. It is a complete dereliction of our duty as parliamentarians.

There are gaps in the mental health care system, and they are causing such suffering that people with mental illness are considering death rather than the further pursuit of treatment. The massive problems in our mental health care system make me angry. I've seen it. I've lived it with my husband. The fact that this Trudeau government will offer people death before addressing their need for treatment makes me livid. We as parliamentarians have a responsibility to do something about it, honourable senators, and it starts at the top, with holding this government accountable.

The Trudeau government, in its signature style, talks pretty words about mental health but does not follow through. In the 2021 election, the Liberal platform promised a "Canada Mental Health Transfer" of $4.5 billion over five years. Here we are nearly 18 months later, with one budget down and one on the way, and how much of that money for mental health has actually begun flowing? Not one red cent. According to the deadlines in their own Liberal campaign platform, this government is already more than $1.5 billion behind on their mental health care promises. How many wait-lists for psychiatric care will that help alleviate, honourable senators? How many Canadians with mental illness will that provide with treatment, testing or medications? Oh, that's right — zero.

This government thinks they can put out a couple of tweets on Bell Let's Talk Day, voice empty promises on mental health funding and never follow it up with action.

Honourable senators, I know many of you have your hearts in the right place, but if you really want to help people suffering with mental illness, why are you letting the government continue to get away with this? Why have you voted to give people with mental illness death before adequate supports? When this measure to extend assisted suicide was added by this chamber at the end of the Bill C-7 process, so that it has never had proper review before a parliamentary committee in either house of Parliament, why aren't we forcing this bill to go through an intensive study now? Why is the only scrutiny this bill will receive going to be a one-hour Committee of the Whole split between two ministers?

• (1640)

Bill C-39 will pass. Those who want psychiatric MAID will vote for it, and those who vehemently oppose psychiatric MAID will vote for this bill to at least delay its enactment. We should be using the year of this delay to finally and honestly review whether it is right to expand assisted dying to people with mental illness, not how to implement killing them.

Minister of Justice Lametti says he intends to use this year delay in implementing psychiatric MAID to "allow everyone to internalize the standards" and "allow universities to prepare

teaching materials" and "develop explanations." What a load of bunk. The government recognizes the tide is turning against this awful expansion, and they're hoping this delay will give them more time to do a sell job to Canadians.

Honourable senators, this one-year delay is needed today because Canada is not ready to extend assisted suicide to people living with mental illness. Psychiatrists and doctors are not ready. They are not comfortable with this, because extending assisted suicide to mentally ill patients contradicts the standard of mental health care, which is suicide prevention and the preservation of hope and life.

Canadians are also not ready for this. They're not comfortable with it because they're now witnessing in real time the nightmare scenarios that expanding assisted suicide so quickly have already caused. The rest of the world looks at our assisted suicide regime with shock — we've become the most permissive country on the planet. If everyone's uncomfortable with it, it's probably a good indication we're doing something wrong, honourable senators. We need to stop this runaway train before it's too late.

The one-year delay in Bill C-39 is a start, but it's only a start. The federal government needs to use this year to completely re-evaluate extending assisted suicide for mental illness. They have gone too far with this ideological experiment and are headed straight for the abyss. It has gone too far for psychiatrists, it has gone too far for Canadians and it is hurting most the people who desperately need us to continue to preserve hope for them — people living with mental illness. One of them, noted Canadian mental health advocate Mark Henick, put it this way:

> To expand Medical Assistance in Dying solely for a mental illness would be the ultimate expression of systemic stigma and discrimination against people with mental illnesses. It would represent a final, preventable indignity to people who have been fighting for their right to recover, sometimes for a very long time, in spite of failing government healthcare systems which too often make recovery harder than it needs to be. It is unacceptable for lawmakers to abdicate their responsibility to some Canadians, those of us with a mental illness, and to wash their hands of their end of the social contract. We will not be so summarily culled by people in power who seem to see us as a systemic burden. People who have experienced a mental illness pay taxes too, and are valuable members of Canadian society. We will not let you let us down.

Honourable senators, we must not let them down. Thank you.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Honourable senators, I rise today to speak to Bill C-39, An Act to amend An Act to amend the Criminal Code (medical assistance in dying), as the official opposition critic in the Senate.

Medical assistance in dying, or MAID, has been and remains one of the most complex and deeply personal issues for individuals, families and for our nation. The issue of expanding MAID eligibility to those suffering from mental illnesses is deeply personal for me as well, as I know individuals who have suffered and are living with complex mental illnesses, and I have witnessed first-hand what they and their families must endure in the process of finding the right treatments and solutions. Every case is unique. Assessments and effective treatments may take a long time, even decades, but I am grateful that MAID was never an option in their darkest hours, as it will be for others within a year's time with the passage of C-39. Bill C-39 extends the exclusion of eligibility for receiving MAID in circumstances where the sole underlying medical condition identified is a mental illness until March 17, 2024 — a one-year delay from what is set out in the current law.

Bill C-7 expanded the eligibility for MAID to persons whose natural death is not reasonably foreseeable. Originally, the bill excluded eligibility to receive MAID in circumstances in which mental illness was the sole underlying medical condition. However, Senator Kutcher introduced an amendment at third reading to expand MAID to those with mental illnesses as a sole underlying condition, which was adopted with majority support in this chamber. The government accepted this amendment, and the law that was ultimately passed included a sunset clause date of March 17, 2023. This would mean that MAID for those suffering from mental illness would become legal next week unless we adopt the government's eleventh-hour legislation, Bill C-39, to delay the expansion for one year.

With the expansion, Canada will become one of only four countries — including Belgium, Luxembourg and the Netherlands — in the entire world to allow MAID for some of the most vulnerable people in our society. Canada becoming a leader in the world in our rapid expansion of MAID is not something most Canadians would want Canada to be known for, in my opinion.

As honourable senators are aware, I served as joint chair of the Special Joint Committee on Medical Assistance in Dying, along with Liberal Member of Parliament Marc Garneau and with senators in this chamber who have already been named. The committee recently tabled our final report after examining several topics and issues involving MAID. The issue of expanding MAID to those with mental illnesses as a sole underlying medical condition was studied in the interim report tabled in June 2022. It was a difficult subject matter then, and it remains difficult as we debate C-39 today.

The committee held 36 meetings in total, heard from close to 150 witnesses and received more than 350 briefs and submissions. We heard compelling and emotional testimony from mental health patients, patient advocates, scientists, psychiatrists, MAID assessors and providers and other mental health professionals. There was a wide range of views brought forward debating the science, ethics, practicality and readiness for this proposal. The witnesses on all sides of the issue were passionate and informative. The overarching takeaway, however, was that there is no medical or scientific consensus at this time on the concept of MAID for mental illnesses. Many of those who were in favour of this expansion acknowledged that we are not ready to proceed and recommended further delay of this expansion.

In fact, in December 2022, even the Association of Chairs of Psychiatry in Canada, which includes the heads of psychiatry departments at all 17 medical schools, issued a statement raising concerns about the looming March 17, 2023, deadline and the lack of readiness for this expansion to take place safely and reliably, calling on the Liberal government to extend the sunset clause for MAID MD-SUMC.

As reported in the *National Post* on December 15, 2022:

> . . . a lack of public education on suicide prevention as well as an agreed-upon definition of irremediability, or at what point someone will not be able to recover, are important, unresolved issues.
>
> "Further time is required to increase awareness of this change and establish guidelines and standards to which clinicians, patients and the public can turn to for more education and information."

When we are discussing policy proposals in which the cost of getting it wrong is wrongful or unnecessary death, why would we even consider moving forward without overwhelming consensus among experts?

As Dr. Sonu Gaind, former president of the Canadian Psychiatric Association told our committee:

> . . . our law does not say grievous and irremediable conditions are determined by an ethical decision. It should be a scientific decision.

The government did establish an expert panel to study MAID and mental illness as a sole underlying medical condition. However, this panel was created after the passage of the sunset clause and the members were not asked to consider whether Canada was ready, whether it is possible to do this safely or whether there was scientific consensus to justify this expansion. The expert panel was tasked with presenting recommendations on implementation. The work of the expert panel should not be misconstrued as expert consensus. In fact, even the panel's final report indicated that it would be difficult, if not impossible, to predict irremediability with mental disorders.

• (1650)

This view — the inability to predict irremediability — was a concern raised by several experts. If we do not have certainty of irremediability as a safeguard in our MAID regime, what meaningful safeguards against premature death do we really have?

Dr. Mark Sinyor, a professor of psychiatry, told the joint committee:

> In physician-assisted death for sole mental illness, we have no numbers at all. Neither we nor our patients would have any idea how often our judgments of irremediability are simply wrong. This is completely different from MAID applied for end-of-life situations or for progressive and incurable neurological illnesses, where clinical prediction of irremediability is based in evidence.
>
> In the context of physician-assisted death for sole mental illness, life or death decisions will be made based on hunches and guesswork that could be wildly inaccurate. The uncertainties and potential for mistakes in mental illness are enormous and, therefore, the ethical imperative to study harms in advance of legislation is accordingly immense.

Sean Krausert, Executive Director of the Canadian Association for Suicide Prevention, pointed out that a patient's treatment refusal does not equal irremediability, as well as that when it comes to mental illness, irremediability must remain objective. He stated:

> MAID should not be provided to patients suffering from a condition that does not have reasonable foreseeability of death, unless there is clear scientific evidence that the condition is irremediable. Irremediability must always be objective and never subjective. There is no evidence that concludes that mental illness falls into this category.

Our joint committee continued its work through the fall sitting of Parliament, hearing from more witnesses on this topic, and raising more questions than answers.

Dr. John Maher, a clinical psychiatrist and medical ethicist who appeared before the committee, said:

> Psychiatrists don't know and can't know who will get better and live decades of good life. Brain diseases are not liver diseases.

Honourable senators, the idea of a mental health patient receiving MAID when the irremediability of their illness is subjective, and open to interpretation, troubles me greatly. Canadians share this concern. According to a recent national Angus Reid poll, although Canadians agree with MAID generally, only 31% agree with MAID for irremediable mental illness. We can only imagine how much that number would drop if Canadians were asked if they would support MAID for mental illness in cases where experts disagree on the irremediability.

Concerns were also raised at committee about the inability to distinguish between suicidality and requests for MAID. It is indisputable that mental health services in Canada are grossly insufficient. According to the Centre for Addiction and Mental Health, only half of Canadians experiencing a major depressive episode receive "potentially adequate care." One third of Canadians aged 15 or older who report having a need for mental health care say those needs have not been met. Seventy-five per cent of children with mental disorders do not have access to specialized treatment services. Aboriginal youth are about five to six times more likely to die by suicide than non-Aboriginal youth. Suicide rates for Inuit youth are among the highest in the world — at 11 times the national average.

These are very troubling statistics, and, based on the Indigenous witnesses at committee — who also expressed their deep concerns about the impact of MAID on their communities, particularly on Indigenous youth — we know that more consultations are needed, and careful attention must be given to safe and appropriate MAID expansion for Indigenous communities.

We know that one of the symptoms of many mental illnesses is the wish to die, and, yet, before the government has honoured their funding commitments to improve mental health care, they are moving forward with a policy that will offer assisted death. How can we be certain that we are providing mental health patients with a fair and honest choice? How can we be certain that feelings of suicidality associated with mental illness are not a factor in the request for MAID? As many experts told the joint committee, we cannot.

Sean Krausert noted that he likely would have chosen MAID in his "darkest days" of depression and anxiety, and now he has a rich life with successful medication and therapy. Similarly, Dr. Georgia Vrakas, a psychologist and professor, said:

> In this context, giving people like me the green light to get medical assistance in dying is a clear signal of disengagement from mental illness. It sends the message that there is no hope and that we are disposable.

Colleagues, on February 2, the Honourable David Lametti, Minister of Justice, tabled Bill C-39 just weeks away from the March 17 deadline. Bill C-39 gives a one-year extension for mental illness as a sole underlying condition for MAID. But how can the government ensure that a year from now we will have the necessary answers, resources and safeguards in place to protect some of our most vulnerable people? There is no evidence to indicate that the difficulties around important issues, such as predicting irremediability and the inherent risk to vulnerable persons, will be resolved in a year.

The Liberal government has created Bill C-39 to attempt to fix the problems they created with their rushed approach to Canada's MAID regime, but this is not an acceptable solution.

I will, reluctantly, support Bill C-39 because, without it, MAID for those with a mental illness as a sole underlying medical condition will be legal in 10 days. It is my sincere hope that this year will give parliamentarians a chance to pause and seriously reflect on the direction we are going. We would be proceeding with legislation with life-and-death consequences before we have any meaningful evidence to justify doing so. Canada is on track to be one of the jurisdictions referenced in other countries as a dangerous example.

Honourable senators, we have an opportunity to listen to the experts, and exercise the caution that this delicate issue requires. I hope many of you will join me in supporting my colleague in the House of Commons MP Ed Fast, and his private member's bill, Bill C-314, which provides that the term "grievous and irremediable medical condition" — contained in Canada's MAID regime — will not include mental disorders.

All policy should be based on evidence, and I cannot imagine a more crucial example than the policy around the MAID regime. I will question Minister Lametti tomorrow during Committee of the Whole on how he will ensure that the proper safeguards will be in place, and how concerns raised by experts and advocates will be fully addressed — or perhaps to re-evaluate expanding MAID if concerns remain within the year ahead.

I also look forward to working with my Conservative colleagues over the next year to put a stop to any dangerous expansion, and protect our most vulnerable Canadians.

Thank you.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

(Motion agreed to and bill read second time, on division.)

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

(On motion of Senator Kutcher, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

• (1700)

## ONLINE NEWS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harder, P.C., seconded by the Honourable Senator Bellemare, for the second reading of Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

**Hon. Pamela Wallin:** Honourable senators, I rise today to speak to Bill C-18 with a genuine concern about what it means for the free exchange of ideas and open debate in this country.

The online news act, as proposed, will restrict access to and the amount of news we can read and consume in this country. The government not only wants to decide what we watch and read — as we saw in Bill C-11 — but will now force foreign companies, through Bill C-18, to fund some Canadian content, but not all. Again, limiting choice and sources.

Ottawa's online reform crusade is, simply put, government regulation of content, which risks not only the independence of the media but also limits what you and I are able to read or hear about the events in our communities, country and around the world. For these reasons and as someone who believes in free speech and choice, I am fundamentally opposed to a bill that limits my right to inform myself.

The government argues this bill is intended to provide an adrenaline boost to a struggling legacy industry. But at what cost? In essence, the government is forcing companies to enter into contracts that will take money from large foreign platforms such as Google or Facebook and use that to fund broadcasters and publishers here in Canada — primarily the large legacy players. In response, Facebook and Google have threatened to simply pull all the news content off their sites, and that means preventing us from sharing content with others that we think is interesting or important. This bill ends up punishing us.

It's actually even worse than that because by forcing companies to pay for links — the way we click through to a larger story — it will also be a disaster for smaller independent outlets who have grown and survived by sharing their work through those links on those platforms at no cost.

My local newspaper, as you heard me comment on earlier, has just gone under. Yes, technology has changed the game, but these small entrepreneurs want business — not subsidies — and they survive by sharing their content for free online.

This bill will limit the ability of these small struggling players to use the internet to attract subscribers. The irony of the government's approach is that the big legacy newspapers and broadcasters, in whose interests they are supposedly doing this, need the platforms even more. They, too, need more eyes on their content as viewership and subscriptions continue to dwindle.

As for Ottawa, the self-interest is obvious. Force the platforms to pay so they don't have to be seen to be handing out the cash, which, of course, risks the charge that they are buying favour from the media. Just to remind you, the government has been funding and backstopping ailing entities, including those that cover Ottawa politics.

The government says platforms like Facebook benefit financially from sharing news stories or links, so they should pay. The platforms counter with some numbers, pointing out that news accounts for a very small portion of their online activity, approximately 3% for Facebook, and express that they don't even place ads on shared news because most users don't want to see them. So it's not a big revenue stream.

Regardless, what the government seems not to understand — or doesn't want to — is that platforms are a free online space provided to everyone, including the media. People can share content, and that obviously benefits the content creators in this country.

Of course, many people these days want to consume their news online, and free platforms provide a nearly limitless source of information. Therefore, without these platforms, smaller operations will likely continue to cease to exist — like the *Wadena News* — and it would become increasingly difficult to break into the industry with some new online product and compete against the established and already well-subsidized players.

The larger media organizations already have an advantage. They can put up a paywall around their articles, so even if a link is shared on a platform, the article is still blocked to those without a subscription. With Bill C-18, they get to have their cake and eat it too: subscription fees from consumers and subsidies from big tech.

With Bill C-18, Ottawa is playing a bit of a risky game of chicken. Here is why: Big tech companies such as Google and Facebook have faced this kind of legislation in other countries. Canada is such a small market that walking away from doing business here hurts us far more than them.

We are also risking trade retaliation from allies and partners, namely, the United States. Bill C-11 was deemed protectionist and possibly in violation of the North American Free Trade Agreement, or NAFTA, and Bill C-18 will be no different. We are forcing companies to negotiate contracts that will take money from foreign sources to fund Canadian broadcasters and publishers. This is, of course, nothing short of a backdoor subsidy without the government's fingerprints on the money.

The very idea that we would demand money from American corporations to prop up our national broadcaster, among others, is shocking. Could you imagine our reaction in this country if the U.S. passed a law forcing Canadian companies to shell out millions of dollars to support ailing American media companies simply because they needed more money? This is embarrassing.

The Parliamentary Budget Officer has said that this will cost big tech hundreds of millions of dollars because the bill puts no real cap on potential costs, and the list of those eligible for funding has grown, including hundreds of local campus and Indigenous broadcasters.

As we know, when one country imposes this kind of taxation, it is an inconvenience, but if many countries want to buttress legacy media with money they haven't earned, it becomes a costly precedent. It is no wonder that the big players such as Facebook or Twitter have threatened to block news sharing.

You can see why the cost-benefit analysis of keeping the news on these platforms if this bill passes will not be worth it. It will just be easier for these companies to shut it down. The platforms' losses would be negligible, but the damage to the news-sharing process would be devastating and the Canadian consumer would be the real collateral damage. As my colleague Senator Simons says, it is as if those who wrote this bill had never used the internet.

If it weren't obvious already, government should not be interfering with what and how we all consume information. As an old comedian, Tommy Smothers, once said, "The only valid censorship of ideas is the right of people not to listen."

The natural marketplace of ideas allows creators to offer their wares and allows consumers to choose. We subscribe to publications we like, we watch channels we enjoy and when we don't, we shut them off or cancel our subscriptions.

Let's keep government out of this process, let's try to keep the media more independent and let's keep Canadians informed about their world.

Thank you.

(On motion of Senator Clement, debate adjourned.)

## CANADA DISABILITY BENEFIT BILL

BILL TO AMEND—SECOND READING—DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Woo, for the second reading of Bill C-22, An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act.

**Hon. Chantal Petitclerc:** The number of Canadians who live with a disability is 6.2 million. We make up 22% of our population, and yet we continue to be marginalized and under-represented.

Canadians with disabilities certainly are not — and never will be — a homogeneous group. On the contrary, they are the epitome of diversity. Their disability ranges from hearing loss, vision impairment and blindness to temporary or permanent loss of mobility, and many others. The daily reality of persons with disabilities is impacted by a vast array of other factors.

• (1710)

While many obstacles remain, our abilities too are diverse, and persons with disabilities have, more than ever, an active presence in today's Canada. We are in the arts, in faculties and in sports. We are lawyers, doctors, teachers, entrepreneurs, MPs, ministers and senators.

However, let not these success stories hide the fact that out of those 6.2 million people with disabilities, one out of four cannot afford access to care, aids, devices or medical prescriptions. Out of those 6.2 million, 41% of working age are unemployed, and even when they are employed, they make less. One thing that persons with disabilities all have in common is that they will face barriers and challenges just to get what they have a right to.

As a society, we have a responsibility to help take down these barriers, one by one, at every chance we get. This is why today I want to speak in support of Bill C-22, An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act.

I will speak about this bill with a great deal of hope and some questions.

[*Translation*]

Many have said this before. This bill, which is really a framework for developing future compensation, leaves us in the dark in terms of how much, when, and how. These are critical questions, because we're expected to take a stand with facts, not just hope.

Let's start with the question that is on everyone's mind: How much will this compensation be?

The quick answer is that we haven't seen any numbers. We do have some clues, however, such as the name of the bill and its preamble, which highlights the intended purpose of reducing poverty, providing financial security and meeting our international commitments to people with disabilities.

Minister Qualtrough was clear in both the House and committee when she said, and I quote: "Today, I begin with the following declaration: in Canada, no person with a disability should live in poverty."

[*English*]

Here in this chamber, the sponsor of the bill, Senator Cotter, stated that the fourth pillar of the bill is:

> . . . financial security, so that we can reduce poverty and improve financial security for hundreds of thousands of persons with disabilities.

But the fact remains that we don't know how much the benefit will be, and we will not know that when we are asked to vote.

Clause 11(1.1) of the bill provides that in making regulations respecting the amount of a benefit, the government ". . . must take into consideration the *Official Poverty Line* as defined in . . . the *Poverty Reduction Act*." This came after an amendment from MP Zarrillo, and I want to thank her and the members of the House of Commons Human Resources Committee for this addition in the bill that gives us some concrete direction.

But I will argue that if we aim for the poverty line, it will not be enough to lift persons with disabilities out of poverty. Allow me, colleagues, to start with a harsh reality: Living with a disability is expensive, more than many can imagine.

[*Translation*]

In calculating the consumer basket, Statistics Canada takes into account basic needs: food, clothing, housing and transportation. People with disabilities, however, have to spend a lot in addition to these basic needs regardless of the services available in their province. I know quite a few people with disabilities, and I can tell you for a fact that everything costs more, no matter how much you earn. Accessible housing, transportation, recreation, not to mention adaptive equipment, everything is more expensive.

Take this wheelchair cushion, for example, which a lot of people with spinal cord injuries use. It can cost as much as $800. I need it for medical reasons. To get it, I have to go see my doctor, who writes a prescription, which I pay for. Then I have to get to a supplier or a rehab centre. Then I have to wait four or five months to get it because it is custom made.

Quebec covers the cost of this cushion every two or three years, but because it is inflatable, it never lasts three years. Inflatable cushions are prone to bursting. Within a year, it's already been patched two or three times, and eventually, I have to pay for a new one out of pocket or limit the length of time I spend sitting on it.

I have the privilege of being able to afford this cushion, but not everyone does. And that is just one of many examples. Even basic necessities can be much more costly. Those who have lost most of their autonomy won't, for example, have the freedom or ability to do their own grocery shopping and to cook with less expensive products. They might have to buy prepared meals and pay more.

I'm not even talking about treatments. Programs offer a limited number of treatments even though people need more to maintain their health, their autonomy and their well-being. When living in poverty, what cuts can they make to afford these treatments? Often, they forgo basic necessities.

[*English*]

If we are committed to lifting persons with disabilities out of poverty, we must realize that aiming at the poverty line may not be enough and may not provide adequacy. I hope that this will be taken into account in the regulatory process.

I remain puzzled as to why the government is not sharing their estimate. I understand that this is a framework bill, of course, but it has been in the making for three years. Surely, someone somewhere would have an idea of the amount that any current or future government will have to include in its budget to cover the needs of this support measure. I am looking forward to the opportunity to ask this question in committee.

And what about possible clawbacks? How do we ensure they do not happen?

[*Translation*]

During a committee study in the other place, 17 organizations, three individuals and 153 briefs were considered. The vast majority of these witnesses expressed concerns about possible problems and clawbacks. The organizations I talked to also reiterated these concerns, which I share.



[*English*]

How do we make sure that provinces will not take this opportunity to claw back or to cut other programs or financial supports? As of now, there is no formal commitment from the provinces and no commitment from the different insurance programs, yet persons with disabilities are asked to trust, even when history tells them that programs are often cut with changes in governments; that insurance companies will always try to provide as little as possible, even when it is a right; and that consultants will always find a way to use vulnerabilities to charge money in exchange for filing papers.

How do we provide efficiency in delivery, a system that will prevent clawbacks, monitoring of that system and a way to protect persons with disabilities when it fails?

Let me read you an intervention by John Stapleton in *The Hill Times*, a former Ontario civil servant and social policy expert who is consulting on the design of the Canada disability benefit. From the height of his experience, he reminds us that:

> The disability space is the most complex, by far. There are 10 different disability income programs in Canada. We don't have that with the Canada Child Benefit. We don't have that with seniors.

• (1720)

Still according to him:

> In the disability space, we've got workers' compensation, we've got the Registered Disability Savings Plan, we've got EI sickness, Canada Pension Plan disability, two veterans programs, welfare, employer-based programs, disability accident insurance. And all of those are playing in that same sandbox. And then the Canada Disability Benefit comes along. Does it replace those programs? Should it? These are questions that have to be asked and answered.

[*Translation*]

Take Quebec for example, a province where, according to the Office des personnes handicapées du Québec, the government offers 248 programs, measures and services for persons with disabilities, their families and their loved ones.

These programs and these measures, managed by 20 or so departments, can take the form of direct delivery of services and equipment. They can also be tax measures, refundable or non-refundable tax credits, deductions, exemptions, expense claims or direct subsidies.

This is in addition to people with disabilities who receive a pension following a workplace accident or benefits for highway accident victims. There's a good chance I'm forgetting some people.

What can we do to bring in a proper system that ensures that people with disabilities have access to these provincial services and benefits, to calculate the right support from the Canadian benefit and ensure that nothing is clawed back?

[*English*]

Because what scares me is not that one province would claw back and cut a direct benefit to individuals. This would be quick to flag.

What I worry about are the smaller programs or services — individuals or organizations that would argue, "Well, now that the benefit allows you to have in your hands an amount that you did not have before, maybe we don't have to subsidize that second physio treatment a month. Maybe we don't need to pay for your $800 prescribed cushion." This will be much more difficult to find out and equally damaging in achieving the objectives of this bill.

Fewer services would force persons with disabilities to cover those services with the benefit, and this would drag them right back into poverty. So how do we make sure it's all monitored properly? And if something goes wrong, and I suspect it will at some point, how do we make 100% sure that the person with a disability will not be in charge, responsible for proving something was clawed back? Surely it can be done, but I can see a level of complexity that worries me. I'm not sure we heard many solutions. I am looking forward to exploring this aspect in committee, among others.

[*Translation*]

How can we get commitments from the provinces, insurance companies and subsidized programs?

Will the signed agreements stay the same if there are changes to the federal or provincial governments? How can we ensure that, even at the federal level, the amount won't change if the government does? Will the eligibility criteria take into account the different definitions of the term "disability"? Will there be a variety of eligibility criteria both between and within the provinces?

As I said in the introduction of my speech, I have a lot of hope, but I'm also asking myself a lot of questions.

[*English*]

Honourable colleagues, allow me to share a few more thoughts before I conclude.

In our country built on shared competencies and responsibilities, it is not one major piece of legislation that will remove all barriers and be groundbreaking for persons with disabilities. On the contrary, it will be many pieces of legislation at all levels, many pieces of one big puzzle, that we must build together one piece at a time. This is one of them. It has the potential to make a difference, but it will not be enough.

Let's make sure that we don't rest on this. It would be a shame to use this disability benefit act as a justification or an excuse to stop working hard in order to remove all the barriers. While this has the potential to help many, this country needs to continue to commit to removing barriers to workplaces, education and all spheres of life for the 6.2 million Canadians living with a disability.

Let's continue to highlight the challenges but also the successes of persons with disabilities in Canada.

As I speak today, my thoughts go to disability rights advocate Judy Huemann, who passed only a few days ago. I had the privilege and pleasure to cross paths with this legend on a number of occasions. Never a victim, always a trailblazer, Judy, the self-proclaimed "Rolling Warrior," said:

> Disability only becomes a tragedy for me when society fails to provide the things we need to lead our lives . . . .

So simple and yet so hard to achieve.

My hope in this bill is that when lifting persons out of poverty, we allow them to look ahead with confidence. The fact is that when you are deep into everyday poverty, unable to know what tomorrow will be made of, when you have to make a choice between groceries or medical care that you need, it's impossible to look ahead with hope.

By lifting persons with disabilities out of poverty, we do more than provide material help. We put someone in a place of safety where they can finally take a breath, step back and reflect on the possibilities that lie ahead of them. Persons with disabilities, I assure you, will always have more potential than limits. That is, of course, when the powers in place do their job in removing the barriers one by one.

Colleagues, let's tackle one very crucial barrier, poverty, by sending Bill C-22 to committee.

## BUSINESS OF THE SENATE

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, with leave of the Senate, I move:

> That the sitting be suspended, to resume at the later of 8 p.m., after a 15-minute bell, or the call of the chair, after a 5-minute bell.

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

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

## CANADA DISABILITY BENEFIT BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Woo, for the second reading of Bill C-22, An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act.

**Hon. Wanda Thomas Bernard:** Honourable senators, I acknowledge that we are currently on the traditional unceded territory of the Anishinaabe Algonquin Nation. I rise today to speak to Bill C-22, an Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act.

I appreciate the sentiment communicated by Minister Qualtrough and by our sponsor here in the Senate, Senator Cotter, about the urgent need to pull people with disabilities out of poverty; however, I do not believe this proposed legislation covers the bases to ensure people with disabilities are able to move from a place of poverty to adequate income. As our colleague Senator Kim Pate stated in her debate:

> The government is rushing to pass a bill that could, regrettably, amount to little more than a promising name.

I understand the legislation is a framework and the plan is that details will be worked out in the next stage. While I respect that ideal, I have concerns, and I believe it is our responsibility to ensure the framework addresses the following three issues before the next stage.

I might mention that I share many of the concerns raised by Senator Petitclerc in her compelling speech earlier this evening.

First, the legislation must ensure the framework provides adequate benefits to people with disabilities; second, the legislation must safeguard against clawbacks of provincial social assistance; and third, the bill should build in equity for people experiencing intersecting identities.

I will speak briefly to each of these three points.

Colleagues, my primary concern with this legislation is the adequacy of the income supplement. As the critic, Senator Seidman, said in her debate, she sees an issue with:

> . . . the adequacy of the disability benefit and whether there should be clear definition that the benefit itself must be above the poverty level.

I agree with my colleague.

I consulted with Vince Calderhead, a Nova Scotia human rights lawyer who has worked in Nova Scotia for over 30 years and who has been a fierce advocate for disability rights and poverty issues for decades. He said:

> Bill C-22 is the first time in 40 years I have seen the federal government come close to an opportunity to provide adequate income support for people living with disabilities in Canada. This is *the* moment for Parliamentarians to ensure adequacy for people with disabilities. From a human rights perspective, we must build in for the 'right to an adequate income', because trusting the Cabinet to ensure income adequacy is just not enough. Yes, we need to trust, but we also need fundamental human rights protections and accountability. Our Constitution, in section 36, commits both the federal and provincial levels of government to 'the provision of essential public services of reasonable quality for all Canadians'. With Bill C-22, *now* is the moment and the opportunity to fulfill our constitutional commitment in section 36 to income adequacy for persons with disabilities in Canada.

The main goal of this legislation is to pull people with disabilities out of poverty. There is no assurance of that in the current form of this bill.

My second concern with this legislation is that this federal framework must safeguard against the provinces clawing back from pre-existing supports. If provinces can claw back social assistance programs already in place, the purpose of this bill is moot. The level of poverty experienced by people with disabilities will be maintained, and again, the goal of the bill will not be achieved.

My third and final major critique about the efficacy of Bill C-22 is on its ability to provide equitable supports to people living with intersecting oppressions. For example, there is limited data on the experiences of African Canadians with disabilities. However, there is an advocacy group called the ASE Community Foundation for Black Canadians with Disability, which is doing some important work in this sector. Their mission is to disrupt disparities at the intersection of Blackness, disability and gender.

ASE released a report called *The Intersection of Blackness & Disability in Canada* that examines the racialization of poverty and links that to disability. It found that 12.5% of Black Canadians live in poverty in comparison to the 7.3% of non-racialized people. ASE describes how a disability and racialized income gap is formed by the systemic barriers of ableism and racism that exclude people with disabilities, and Black and racialized people. This income gap impacts the health and wellness of this group, which in turn reinforces the cycle of poverty.

I attended a town hall with ASE in February. Every Black Canadian in that space shared a story of hardship connected to the reality of living at the intersection of race and disability.

That intersection of ableism and racism is an issue that we have been addressing in Nova Scotia as well. A key issue is the stigma associated with disability. Accessing resources is difficult for many Black Canadians. In a research project I was involved with, we interviewed African Nova Scotians with disabilities, and

my research team found that people experiencing both anti-Black racism and ableism are less likely to know about and access supports and services. They experience stigma, shame and silence, which prevent them from seeking out services. Furthermore, many people in the study reported that experiencing anti-Black racism while accessing supports is another way to keep them outside of those systems.

Those realities highlight some of the reasons why accounting for equity from an intersectional lens is a necessary component to be included in the framework.

The legislation cannot be presumed to be all encompassing and hope to improve the lives of all people with disabilities in its current form. People with disabilities are not a monolith, and policies affecting them should not assume equal impact. Colleagues, it is time that the unique struggles of African Canadians and other racialized people with disabilities are considered in the actual development of legislation like this and not as an afterthought. Equitable policy solutions are an important step toward an equitable society.

• (2010)

Honourable senators, I agree with the goal of this bill: to provide an income supplement to people with disabilities to pull them out of poverty. In fact, I am very excited about its possibilities. However, I do not believe the bill in its present form will accomplish this very important goal. It does not account for adequacy of the benefit, provincial clawbacks or the specific struggles of racialized people with disabilities who require equitable support.

I anxiously await the expert witness testimony during the committee study of the bill and encourage my colleagues to think critically about how this framework will roll out to support all Canadians with disabilities in measurable ways.

Thank you. *Asante*.

**Hon. Patricia Bovey:** Honourable senators, I, too, rise today to speak to Bill C-22, an act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act.

I will be brief, as I have listened to my colleagues speak. I think my words will echo theirs, and I'm not going to repeat all they have said. First, I would like to thank Senator Cotter for his sponsorship of this bill and all senators who have expressed their support and concerns.

I am in support of this bill going to committee as soon as possible. Bill C-22 is laudable in its objective of reducing poverty for some of the most vulnerable people in Canada. The spirit in which this bill has been crafted has given hope to those who have been living in very difficult circumstances — as Senator Petitclerc said earlier, 6.2 million Canadians of whom 41% of working age are unemployed.

At the heart of this legislation is the step it takes to creating a more inclusive society. As Senator Cotter mentioned, basic financial security is a large part of this. I have mentioned the troubles with provincial clawbacks to benefits in this chamber before, and as with many of us here, I find that a great concern. Without agreements with the provinces and territories, we could be putting beneficiaries in a one-step-forward and two-steps-back situation, and therefore this bill will not achieve its goals.

I had the opportunity last week to talk to David Kron, Executive Director of the Cerebral Palsy Association of Manitoba, a person who has a lived experience of a disability for his whole life and someone who assists many others. Mr. Kron's greatest concern with this bill is the danger of provincial clawbacks being imposed on those who are recipients of Bill C-22's benefits. He also fears the provinces might offload their service supports to those in need.

Of Bill C-22, he told me that it:

> . . . is a generational change as to how we support adults with disabilities in Canada, as long as there are no claw backs.

He is very supportive of the big step forward it does take. Mr. Kron also noted that he hopes the regulations that underline this bill cannot be a ruse for provinces or other jurisdictions to cut services like wheelchairs, rent assistance or other disability health supports.

This tax benefit is a critically needed step, and — I hope — it may lift many out of poverty. I am heartened by Senator Cotter's belief that there will be agreements made, but I am also concerned about the length of these negotiations. The thought of a patchwork system across the country does not lend confidence on an equity basis for people who have struggled with inclusion for so long.

Mr. Kron told me the need for this bill is great, and that he and the Cerebral Palsy Association are truly supportive of its goal: improving the lives of people with disabilities, which we know are expensive lives. He is encouraged that it includes an appeal mechanism. He said:

> The most important part of C-22 is that it is Canada-wide, enabling people to move to other regions to live with family without having to wait several years to reapply for the benefit. It seems in some jurisdictions waiting lists to get one's new provincial home's disability supports is five years, which forces people to stay where they are, often away from family.

He sees that the Canada-wide aspect of this bill will let people make those moves without that wait.

I note the provisions in the legislation that would seem to provide safeguards — the results of federal-provincial negotiations being published, for example. The most important one comes under the heading "Collaboration" in section 11.1, which states:

> The Minister must provide persons with disabilities from a range of backgrounds with meaningful and barrier-free opportunities to collaborate in the development and design of the regulations, including regulations that provide for the application process, eligibility criteria, the amount of a benefit and the appeal process.

This is a very important step, and who knows the issues of the disabled community more than those who live with a disability?

Let me give you an example: My office recently hired Gemma, a young lady who has lived with disabilities her entire life and who has faced real economic challenges. She is strong, determined and has taken control of her life to the fullest extent she can. She hires her own care workers. She has written a document for us, which we will post soon, titled "GO Confidently Into Hiring: A Guide for those with Disabilities for Hiring Careworkers." While she openly refers to her financial and physical challenges, her report offers advice and insight into the entire hiring process.

With a University of Manitoba degree in Recreation Management and Community Development, Gemma has been a volunteer for three years at St.Amant, which is a home for people with high-needs disabilities. Her colleagues, who graduated from the same program at the same time, were paid. More recently, she has had a contract with the Cerebral Palsy Association of Manitoba to run and organize two days of movement for their members. Gemma's support of Bill C-22, like that of David Kron, is strong. However, she is concerned about the potential of clawbacks, having been faced with that reality with her project in my office.

This bill will lift the lives of many, and I hope it will lift people enough to be a significant long-term help. I truly hope that section 11.1 of this bill is respected and that people with disabilities can help develop the regulations that will flesh out this legislation. That is key to meeting the needs of the people whom this bill will affect the most.

The Standing Senate Committee on Social Affairs, Science and Technology will soon study this bill, and the issues raised in this chamber will be addressed. I look forward to those discussions and testimonials.

In closing, I want to thank you all for your input and concerns as our committee moves forward.

[*Translation*]

**Hon. Diane Bellemare:** Honourable senators, I first want to acknowledge that we are here today on the unceded territory of the Algonquin Anishinaabe people.

I'd like to begin by explaining why I wanted to speak at second reading of Bill C-22, An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act. Although I'm not a member of the Standing Senate Committee on Social Affairs, Science and Technology, I wanted to point out some things that I think the committee should look at.

I would then like to draw a parallel with a historical period that Canada went through in the first half of the 20th century and talk about some points that I'd like the committee to consider regarding the title of the bill.

• (2020)

Why do I want to talk about this bill? As a parent, this topic resonates with me. I don't have a disabled child, but if I did, how would I be feeling today? I'd be very anxious about the future. I'd be happy with this bill because, as Senator Petitclerc said, it is full of hope. As several of you have said, this bill is very vague. I've never seen a bill like this one. Its primary goal is to reduce poverty and increase financial security. We have no idea how much money will be allocated and we have no idea how the benefit will be delivered. The idea is to leave it up to cabinet to decide, which in no way guarantees sustainability or consistent objectives.

Don't worry, I will be voting for this bill, but I would ask the committee to do its job as it has done in the past

It was really Senator Seidman's speech that resonated with me when I read it again — I actually read several speeches that mentioned that the Senate, back in 2008 or 2009 and again in 2018, said that, in order to lift Canadians with disabilities out of poverty, we need a basic income, not an income supplement. That set my thoughts straight.

When I read this speech with the reference to Professor Prince, I went to read his work and my ideas became clear. The Senate has to do its part because in reading the comments by the minister, who explained what she wanted to do, I noticed that the emphasis was being put on a social assistance income supplement.

It can't be interpreted in any other way. The minister wants to create a benefit that would be a supplement to the social assistance benefits that working age persons with disabilities receive. Persons with disabilities no longer receive or collect very little welfare after the age of 65. If they receive any, it is for other reasons. In Quebec, generally speaking, after 65 no one receives any welfare benefits. That's because there's Old Age Security and the Guaranteed Income Supplement, which are both federal programs.

An income supplement for people with disabilities presupposes that these working-age people will continue to collect welfare, which will be supplemented. The government will try to negotiate with the provinces to make sure there's no clawback, but they'll still get that last-resort assistance. That's where there's a disconnect, and I hope the committee will try to find a solution. The provinces' mission is to provide that last-resort help. The provinces are the end of the line. The federal government cannot put itself in the position of supplementing last-resort support. This calls for a different approach.

How are we supposed to lift people with disabilities out of poverty and get them off welfare if we force them to depend on welfare programs? The answer is self-evident.

I hope you'll consider this issue in committee.

I said to myself, "Diane, go have a look at what you wrote in 1979 and 1980 when you were doing your Ph.D. thesis." I went back to that 800-page thesis about the evolution of social programs in Canada. It didn't say much about people with disabilities, but it did go into a lot of detail about how to get people over 70 — and now those over 65 — off welfare.

You know, I had initially forgotten, but then I remembered that I watched a lot of Senate work while I was writing my doctoral dissertation. The Senate played a major role in adopting programs to get seniors off welfare. It began quite early. To summarize very briefly, motivated by Keynes's macroeconomic theory, the federal government decided to invest in income security for large families to get them off welfare, and it did so by creating the universal family allowance in 1945.

In 1951, the government passed the Old Age Security Act to get people aged 70 and over off welfare. It was time, and it worked at first. Everyone 70 and over received a universal pension, but by the 1960s, urbanization meant that some seniors were still receiving welfare.

Governments soon decided to adopt the Quebec Pension Plan and the Canada Pension Plan. The idea was that with these contributory plans, seniors could get off welfare but still have a basic income with Old Age Security and the Guaranteed Income Supplement. Today, this basic income is around $20,000 for a low-income individual, and this helps keep people out of poverty.

Members of the Standing Senate Committee on Social Affairs, Science and Technology who are going to be examining this bill, I'd like you to take a closer look at the possibility of creating a program and even consider that issue. The federal government already has mechanisms in place that it could work with, including the non-refundable tax credit for people with disabilities. By enhancing that tax credit and making it refundable, we could ensure that everyone with a severe disability has an income. That brings me to the following question. How are we going to define "disability"? I think the committee has a lot of work to do.

I would encourage you to look at what Quebec and the provinces are doing in that regard. For a long time, Quebec didn't want to define people with disabilities as being disabled. It also didn't want to treat them as being incapacitated, so it came up with the notion of people of working age with severely limited or temporarily limited capacity for employment. That at least enables people in Quebec with long-term severely limited capacity for employment to benefit from the social solidarity program and for those with a temporarily limited capacity to benefit from the social assistance program. The criteria and employment incentives are different for these two programs.

I invite you to examine this issue and to study this bill in the context of the wonderful action plan tabled by Minister Qualtrough to provide employment for individuals of working age living with a disability. Professor Prince also proposed his own action plan, which is similar to what the minister has proposed.

I invite you to examine the problem from a different angle. I remind you that providing a supplement to welfare keeps people on welfare.

• (2030)

My second point is the following. Clearly, federal and provincial collaboration is required to implement a plan that not only provides financial assistance but also results in inclusion. That may not be the bill's objective, but, no matter, it provides the opportunity to take action to achieve a shared objective. Who would be against this objective of reducing poverty for those living with a disability? I believe that no province would do that. The government may have an opportunity here to hold more regular meetings with the provinces to achieve a shared objective.

It may be a big ask, and it may not be up to committee members to do it, but I wanted to express the idea that there is an opportunity to create federal-provincial institutions that will create a more collaborative federalism on social issues.

My last point has to do with changing the title. Why change the title? Just as it is not acceptable in English to use the term "handicapped," it is also no longer acceptable in everyday French to use the term *personnes handicapées*. However, those words appear in the translation of the bill. I was surprised. When I read the minister's action plan, nowhere in French do they talk about *personnes handicapées*; they use the term *personnes en situation de handicap*. That is important.

In closing, on this issue of the title of the bill, I have two points I want to mention, just to give you a laugh. I forgot about something I wanted to read to you. This is a Senate report that, in 1963, talked about the elderly; you can see the parallel with people with disabilities. Senator Croll was in the Chair. The Senate report said the following:

[*English*]

> It is the considered view of the Committee that the income guarantee approach to the income needs of old people has much to recommend it. Apart from its administrative simplicity (by comparison with public assistance) and the modest level of public expenditures that would be involved (by comparison with the equivalent increase in the Old Age Security Pension) the proposal in our view has two important merits. It avoids the indignity of the needs test to which we should not like to see several hundred thousand retired people subjected, and further it provides the most effective means we have discovered of correcting the present inequity in our treatment of the already retired and the about-to-be retired generations of old people, a matter which has given us grave concern.

[*Translation*]

I wanted to mention that. I also wanted to read you a little translation note from Renée Canuel-Ouellet.

**The Hon. the Speaker:** Senator Bellemare, your time is up. Are you asking for five more minutes to finish?

**Senator Bellemare:** Yes.

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

**Hon. Senators:** Agreed.

**Senator Bellemare:** Thank you.

Here's that note about translating the term:

> Translators who have to render the expression, "person with a disability" in French find it intensely frustrating. Naturally, they do not want to offend anyone by using a politically incorrect term. Is it better to say *personnes handicapées*? Or *personnes ayant une incapacité*? Maybe *personnes ayant une déficience*? How does one begin to sort out all these ideas? The World Health Organization comes to the rescue with its International Classification of Impairments, Disabilities and Handicaps, which proposes three definitions . . . .

I'll leave you with that. I hope the committee will be able to study this issue because I think it deserves our consideration.

Thank you very much.

[*English*]

**Hon. Marilou McPhedran:** Honourable senators, I want to join colleagues who have spoken previously in expressing appreciation to Senator Cotter for his leadership on this bill, but I also want to share in a number of the very key points that have been raised.

As a senator from Manitoba, I do want to recognize that I come from Treaty 1 territory. It is the traditional territory of the Anishinaabeg, Cree, Oji-Cree, Dakota and Dene, and the homeland of the Red River Métis Nation.

[*Translation*]

I acknowledge that the Parliament of Canada is situated on the unceded and unsurrendered territory of the Algonquin Anishinaabe people.

[*English*]

Colleagues, the bill before us is extremely important. In so stating, I do not seek to take away from the merit of all the bills that come before us, but we have particular urgency attached to this bill. Persons with disabilities in Canada continue to face disproportionate levels of economic and social exclusion. Many are living with insufficient resources and supports to meet the most basic of needs.

There is undisputed consensus amongst the community of disability experts that federal income support legislation is needed, and it is, devastatingly, long overdue. Bill C-22 has been termed a generational landmark endeavour — a once-in-a-generation attempt to right long-entrenched wrongs.

Senator Cotter said this benefit stands as the cornerstone of Canada's Disability Inclusion Action Plan, and will represent ". . . the commitment of a generation." So it is urgent — but urgency here means more than simply rapid action. Urgency also means that we have to look at the deep, persistent and insistent need to address this pressing issue, and, frankly, it boils down to this: Quick action is called for, but effective action and quick action are even better.

That is the urgency I wish to speak to. In our haste to provide a rapid remedy, I fear that we are missing the actual point, which is to properly address the persistent need itself, and, sadly, Bill C-22 does not accomplish this.

I am waiting for a consultation that was supposed to take place today, but will now take place tomorrow. I want to be absolutely sure that the points that I wish to raise are consistent with this consultation. With permission, I would like to adjourn for the balance of my time, if I may, please.

(On motion of Senator McPhedran, debate adjourned.)

• (2040)

## THE ESTIMATES, 2022-23

### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (C)

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of February 16, 2023, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2023; and
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[*Translation*]

## THE ESTIMATES, 2023-24

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

**Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of February 16, 2023, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2024; and
>
> That, for the purpose of this study, the committee have the power to meet, even though the Senate may then be sitting or adjourned, and that rules 12-18(1) and 12-18(2) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## CRIMINAL CODE

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

**Hon. Pierre-Hugues Boisvenu** moved third reading of Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders), as amended.

He said: Honourable senators, I rise today at third reading stage of Bill S-205, as amended, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders). I introduced this bill at first reading on November 24, 2021.

As you know, this bill is particularly close to my heart. I introduced it to fight domestic violence, a terrible scourge that far too many people, mainly women, fall victim to.

Domestic violence can involve physical, sexual, psychological and economic violence. It is a cycle that often starts with a period of building tension between two intimate partners, a time when the victim feels they are in danger or they become paralyzed with anxiety and can no longer function. I will always remember the touching testimony of Diane Tremblay, a survivor of intimate partner violence who appeared before the Standing Senate Committee on Legal and Constitutional Affairs during the study of Bill C-3.

I would like to quote an excerpt from her testimony, as follows:

> We then took Chemin de la Montagne, in Hull, which leads to a very wooded country road. We went to the end of the road near a golf course. He was trying to confuse me so that I wouldn't know where we were, but I was looking at everything. He was doing everything he could to make me feel lost and to terrorize me even more.
>
> He ordered me to give him my cell phone, which I did. He said, "You won't have your cell phone, so your children won't be able to reach you or bother me . . . ." We drove around the school to the back, to a large parking lot. He parked the car right next to a wooded area. He took off my glasses and started kissing me. I had no choice but to let him. I knew that if I didn't do what he wanted, my life would certainly be in even more danger. This feeling is very strong.

Unfortunately, Ms. Tremblay was sexually assaulted that night. The period of tension that I was talking about corresponds to the assault phase, when the offender may physically attack his partner, rape her, verbally insult her and threaten her life. The victims come out physically injured and psychologically humiliated by their attacker.

All too often, the attackers try to justify their actions to their victims and manage to find a warped way to reconcile with them, taking advantage of their vulnerability to impose an unhealthy form of control. This cycle is repeated and results in escalating violence; the abusers feel a sense of impunity that ultimately can lead to the worst outcome, murder.

I would remind you that, in 2021, 173 women were murdered in Canada, including 26 in Quebec, and that 55% of them were murdered as a result of family and domestic violence. In 2022, 185 women were murdered because they dared to cry out, "enough, that's enough." I would call these past four years deadly years for Canadian women.

Women who decide to break this cycle of violence automatically put themselves at risk. They must sacrifice their lives by hiding in shelters, quitting their jobs and leaving their homes. Quite often they bear full responsibility for their children. Unfortunately, most of them have no faith in the justice system, which does not protect them. In 2019, 80% of victims of domestic violence stated that the violence they experienced was not reported to the police.

In the same year, and according to Manon Monastesse, executive director of Quebec's Fédération des maisons d'hébergement pour femmes, 300 women were victims of attempted murder but did not report it to the police. That is within this organization alone. These statistics on attempted murder should sound the alarm and spur us all to action. An electronic monitoring device, for example, might encourage them to report their attacker and feel safer in the future.

The lack of trust of victims of domestic violence is supported by the many cases of homicide that we have sadly learned about through the media. I would like to quote the testimony given by

the father of Daphné Huard-Boudreault, the 18-year-old woman who was murdered by her ex-boyfriend on March 22, 2017. He said the following:

> On that tragic day, numerous warning signs should have alerted the authorities. Despite several police officers responding to Daphné's call for help, despite the fact that the man who would go on to murder my daughter had committed numerous offences, that man left by taxi without even being questioned . . . .

Quebec's first femicide of 2021 is another example. The murderer was a repeat offender awaiting trial. He had committed 50 criminal offences in his lifetime, including 11 counts of domestic violence and three of sexual assault. Unbelievably, he was nevertheless released after being arrested for having breached his bail conditions a third time. Ten days later, he murdered his former partner.

Dear colleagues, after hearing about this case, how can we ask women to report their attackers? It is absolutely unacceptable for a victim to take the risk of reporting their attacker and to be murdered after their partner is released on bail.

These are just a few of the many examples that show how lenient our criminal justice system is. Far too many murders occur after victims file a report. This is one of the reasons victims don't have faith in the justice system.

Three years ago, I was approached by a group of more than a hundred women, all victims of domestic violence, attempted murder, aggravated assault, sexual assault and psychological abuse. These women went through some particularly trying times and most of them still have the scars. They wanted to take action to make things happen so they could help save the lives of victims of domestic violence. They didn't do this for themselves, they did it for other women.

Despite the terrible hardships they experienced, these women got together to think of solutions to the problem of keeping victims of domestic violence safe when they report to the police. By joining forces and working hard, these women helped create Bill S-205, which seeks to strengthen the Criminal Code to bring in preventive safety measures at the beginning of the legal process when a woman decides to report the violence she endured.

To summarize the principles of this bill, I would like to share some of the testimony of Sarah Niman, legal counsel to the Native Women's Association of Canada, who came to testify during the study of Bill S-205.

[*English*]

> When an Indigenous woman overcomes her distrust and seeks help from the police, the Criminal Code sends the abuser home to keep hurting the victim while everyone else waits for judges, trials and due process to run their course. It is not an Indigenous woman's responsibility to convince others she is worthy of safety and protection. Bill S-205 seeks to provide violence victims something of a voice. This bill places the onus on the criminal justice system to check in with victims, consider their safety through the proceedings, and produce outcomes that consider their safety. Bill S-205 does not create a response specifically tailored to Indigenous women, but it does create a framework for them to be seen and heard in a system that otherwise does not.

• (2050)

[*Translation*]

Honourable colleagues, as I have often mentioned in my speeches on the subject, the latest statistics illustrate the disturbing scope of domestic violence, which continues to increase year after year.

Between 2019 and 2022, there was a 36% increase in the number of women and girls violently murdered in Canada, specifically 118 in 2019 and 185 in 2022. With those numbers, colleagues, you can understand the meaning of the words "deadly years."

According to Statistics Canada, in 2021, 537 women per 100,000 people reported being victims of domestic violence. There has been a steady increase over the past seven years.

Also in 2021, police forces recorded 114,132 victims of intimate partner violence, a 2% increase from 2020. There was also a sharp increase in level one sexual assaults among intimate partners, up 22% compared to 2020.

According to the Ontario Association of Interval and Transition Houses, in this province, one woman was murdered every week between November 26, 2021, and November 25, 2022. That's 52 femicides in 52 weeks.

The situation is not much better in Quebec, colleagues. Claudine Thibaudeau, a spokesperson for the organization SOS Violence Conjugale, confirmed that 12 femicides had occurred in 12 weeks.

In 2021, Quebec saw a 28% increase in cases of intimate partner violence.

At a more local level, for example, the Quebec City police service had to hire five new police officers with training in domestic violence to handle these complaints, which are going up by 25% per year.

I'll point out that, in response to this alarming statistic, Bill S-205 gives judges the option to add a condition requiring defendants to wear an electronic monitoring device if they are released after their first appearance or to impose a section 810 order.

Electronic monitoring establishes a security perimeter between the two intimate partners. If the person subject to the condition violates the security perimeter, the victim and the authorities are immediately alerted. This gives the victim a chance to get to safety and it gives the authorities an opportunity to intervene and prevent tragedy. This information is also indispensable to police officers as evidence that the abuser violated the conditions of the order if they must appear before a judge.

Around the world, the use of electronic monitoring devices as a tool to fight domestic violence is becoming more widespread. In 2020, France's National Assembly passed a bill recommending the use of electronic monitoring devices, and according to the statistics available to me on April 1, 2022, French authorities had ordered the use of 995 such devices.

Also in France, in May 2021, a young woman named Chahinez, a mother of three, was murdered by her ex-husband after he was released from prison. He shot the young woman three times in her legs before spraying her with a flammable liquid and burning her alive.

Following this extremely violent tragedy, the Keeper of the Seals, as the French justice minister, Mr. Dupond-Moretti, is known, appeared at a press conference and expressed his anger towards the justice system, which did not impose an electronic monitoring device in that case. He went on to say that electronic monitoring devices are not meant to remain in drawers.

Three weeks after that tragedy, which deeply shocked the French public, the use of electronic monitoring devices increased by 65%.

France took inspiration from Spain, which has a proven track record and is a model for the world. As Senator Dalphond explained in his speech on Bill C-233, Spain has specialized courts, trained police officers and a national public awareness campaign on domestic violence. These efforts have resulted in a 25% decrease in the rate of femicide, and not one woman wearing an electronic monitoring device has been murdered. None.

The working group made up of domestic violence survivors and I proposed adding the wearing of an electronic monitoring device as a parole condition based on these European models to prevent tragedies such as those that befell Elisapee Angma, Daphné Huard-Boudreault and many others from happening again. These are femicides that could have been prevented had the offender been wearing an electronic bracelet, femicides that should never happen again given the technology we have that has been proven to work.

According to Statistics Canada data from 2018, in 60% of intimate partner homicides, the justice system was already aware of the perpetrator's history of intimate partner violence. In Quebec, in 2015, 70% of domestic offences involved assault.

I would like to quote the testimony of two victims of domestic violence who testified as individuals during the study of Bill S-205. I will start with that of Dayane Williams, who said the following:

> If he had been wearing a bracelet, yes, I could have gone to the gym. I could have had my freedom. . . . it will ease my anxiety and I can have my freedom back. I'm in therapy, and they tell me that I have to go for walks, that I have to go to the gym, that I can't stay locked up. I am constantly thinking about the possibility of him attacking me when I'm with my children. If he decides to kill me, I'm not safe.
>
> If he's wearing a bracelet and approaches my location, the police will be there before I call 911. The bracelet will alert them. He has committed a crime, but he gets to walk around as if he's done nothing, and I'm the one who has to hide at home. Right now, he has won — he has his freedom and I do not.

I will continue with Ms. Martine Jeanson's testimony, and I quote:

> You said that women wouldn't feel safe. Right now, it's not just that we don't feel safe — we aren't safe.
>
> Electronic bracelets may not be perfect, but the information they provide may be able to save a lot of lives. Bracelet monitoring isn't all flawed; there are lives that will be saved. It won't be the only thing women rely on, but right now, they have nothing to rely on. They can't see their abuser coming, whereas with this measure, they'll have a chance. However small this chance you are giving us may be, they'll have a chance to know their abuser is coming. . . . I was gang-raped and left for dead. Maybe it wouldn't have happened if bracelet monitoring had been in place. Whatever the likelihood that the technology will help, it could save a lot of lives.

This testimony is a reflection of the 150 domestic violence victims who are calling on us to pass Bill S-205 so that the electronic monitoring device can give them the protection they deserve. As Ms. Williams said, we could give these women their freedom back by imposing electronic monitoring, and as Ms. Jeanson said, whatever the likelihood that the technology will help, it could save a lot of lives.

These quotes I just shared with you in this chamber are deeply meaningful.

• (2100)

Our mission and responsibility is to do everything in our power to save the lives of these women and those who will experience this form of violence in the future.

The second aspect of my bill makes an amendment to section 810 of the Criminal Code, which allows a judge to order a defendant to enter into a recognizance to keep the peace and be of good behaviour for a period of not more than 12 months, in order to protect someone who has reasonable grounds to fear for their safety.

Currently, section 810 of the Criminal Code is a general instrument of preventive justice, and it creates a source of criminal liability even if no offence has been committed. A violation of any of the conditions imposed in the recognizance may result in the accused being charged under section 811 of the Criminal Code and, if guilty, being sentenced, up to a maximum of four years in prison.

A section 810 order, better known as a no-contact order, is often used in domestic violence cases. In November 2020, the Regroupement des maisons pour femmes victimes de violence conjugale, a women's shelter network, working jointly with researchers at UQAM and the Université de Montréal, released a

report on the use of section 810 of the Criminal Code and the victims' perspective. The report found increased use of 810 orders, which are seen as substitutes for criminal charges and trials.

Here is a excerpt from the report that illustrates what I've been saying:

> Participants were encouraged to use the 810 as an alternative to the cumbersome justice system and the emotional strain of testifying in court. It was also positioned as a more effective form of protection than a trial, which could be lost.

One victim stated:

> So the lady (legal secretary) says to me, "Well, you know, there aren't enough judges or courtrooms. The X court is swamped. For your own safety, you should ask for an 810. The complaint would be withdrawn, but at least you'd be safe."

This excerpt from the report shows the flaws in our justice system, which struggles to adequately protect victims of domestic violence who bravely choose to file a complaint. A section 810 peace bond with no surveillance mechanism or treatment option is just a piece of paper that is issued as a quick fix for victims of domestic violence. It is an irresponsible and dangerous approach that is increasingly being relied on by our justice system and is putting the lives of domestic violence victims at risk. Some have even been killed.

I would like to quote another excerpt from the report:

> Regarding the usefulness of the conditions imposed by means of a section 810 order or in the context of a release pending trial, many women noted that they are useful only if non-compliance with the conditions is detected, taken seriously and punished. Otherwise, they are only symbolic, serving as a smokescreen that contributes to a false sense of security and cynicism with respect to the justice system.

Honourable senators, that quote is supported by a scientific article published in 2017 and entitled "Women victims of domestic violence at the margins of the criminal justice system: sureties to keep the peace (810 Cr. C.)." This article was written by two University of Montreal professors who studied victims of domestic violence who were supposed to be protected by an 810 order. Of the 15 women who participated in the study, eight of them said that they had had to call the police again because their ex was not abiding by the conditions of the order. That is just over half, which is consistent with the data published by Statistics Canada in 2015.

Generally speaking, we are seeing an uptick in failures to comply with an order issued by the justice system. In 2015, Statistics Canada reported that, between 2004 and 2014, cases where failure to comply with an order were among the charges grew by 25%, while cases involving charges related to breach of probation increased by 21%.

If we just look at 2013 and 2014, we can see that failure to comply with an order accounted for 50% of administration of justice offences. Breach of probation accounted for 33% of the cases in the justice system. It is clear that when abusers are awaiting trial or released under an 810 order, the safety and lives of victims are in jeopardy.

In order to provide a constructive, significant and effective solution to the problem posed by the increasing reliance on Criminal Code 810 orders — which are regularly used in domestic violence cases — I have opted, with Bill S-205, to amend the Criminal Code and add a new 810 order specifically for intimate partner violence. It will be accompanied by new conditions, such as a monitoring device, that would be better adapted to the situations experienced by women facing domestic violence.

This new order would also be a way of recognizing the specific issue of intimate partner violence in the Criminal Code. It would be an addition to other 810 orders in the Criminal Code that are specific to certain offences, such as the 810.2 order, titled "Where fear of serious personal injury offence," and the 810.011 order, titled "Fear of terrorism offence."

In this new 810 order, the bill gives judges the ability to mandate treatment for substance abuse and domestic violence. We need to stop the revolving door of domestic violence and hold abusers accountable.

That's why this bill's approach is based on both monitoring with the electronic device and rehabilitating abusers through therapy. If we don't try to do something about the causes of domestic violence, we'll never do away with this scourge, which will only get worse. Unless we try to treat the behaviour of violent men, we'll have to keep hiding abused women and building more and more shelters. Women, however, will still be in constant danger.

Therapies for men are still embryonic in Canada, but many initiatives to help violent men are springing up in places like Ontario and some Indigenous communities in Manitoba. I'd like to take this opportunity to express my heartfelt thanks to Senator McCallum, who introduced me to excellent workers in these communities who are doing outstanding work in this field. Thank you, senator.

Quebec set up a phone line for violent men in November. It serves the Chaudière-Appalaches region south of Quebec City. The STOP Violence line gives violent men support when they are in danger of committing domestic violence. The phone line, staffed by three organizations that help violent men, received 2,000 calls in its first eight months of operation.

It is imperative that we focus on both the victims and the perpetrators to achieve better results. That, honourable senators, is a pragmatic approach that we should take to get things moving in the right direction, the direction that victims have been asking for for years.

I'd like to quote another passage from Ms. Jeanson's testimony, this time on the therapy aspect:

> Why do we continue to build homes for abused women just to hide them? Instead, it would be wise to build therapy centres for abusive men, so that they can be surrounded by abuse experts to help them correct, if not fix, their abuse problems, because their violence rarely decreases.

She also said the following:

> I give workshops to impulsive men and you see change in these men; it is possible. These are men who have a history, who have wounds and who have inappropriate responses. However, they don't have the tools, they don't know how to change that behaviour. It takes specialized people to teach them to change these behaviours. We see it. I work with abusive men, and we have some great successes when it comes to changing those men.

Before I conclude my speech, I would like to thank Senator Dalphond for the important amendments he proposed to the bill and Senator Jaffer for keeping things on track as the bill progressed in committee. I would also like to thank the other senators on the Standing Senate Committee on Legal and Constitutional Affairs for the serious work they did during the study of the bill. You answered the call of the domestic violence victims who came to testify, and your spirit of collaboration and your respect and sensitivity will help make women safer in our country. Thank you from the bottom of my heart. Colleagues, we need to fight every time a woman is abused and killed in Canada. We should be outraged and never allow ourselves to get used to this.

• (2110)

We have the opportunity and the privilege to safely mobilize and condemn violence against women. Unfortunately, we cannot stamp out this form of violence, but we can certainly pass Bill S-205 to condemn this violence and to make Canada a leader in this area as it should be.

We have the privilege conferred by Canada's Constitution of amending the laws of our country. Our collective responsibility as legislators is engaged. We have a duty to act to save these women's lives, and our courage will be demonstrated not by our speeches, but by our actions. Let us act together to pass this bill and respond to the call of the thousands of Canadian women who are victims of domestic violence and who hope in silence to be heard and understood.

I want to especially thank the 150 women who actively participated in developing this bill. The Guerrières, guided by Martine Jeanson, are aptly named as they have never given up. For three years, you never gave up on the Senate despite the hardship caused by your individual experiences. You are my heroines.

In closing, I'd like to recall the ruling by Justice Laskin of the Ontario Court of Appeal in *R. v. Budreo*, and I quote:

> The criminal justice system has two broad objectives: punish wrongdoers and prevent future harm. A law aimed at the prevention of crime is just as valid an exercise of the federal criminal law power under s. 91(27) of the Constitution Act, 1867, as a law aimed at punishing crime.

On the eve of March 8, International Women's Day, it would be a big step for many women if we were to grant them the right to protection.

Honourable senators, we need to take action and that is why I'm asking you to pass Bill S-205 at third reading so that it can be sent to the House of Commons as quickly as possible. Thank you.

(On motion of Senator Clement, debate adjourned.)

[*English*]

## JANE GOODALL BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Klyne, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill S-241, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals).

**Hon. Dennis Glen Patterson:** Honourable senators, it's always difficult to be the last one to speak during a long day, but this is the last time I will rise today — I promise — to speak to Bill S-241, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals), perhaps more commonly known as the Jane Goodall act. Of course, it's difficult to say anything critical or even ask questions of a bill associated with such a beloved icon as Jane Goodall, but I hope we won't be governed by emotion in dealing with this bill.

I would like to be clear that I do not support unaccredited roadside zoos or keeping animals in private homes under inhumane conditions. However, I do have serious concerns about this bill, and I hope that those concerns are carefully studied once this bill makes it to committee.

My first concern has to do with amendments to the Criminal Code proposed in this bill. I am always concerned when I see proposed amendments to the Criminal Code, especially when they appear in public bills, because even small changes can have impacts, whether consequential or unintentional, on other parts of the code and on future judgments. It's therefore important that any changes are thoroughly studied. While I know that this bill was originally drafted by former Senator Sinclair before being

introduced by Senator Klyne, it should not be lost on us that senators do not enjoy the same level of support that a federal department does when drafting a bill. We do not have the legal brain trust made available by the Department of Justice.

To be specific, I question what significant impact a clause such as clause 2 of the bill, which creates an "animal advocate" under section 445.2(1) of the Criminal Code, would have in the future. Colleagues, as someone who has seen the devastating impact of animal welfare and animal rights advocates on the subsistence and commercial seal harvesting in the North and Atlantic Canada, this provision strikes fear in my heart.

A January 15, 2022, blog post by Shannon Nickerson, Communications and Development Manager at Animal Justice, pointed out how Animal Justice Canada lawyers Kaitlyn Mitchell and Scott Tinney intervened in the Supreme Court case of *British Columbia (Attorney General) v. Council of Canadians with Disabilities*. According to the blog post, in their intervention, these lawyers argued to our highest court that:

> . . . animals are highly vulnerable members of our society, and argued that courts should give animals better access to justice by granting them public standing more easily, allowing them to have their cases heard.

I'm not making this up. This case was dismissed and the appeal closed by the court but without any ruling on animals as equivalent to vulnerable persons with disabilities. However, it does beg the question I ask: Would the creation of an animal advocate entrenched in law in the Criminal Code, as proposed in this bill, then be a step on the way to recognizing animals on the same footing as vulnerable Canadians? Would this definition recognize new rights for animals, such as the ability of an advocate to bring forward a case on behalf of an animal? Would this not then be a roundabout way to accomplish the very thing that Animal Justice lawyers attempted to attain through their Supreme Court of Canada intervention?

There are others who strongly advocate for animals to be recognized as persons. Rebeka Breder, an animal rights lawyer in B.C., describes her firm, Breder Law, as acting ". . . exclusively for advancing the rights and welfare of animals, both domestic and wildlife." She has been advocating for and monitoring pro-personhood cases for years.

I found a fascinating paper on this subject. Angela Fernandez, a professor in the Faculty of Law of the University of Toronto released a paper on animal law fundamentals entitled *Animals as Property, Quasi-Property or Quasi-Person*. In her leading sentence, Professor Fernandez states:

> The property status of nonhuman animals, and the correlative felt need to transform that status to some form of personhood, has been a mainstay of animal law scholarship for the last twenty-five years.

• (2120)

When I read that, and then read the word "advocate" and the words "animal advocate," I can't help but get worried. The word advocate in legal terms refers to a person working on behalf of another person. Quoting the definition found in the law edition of the Encyclopedia Britannica, it is "a person who is professionally qualified to plead the cause of another in a court of law."

What path then does the legal recognition of an animal being entitled to a legal advocate set us on as a society? I do not believe that it is a large leap in logic to start with recognizing animals as people entitled to a legal advocate to recognizing animals as vulnerable persons with a diminished capacity to bring their own cases forward to then getting back around to the idea that harvesting meat is murder.

Another question we should examine from a legal standpoint is how this bill encroaches on provincial jurisdiction. This will be an issue that committee must study. We must acknowledge the authority of provincial and territorial governments to make animal welfare laws and subsequent regulations.

I want to point out, honourable colleagues, as someone who lives in a region where hunters are valued and admired, we are deeply offended that the seal hunt is still considered by some to be inhumane and a needless practice. For years, animal rights advocates have railed against the harvesting of seals for food, clothing and the culling of seals for population control in support of endangered fish stocks. While there is now some change in that position as it applies to subsistence hunting, there are still biases towards non-Indigenous seal hunters who have been doing this for generations as a form of sustenance and income. These opinions are all predicated on a more extreme approach to animal rights. How likely would it then be to assume that people would push to confer both legal and moral personhood on animals once they see an opening?

I want to quote the position of the Fur Institute of Canada on this bill. Last fall, the institute noted:

> This Act, championed by anti-sustainable use and pro-animal rights groups, will undermine science-based wildlife conservation and the sustainable harvest and trade in furs and seal products in Canada. This will disproportionately impact rural, remote, Indigenous and coastal communities, undermining traditional economies and ways of life.

I hope the committee will hear from the Fur Institute of Canada, which I believe is a credible organization. It was founded in 1983 by Canada's wildlife ministers as a collaboration between government harvesters and other sectors of the fur trade. It is the country's leading expert on humane trap research and fur bearer conservation, and is the official trap testing agency for the Government of Canada and all provincial and territorial governments.

I want to also quote the Elephant Managers Association, who signalled its opposition to Bill S-241 noting the following:

> The EMA feels that the proposed bill will negatively impact the efforts of animal care organizations doing important conservation work such as African Lion Safari (ALS).

They further note that, in their view, the Jane Goodall act will effectively discontinue the ability of organizations like African Lion Safari to continue their important work. Research conducted with animals under human care and trained to cooperate voluntarily in procedures provides opportunities to obtain samples and data in a controlled environment that would not be as readily possible in the wild. As a result, the population of animals in North American zoological facilities plays a critical role in the survival of their wild counterparts.

Likewise, the International Elephant Foundation, in an in-depth letter to senators last fall, made the following definitive statement:

> There are a number of misconceptions regarding ambassador elephants in human care. The first is that elephants cannot thrive outside of the environment of their range countries, citing cold weather and space availability. Nothing could be further from the truth.

Given these complicated arguments, I would hope that this bill is thoroughly studied, and given its criminal law provisions, hopefully studied by our Legal and Constitutional Affairs Committee.

My other concern is less existential. I'm concerned that the bill makes reference to the standards that must be met in order for an organization to be designated as an eligible animal care organization under the bill. Those seeking to be designated as eligible animal care organizations and are so exempt from certain prohibitions under the bill must meet "the highest professionally recognized standards and best practices of animal care." I can accept that, but I would be interested in exploring — and having the committee explore — whether it is correct to discount the standards established by Canada's Accredited Zoos and Aquariums, or CAZA, as this bill does. Much emphasis has been placed on meeting the American standards, both in speeches from colleagues on this bill and in exclusive reference made to the Association of Zoos and Aquariums.

Since its inception in 1976, CAZA has worked to develop accreditation standards that have since become recognized as among the best in the world. Here at home, they serve increasingly as a benchmark for quality animal care and welfare. Today, governments at all levels have incorporated these standards into their regulatory frameworks, either directly by making CAZA accreditation a requirement for licensing or by referencing them in the regulations. Why does this bill not respect this good Canadian work?

Honourable senators, I agree that animals should not be forced to live in inhumane conditions, but I do believe that there are some very important questions and issues that certainly need to be thoroughly studied and addressed in committee. Thank you.

**Hon. Donald Neil Plett (Leader of the Opposition):** Senator Patterson, Jane Goodall is a current and founding board member of the Nonhuman Rights Project, which is working to achieve legal rights for animals. The Nonhuman Rights Project is an American non-profit animal rights organization seeking to change the legal status of at least some non-human animals from that of property to that of persons, with the goal of securing rights to bodily liberty and integrity. Does it concern you that Jane Goodall would be a member of this organization?

**Senator D. Patterson:** Yes.

**Senator Plett:** Thank you.

(On motion of Senator Martin, debate adjourned.)

• (2130)

## STUDY ON MATTERS RELATING TO BANKING, COMMERCE AND THE ECONOMY GENERALLY

### FIFTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on Banking, Commerce and the Economy, entitled *The State of the Canadian Economy and Inflation*, tabled in the Senate on February 15, 2023.

**Hon. Pamela Wallin** moved:

> That the fifth report of the Standing Senate Committee on Banking, Commerce and the Economy, tabled in the Senate on Wednesday, February 15, 2023, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Finance being identified as minister responsible for responding to the report.

She said: Honourable senators, the tabling of this report was very timely because our country is going through a period of rapid inflation, with drastic rises in the cost of living, and our report shines a light on the series of decisions and circumstances that led us here and how we can do better to avoid this in the future. The testimony from various economists and from the Governor of the Bank of Canada himself has put into sharp relief that the state of our economy is troubling, and concerning what should be done in the future. We as a committee put in a great amount of time and work on this file, and therefore, that is why we hope the decision makers will take serious note and respond. Thank you.

**Hon. Larry Smith:** Honourable senators, it's my privilege to speak to the outstanding report of the Standing Senate Committee on Banking, Commerce and the Economy entitled *The State of the Canadian Economy and Inflation*.

I would like to recognize our chair, Senator Wallin; our deputy chair, Senator Colin Deacon; the members of the committee; as well as dedicated analysts and support staff for their tireless

efforts in producing this comprehensive report. I strongly encourage everyone to take the time to read this report, as it is a testament to the excellent work that takes place in our Senate committees and, just as important, the pivot that North America and Canada are going through economically.

[*Translation*]

Our committee heard from 18 witnesses over the course of nine meetings. Two former governors of the Bank of Canada, Mark Carney and David Dodge, the current Governor of the Bank of Canada, Tiff Macklem, the former parliamentary budget officer, Kevin Page, and the current Parliamentary Budget Officer, Yves Giroux, all shared with us their perspectives on the current economic situation. We also heard from economists, academics and monetary and fiscal policy experts, who shared their opinions with us.

[*English*]

The breadth of knowledge and expertise presented in this report offers insights into the many pressing issues we face today — notably, the role of monetary and fiscal policies, the housing crisis, regulatory burdens, low investment, productivity growth, lack of competition as well as our aging population.

Despite differences in opinion on various topics, including the causes of inflation, the scale of fiscal stimulus and how the federal government can work towards addressing many of the problems that we face today, I would like to briefly discuss two areas for which our committee heard strong support.

First, one of the main takeaways for me was the need for the federal government's fiscal policies to work in accordance with the monetary policies of the Bank of Canada, especially during an inflation crisis, and that there be more deliberate and sustained efforts by the Bank of Canada to maintain transparency about its policy decisions.

Former governor of the Bank of Canada Mark Carney, while speaking about the role of monetary and fiscal policies in today's context, told our committee:

> . . . it's counterproductive for fiscal and monetary policies to work at cross purposes. Colloquially, if one foot is on the brake with monetary policy, it's foolish for the other to stomp on the gas. . . .

While the magnitude of the Bank of Canada's response to fighting inflation was a point of debate during our study, it was clear that a tightening of monetary policy is necessary, and it is the role of the Bank of Canada, as an independent institution, to ensure it carries out its mandate of keeping inflation between 1% and 3%. In other words, when it comes to monetary policy, its foot must be on the brake.

What was concerning for me, however, was a lack of transparent communication from the Bank of Canada about some of its policy decisions through a period of uncertainty like the COVID-19 pandemic, which included the claim that inflation would be transitory, and it slowed reaction to the changing economic conditions relative to the other central banks.

Of course, in retrospect, the policy decisions taken by the Bank of Canada were not easy, as alluded to by the governor in his testimony. This does, however, further the need for Parliament to closely monitor the work of the bank moving forward.

On the fiscal side, there was a robust debate on the extent of the federal government's response to COVID-19. In general, witnesses agreed that supports were necessary to keep the economy functioning, but that these supports should now be phased out and any additional spending in response to the inflation crisis be minor and temporary, providing targeted help to vulnerable Canadians. If the federal government continues large-scale spending measures, it will only add to the inflationary fire the Bank of Canada is trying to aggressively put out.

This point was echoed by Dr. Jack Mintz of the University of Calgary, who noted the discrepancy between fiscal and monetary policy in Canada by saying:

> Fiscal policy is still not consistent with monetary policy. Monetary policy is focused on price stability, raising interest rates to bring down the rate of inflation, but fiscal policy at the federal level is not being sufficiently consistent with our aims of monetary policy. . . .

Metaphorically speaking, we need to take our fiscal policy foot off the gas.

The second and final topic I would like to briefly discuss is Canada's aging population and the changes this presents for our labour force and the economy as a whole.

According to StatCan, as of July 2022, one in five Canadians, or approximately 7.3 million people in Canada, was at least 65 years of age. Colleagues, it bears repeating that more than 20% of our population currently is of retirement age, which is an all-time high in the history of census keeping in this country.

These changing demographics will slow the growth of the labour force, negatively impact productivity and place upward pressure on prices and interest rates in the medium term, according to Mr. Dodge.

While there was general agreement during our study for increasing the level of immigration to fill this gap, I was struck by the comments of Dr. Mintz, who noted:

> We are now going through rapid aging of the population, and it's not just Canada. It's all high-income countries and many middle-income countries. International markets for labour are going to become more competitive . . . .

[*Translation*]

Given the reality that is a shrinking labour pool, we must also look to other, more creative ways to fill this gap in the workforce through the creation of a reskilling program and the reintegration of retired workers into the workforce.

• (2140)

[*English*]

This sentiment was shared by a number of witnesses, including Janet Lane, Director of the Human Capital Centre at Canada West Foundation, who stated in response to my question on the topic:

> I think we definitely do need to keep more of the aging workforce in the workforce.
>
> For some people — for instance, in the trades — it's not going to be quite so possible to do the actual physical work of a physical job in the trades, but their skills and expertise are very useful in the training of the next generation.

The evidence for retraining and retaining retirement-age workers in the labour force is overwhelmingly positive, and the research goes back decades. A 2016 literature review in the journal *Canadian Public Policy* entitled "Understanding Employment Participation of Older Workers: The Canadian Perspective" highlighted the fact that access to suitable training programs for older workers played an important role in worker retention. However, the article noted that a very small fraction of organizations in Canada were actually engaged in producing those types of training programs. What an opportunity.

Colleagues, I would like to conclude by saying that the COVID-19 pandemic, in our view, should accelerate the sense of urgency with which we confront the many persistent problems facing our country today, whether it be the role of fiscal and monetary policies, an aging workforce, regulatory burdens, a housing crisis or chronic underinvestment. I believe this extensive report presents an excellent framework for all levels of government, as well as industry, about where we are today and how we can move forward into a post-pandemic future. Thank you very much.

**Hon. Colin Deacon:** I wonder if Senator Smith would take a question.

Senator Smith, I wonder if you would agree with me that you just did a fabulous job of summarizing one of the best reports that the Banking Committee has produced in the last while. I don't think it could have been better summarized by anyone other than you. Would you agree with me?

**Senator Smith:** Thank you very much; your bill is in the mail.

I think what's important in this is that the committees we have inside the Senate do fantastic work. The committees don't get any recognition, and we're not always looking for recognition. What we're looking for is people picking up messaging and using that to make our country better.

I think it's really important for us, as a group, to publicize and speak amongst each other in here to make sure we all understand something about each other and what the other committees are doing. I just think it's a great thing. Thank you.

(On motion of Senator Clement, debate adjourned.)

(*At 9:44 p.m., the Senate was continued until tomorrow at 2 p.m.*)

**THE SPEAKER**

The Honourable George J. Furey

**THE GOVERNMENT REPRESENTATIVE IN THE SENATE**

The Honourable Marc Gold

**THE LEADER OF THE OPPOSITION**

The Honourable Donald Neil Plett

**FACILITATOR OF THE INDEPENDENT SENATORS GROUP**

The Honourable Raymonde Saint-Germain

**THE LEADER OF THE CANADIAN SENATORS GROUP**

The Honourable Scott Tannas

**THE LEADER OF THE PROGRESSIVE SENATE GROUP**

The Honourable Jane Cordy

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**INTERIM CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

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**LAW CLERK AND PARLIAMENTARY COUNSEL**

Philippe Hallée

**USHER OF THE BLACK ROD**

J. Greg Peters

**THE MINISTRY**

(In order of precedence)

_____

(March 1, 2023)

_____

| | |
|---|---|
| The Right Hon. Justin Trudeau | Prime Minister |
| The Hon. Chrystia Freeland | Minister of Finance<br>Deputy Prime Minister |
| The Hon. Lawrence MacAulay | Minister of Veterans Affairs<br>Associate Minister of National Defence |
| The Hon. Carolyn Bennett | Minister of Mental Health and Addictions<br>Associate Minister of Health |
| The Hon. Dominic LeBlanc | Minister of Intergovernmental Affairs, Infrastructure and Communities |
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| The Hon. Harjit S. Sajjan | Minister of International Development<br>Minister responsible for the Pacific Economic Development Agency of Canada |
| The Hon. Carla Qualtrough | Minister of Employment, Workforce Development and Disability Inclusion |
| The Hon. Patty Hajdu | Minister of Indigenous Services<br>Minister responsible for the Federal Economic Development Agency for Northern Ontario |
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| The Hon. Mona Fortier | President of the Treasury Board |
| The Hon. Steven Guilbeault | Minister of Environment and Climate Change |
| The Hon. Marco Mendicino | Minister of Public Safety |
| The Hon. Marc Miller | Minister of Crown-Indigenous Relations |
| The Hon. Dan Vandal | Minister responsible for Prairies Economic Development Canada<br>Minister responsible for the Canadian Northern Economic Development Agency<br>Minister of Northern Affairs |
| The Hon. Omar Alghabra | Minister of Transport |
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| The Hon. Gudie Hutchings | Minister of Rural Economic Development |
| The Hon. Marci Ien | Minister of Women and Gender Equality and Youth |
| The Hon. Helena Jaczek | Minister of Public Services and Procurement |
| The Hon. Kamal Khera | Minister of Seniors |
| The Hon. Pascale St-Onge | Minister of Sport<br>Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec |

# SENATORS OF CANADA

## ACCORDING TO SENIORITY

(March 1, 2023)

| Senator | Designation | Post Office Address |
|---|---|---|
| The Honourable | | |
| George J. Furey, *Speaker* | Newfoundland and Labrador | St. John's, Nfld. & Lab. |
| Jane Cordy | Nova Scotia | Dartmouth, N.S. |
| Mobina S. B. Jaffer | British Columbia | North Vancouver, B.C. |
| Pierrette Ringuette | New Brunswick | Edmundston, N.B. |
| Percy E. Downe | Charlottetown | Charlottetown, P.E.I. |
| Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire, Que. |
| Stephen Greene | Halifax - The Citadel | Halifax, N.S. |
| Michael L. MacDonald | Cape Breton | Dartmouth, N.S. |
| Percy Mockler | New Brunswick | St. Leonard, N.B. |
| Pamela Wallin | Saskatchewan | Wadena, Sask. |
| Yonah Martin | British Columbia | Vancouver, B.C. |
| Patrick Brazeau | Repentigny | Maniwaki, Que. |
| Leo Housakos | Wellington | Laval, Que. |
| Donald Neil Plett | Landmark | Landmark, Man. |
| Claude Carignan, P.C. | Mille Isles | Saint-Eustache, Que. |
| Dennis Glen Patterson | Nunavut | Iqaluit, Nunavut |
| Elizabeth Marshall | Newfoundland and Labrador | Paradise, Nfld. & Lab. |
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| Judith G. Seidman | De la Durantaye | Saint-Raphaël, Que. |
| Rose-May Poirier | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent, N.B. |
| Salma Ataullahjan | Ontario (Toronto) | Toronto, Ont. |
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| Josée Verner, P.C. | Montarville | Saint-Augustin-de-Desmaures, Que. |
| Jean-Guy Dagenais | Victoria | Blainville, Que. |
| Diane Bellemare | Alma | Outremont, Que. |
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| Victor Oh | Mississauga | Mississauga, Ont. |
| Denise Batters | Saskatchewan | Regina, Sask. |
| Scott Tannas | Alberta | High River, Alta. |
| Peter Harder, P.C. | Ottawa | Manotick, Ont. |
| Raymonde Gagné | Manitoba | Winnipeg, Man. |
| Frances Lankin, P.C. | Ontario | Restoule, Ont. |
| Ratna Omidvar | Ontario | Toronto, Ont. |
| Chantal Petitclerc | Grandville | Montreal, Que. |
| Yuen Pau Woo | British Columbia | North Vancouver, B.C. |
| Patricia Bovey | Manitoba | Winnipeg, Man. |
| René Cormier | New Brunswick | Caraquet, N.B. |
| Nancy J. Hartling | New Brunswick | Riverview, N.B. |
| Kim Pate | Ontario | Ottawa, Ont. |
| Tony Dean | Ontario | Toronto, Ont. |
| Wanda Thomas Bernard | Nova Scotia (East Preston) | East Preston, N.S. |
| Sabi Marwah | Ontario | Toronto, Ont. |
| Lucie Moncion | Ontario | North Bay, Ont. |
| Renée Dupuis | The Laurentides | Sainte-Pétronille, Que. |
| Marilou McPhedran | Manitoba | Winnipeg, Man. |
| Gwen Boniface | Ontario | Orillia, Ont. |
| Éric Forest | Gulf | Rimouski, Que. |
| Marc Gold | Stadacona | Westmount, Que. |
| Marie-Françoise Mégie | Rougemont | Montreal, Que. |

| Senator | Designation | Post Office Address |
|---|---|---|
| Raymonde Saint-Germain | De la Vallière | Quebec City, Que |
| Rosa Galvez | Bedford | Lévis, Que. |
| David Richards | New Brunswick | Fredericton, N.B. |
| Mary Coyle | Nova Scotia | Antigonish, N.S. |
| Mary Jane McCallum | Manitoba | Winnipeg, Man. |
| Robert Black | Ontario | Centre Wellington, Ont. |
| Marty Deacon | Waterloo Region | Waterloo, Ont. |
| Yvonne Boyer | Ontario | Merrickville-Wolford, Ont. |
| Mohamed-Iqbal Ravalia | Newfoundland and Labrador | Twillingate, Nfld. & Lab. |
| Pierre J. Dalphond | De Lorimier | Montreal, Que. |
| Donna Dasko | Ontario | Toronto, Ont. |
| Colin Deacon | Nova Scotia | Halifax, N.S. |
| Julie Miville-Dechêne | Inkerman | Mont-Royal, Que. |
| Bev Busson | British Columbia | North Okanagan Region, B.C. |
| Marty Klyne | Saskatchewan | White City, Sask. |
| Patti LaBoucane-Benson | Alberta | Spruce Grove, Alta. |
| Paula Simons | Alberta | Edmonton, Alta. |
| Peter M. Boehm | Ontario | Ottawa, Ont. |
| Brian Francis | Prince Edward Island | Rocky Point, P.E.I. |
| Margaret Dawn Anderson | Northwest Territories | Yellowknife, N.W.T. |
| Pat Duncan | Yukon | Whitehorse, Yukon |
| Rosemary Moodie | Ontario | Toronto, Ont. |
| Stan Kutcher | Nova Scotia | Halifax, N.S. |
| Tony Loffreda | Shawinegan | Montreal, Que. |
| Brent Cotter | Saskatchewan | Saskatoon, Sask. |
| Hassan Yussuff | Ontario | Toronto, Ont. |
| Bernadette Clement | Ontario | Cornwall, Ont. |
| Jim Quinn | New Brunswick | Saint John, N.B. |
| Karen Sorensen | Alberta | Banff, Alta. |
| Amina Gerba | Rigaud | Blainville, Que. |
| Clément Gignac | Kennebec | Lac Saint-Joseph, Que. |
| Michèle Audette | De Salaberry | Quebec City, Que. |
| David Arnot | Saskatchewan | Saskatoon, Sask. |
| Ian Shugart, P.C. | Ontario | Ottawa, Ont. |
| F. Gigi Osler | Manitoba | Winnipeg, Man. |
| Margo Greenwood | British Columbia | Vernon, B.C. |
| Sharon Burey | Ontario | Windsor, Ont. |
| Andrew Cardozo | Ontario | Ottawa, Ont. |
| Rebecca Patterson | Ontario | Ottawa, Ont. |

# SENATORS OF CANADA

## ALPHABETICAL LIST

(March 1, 2023)

| Senator | Designation | Post Office Address | Political Affiliation |
|---|---|---|---|
| The Honourable | | | |
| Anderson, Margaret Dawn | Northwest Territories | Yellowknife, N.W.T. | Progressive Senate Group |
| Arnot, David | Saskatchewan | Saskatoon, Sask. | Independent Senators Group |
| Ataullahjan, Salma | Ontario (Toronto) | Toronto, Ont. | Conservative Party of Canada |
| Audette, Michèle | De Salaberry | Quebec City, Que. | Progressive Senate Group |
| Batters, Denise | Saskatchewan | Regina, Sask. | Conservative Party of Canada |
| Bellemare, Diane | Alma | Outremont, Que. | Independent Senators Group |
| Bernard, Wanda Thomas | Nova Scotia (East Preston) | East Preston, N.S. | Progressive Senate Group |
| Black, Robert | Ontario | Centre Wellington, Ont. | Canadian Senators Group |
| Boehm, Peter M. | Ontario | Ottawa, Ont. | Independent Senators Group |
| Boisvenu, Pierre-Hugues | La Salle | Sherbrooke, Que. | Conservative Party of Canada |
| Boniface, Gwen | Ontario | Orillia, Ont. | Independent Senators Group |
| Bovey, Patricia | Manitoba | Winnipeg, Man. | Progressive Senate Group |
| Boyer, Yvonne | Ontario | Merrickville-Wolford, Ont. | Independent Senators Group |
| Brazeau, Patrick | Repentigny | Maniwaki, Que. | Non-affiliated |
| Burey, Sharon | Ontario | Windsor, Ont. | Canadian Senators Group |
| Busson, Bev | British Columbia | North Okanagan Region, B.C. | Independent Senators Group |
| Cardozo, Andrew | Ontario | Ottawa, Ont. | Progressive Senate Group |
| Carignan, Claude, P.C. | Mille Isles | Saint-Eustache, Que. | Conservative Party of Canada |
| Clement, Bernadette | Ontario | Cornwall, Ont. | Independent Senators Group |
| Cordy, Jane | Nova Scotia | Dartmouth, N.S. | Progressive Senate Group |
| Cormier, René | New Brunswick | Caraquet, N.B. | Independent Senators Group |
| Cotter, Brent | Saskatchewan | Saskatoon, Sask. | Independent Senators Group |
| Coyle, Mary | Nova Scotia | Antigonish, N.S. | Independent Senators Group |
| Dagenais, Jean-Guy | Victoria | Blainville, Que. | Canadian Senators Group |
| Dalphond, Pierre J. | De Lorimier | Montreal, Que. | Progressive Senate Group |
| Dasko, Donna | Ontario | Toronto, Ont. | Independent Senators Group |
| Deacon, Colin | Nova Scotia | Halifax, N.S. | Independent Senators Group |
| Deacon, Marty | Waterloo Region | Waterloo, Ont. | Independent Senators Group |
| Dean, Tony | Ontario | Toronto, Ont. | Independent Senators Group |
| Downe, Percy E. | Charlottetown | Charlottetown, P.E.I. | Canadian Senators Group |
| Duncan, Pat | Yukon | Whitehorse, Yukon | Independent Senators Group |
| Dupuis, Renée | The Laurentides | Sainte-Pétronille, Que. | Independent Senators Group |
| Forest, Éric | Gulf | Rimouski, Que. | Independent Senators Group |
| Francis, Brian | Prince Edward Island | Rocky Point, P.E.I. | Progressive Senate Group |
| Furey, George J., *Speaker* | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Non-affiliated |
| Gagné, Raymonde | Manitoba | Winnipeg, Man. | Non-affiliated |
| Galvez, Rosa | Bedford | Lévis, Que. | Independent Senators Group |
| Gerba, Amina | Rigaud | Blainville, Que. | Progressive Senate Group |
| Gignac, Clément | Kennebec | Lac Saint-Joseph, Que. | Progressive Senate Group |
| Gold, Marc | Stadacona | Westmount, Que. | Non-affiliated |
| Greene, Stephen | Halifax - The Citadel | Halifax, N.S. | Canadian Senators Group |
| Greenwood, Margo | British Columbia | Vernon, B.C. | Independent Senators Group |
| Harder, Peter, P.C. | Ottawa | Manotick, Ont. | Progressive Senate Group |
| Hartling, Nancy J. | New Brunswick | Riverview, N.B. | Independent Senators Group |
| Housakos, Leo | Wellington | Laval, Que. | Conservative Party of Canada |
| Jaffer, Mobina S. B. | British Columbia | North Vancouver, B.C. | Independent Senators Group |
| Klyne, Marty | Saskatchewan | White City, Sask. | Progressive Senate Group |
| Kutcher, Stan | Nova Scotia | Halifax, N.S. | Independent Senators Group |
| LaBoucane-Benson, Patti | Alberta | Spruce Grove, Alta. | Non-affiliated |
| Lankin, Frances, P.C. | Ontario | Restoule, Ont. | Independent Senators Group |
| Loffreda, Tony | Shawinegan | Montreal, Que. | Independent Senators Group |

| Senator | Designation | Post Office Address | Political Affiliation |
|---|---|---|---|
| MacDonald, Michael L. | Cape Breton | Dartmouth, N.S. | Conservative Party of Canada |
| Manning, Fabian | Newfoundland and Labrador | St. Bride's, Nfld. & Lab. | Conservative Party of Canada |
| Marshall, Elizabeth | Newfoundland and Labrador | Paradise, Nfld. & Lab. | Conservative Party of Canada |
| Martin, Yonah | British Columbia | Vancouver, B.C. | Conservative Party of Canada |
| Marwah, Sabi | Ontario | Toronto, Ont. | Independent Senators Group |
| Massicotte, Paul J. | De Lanaudière | Mont-Saint-Hilaire, Que. | Independent Senators Group |
| McCallum, Mary Jane | Manitoba | Winnipeg, Man. | Non-affiliated |
| McPhedran, Marilou | Manitoba | Winnipeg, Man. | Non-affiliated |
| Mégie, Marie-Françoise | Rougemont | Montreal, Que. | Independent Senators Group |
| Miville-Dechêne, Julie | Inkerman | Mont-Royal, Que. | Independent Senators Group |
| Mockler, Percy | New Brunswick | St. Leonard, N.B. | Conservative Party of Canada |
| Moncion, Lucie | Ontario | North Bay, Ont. | Independent Senators Group |
| Moodie, Rosemary | Ontario | Toronto, Ont. | Independent Senators Group |
| Oh, Victor | Mississauga | Mississauga, Ont. | Conservative Party of Canada |
| Omidvar, Ratna | Ontario | Toronto, Ont. | Independent Senators Group |
| Osler, F. Gigi | Manitoba | Winnipeg, Man. | Canadian Senators Group |
| Pate, Kim | Ontario | Ottawa, Ont. | Independent Senators Group |
| Patterson, Dennis Glen | Nunavut | Iqaluit, Nunavut | Canadian Senators Group |
| Patterson, Rebecca | Ontario | Ottawa, Ont. | Canadian Senators Group |
| Petitclerc, Chantal | Grandville | Montreal, Que. | Independent Senators Group |
| Plett, Donald Neil | Landmark | Landmark, Man. | Conservative Party of Canada |
| Poirier, Rose-May | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent, N.B. | Conservative Party of Canada |
| Quinn, Jim | New Brunswick | Saint John, N.B. | Canadian Senators Group |
| Ravalia, Mohamed-Iqbal | Newfoundland and Labrador | Twillingate, Nfld. & Lab. | Independent Senators Group |
| Richards, David | New Brunswick | Fredericton, N.B. | Canadian Senators Group |
| Ringuette, Pierrette | New Brunswick | Edmundston, N.B. | Independent Senators Group |
| Saint-Germain, Raymonde | De la Vallière | Quebec City, Que. | Independent Senators Group |
| Seidman, Judith G. | De la Durantaye | Saint-Raphaël, Que. | Conservative Party of Canada |
| Shugart, Ian, P.C. | Ontario | Ottawa, Ont. | Non-affiliated |
| Simons, Paula | Alberta | Edmonton, Alta. | Independent Senators Group |
| Smith, Larry W. | Saurel | Hudson, Que. | Canadian Senators Group |
| Sorensen, Karen | Alberta | Banff, Alta. | Independent Senators Group |
| Tannas, Scott | Alberta | High River, Alta. | Canadian Senators Group |
| Verner, Josée, P.C. | Montarville | Saint-Augustin-de-Desmaures, Que. | Canadian Senators Group |
| Wallin, Pamela | Saskatchewan | Wadena, Sask. | Canadian Senators Group |
| Wells, David M. | Newfoundland and Labrador | St. John's, Nfld. & Lab. | Conservative Party of Canada |
| Woo, Yuen Pau | British Columbia | North Vancouver, B.C. | Independent Senators Group |
| Yussuff, Hassan | Ontario | Toronto, Ont. | Independent Senators Group |

# SENATORS OF CANADA

## BY PROVINCE AND TERRITORY

(March 1, 2023)

## ONTARIO—24

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Salma Ataullahjan | Ontario (Toronto) | Toronto |
| 2 | Victor Oh | Mississauga | Mississauga |
| 3 | Peter Harder, P.C. | Ottawa | Manotick |
| 4 | Frances Lankin, P.C. | Ontario | Restoule |
| 5 | Ratna Omidvar | Ontario | Toronto |
| 6 | Kim Pate | Ontario | Ottawa |
| 7 | Tony Dean | Ontario | Toronto |
| 8 | Sabi Marwah | Ontario | Toronto |
| 9 | Lucie Moncion | Ontario | North Bay |
| 10 | Gwen Boniface | Ontario | Orillia |
| 11 | Robert Black | Ontario | Centre Wellington |
| 12 | Marty Deacon | Waterloo Region | Waterloo |
| 13 | Yvonne Boyer | Ontario | Merrickville-Wolford |
| 14 | Donna Dasko | Ontario | Toronto |
| 15 | Peter M. Boehm | Ontario | Ottawa |
| 16 | Rosemary Moodie | Ontario | Toronto |
| 17 | Hassan Yussuff | Ontario | Toronto |
| 18 | Bernadette Clement | Ontario | Cornwall |
| 19 | Ian Shugart, P.C. | Ontario | Ottawa |
| 20 | Sharon Burey | Ontario | Windsor |
| 21 | Andrew Cardozo | Ontario | Ottawa |
| 22 | Rebecca Patterson | Ontario | Ottawa |
| 23 | . | | |
| 24 | . | | |

## QUEBEC—24

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Paul J. Massicotte | De Lanaudière | Mont-Saint-Hilaire |
| 2 | Patrick Brazeau | Repentigny | Maniwaki |
| 3 | Leo Housakos | Wellington | Laval |
| 4 | Claude Carignan, P.C. | Mille Isles | Saint-Eustache |
| 5 | Judith G. Seidman | De la Durantaye | Saint-Raphaël |
| 6 | Pierre-Hugues Boisvenu | La Salle | Sherbrooke |
| 7 | Larry W. Smith | Saurel | Hudson |
| 8 | Josée Verner, P.C. | Montarville | Saint-Augustin-de-Desmaures |
| 9 | Jean-Guy Dagenais | Victoria | Blainville |
| 10 | Diane Bellemare | Alma | Outremont |
| 11 | Chantal Petitclerc | Grandville | Montreal |
| 12 | Renée Dupuis | The Laurentides | Saint-Pétronille |
| 13 | Éric Forest | Gulf | Rimouski |
| 14 | Marc Gold | Stadacona | Westmount |
| 15 | Marie-Françoise Mégie | Rougemont | Montreal |
| 16 | Raymonde Saint-Germain | De la Vallière | Quebec City |
| 17 | Rosa Galvez | Bedford | Lévis |
| 18 | Pierre J. Dalphond | De Lorimier | Montreal |
| 19 | Julie Miville-Dechêne | Inkerman | Mont-Royal |
| 20 | Tony Loffreda | Shawinegan | Montreal |
| 21 | Amina Gerba | Rigaud | Blainville |
| 22 | Clément Gignac | Kennebec | Lac Saint-Joseph |
| 23 | Michèle Audette | De Salaberry | Quebec City |
| 24 | . | | |

## NOVA SCOTIA—10

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Jane Cordy | Nova Scotia | Dartmouth |
| 2 | Stephen Greene | Halifax - The Citadel | Halifax |
| 3 | Michael L. MacDonald | Cape Breton | Dartmouth |
| 4 | Wanda Thomas Bernard | Nova Scotia (East Preston) | East Preston |
| 5 | Mary Coyle | Nova Scotia | Antigonish |
| 6 | Colin Deacon | Nova Scotia | Halifax |
| 7 | Stan Kutcher | Nova Scotia | Halifax |
| 8 | | | |
| 9 | | | |
| 10 | | | |

## NEW BRUNSWICK—10

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Pierrette Ringuette | New Brunswick | Edmundston |
| 2 | Percy Mockler | New Brunswick | St. Leonard |
| 3 | Rose-May Poirier | New Brunswick—Saint-Louis-de-Kent | Saint-Louis-de-Kent |
| 4 | René Cormier | New Brunswick | Caraquet |
| 5 | Nancy J. Hartling | New Brunswick | Riverview |
| 6 | David Richards | New Brunswick | Fredericton |
| 7 | Jim Quinn | New Brunswick | Saint John |
| 8 | | | |
| 9 | . | | |
| 10 | . | | |

## PRINCE EDWARD ISLAND—4

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Percy E. Downe | Charlottetown | Charlottetown |
| 2 | Brian Francis | Prince Edward Island | Rocky Point |
| 3 | . | | |
| 4 | . | | |

## MANITOBA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Donald Neil Plett | Landmark | Landmark |
| 2 | Raymonde Gagné | Manitoba | Winnipeg |
| 3 | Patricia Bovey | Manitoba | Winnipeg |
| 4 | Marilou McPhedran | Manitoba | Winnipeg |
| 5 | Mary Jane McCallum | Manitoba | Winnipeg |
| 6 | F. Gigi Osler. | Manitoba | Winnipeg |

## BRITISH COLUMBIA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Mobina S. B. Jaffer | British Columbia | North Vancouver |
| 2 | Yonah Martin | British Columbia | Vancouver |
| 3 | Yuen Pau Woo | British Columbia | North Vancouver |
| 4 | Bev Busson | British Columbia | North Okanagan Region |
| 5 | Margo Greenwood | British Columbia | Vernon |
| 6 | . | | |

## SASKATCHEWAN—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Pamela Wallin | Saskatchewan | Wadena |
| 2 | Denise Batters | Saskatchewan | Regina |
| 3 | Marty Klyne | Saskatchewan | White City |
| 4 | Brent Cotter | Saskatchewan | Saskatoon |
| 5 | David Arnot | Saskatchewan | Saskatoon |
| 6 | . | | |

## ALBERTA—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Scott Tannas | Alberta | High River |
| 2 | Patti LaBoucane-Benson | Alberta | Spruce Grove |
| 3 | Paula Simons | Alberta | Edmonton |
| 4 | Karen Sorensen | Alberta | Banff |
| 5 | . | | |
| 6 | . | | |

## NEWFOUNDLAND AND LABRADOR—6

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | George J. Furey, *Speaker* | Newfoundland and Labrador | St. John's |
| 2 | Elizabeth Marshall | Newfoundland and Labrador | Paradise |
| 3 | Fabian Manning | Newfoundland and Labrador | St. Bride's |
| 4 | David M. Wells | Newfoundland and Labrador | St. John's |
| 5 | Mohamed-Iqbal Ravalia | Newfoundland and Labrador | Twillingate |
| 6 | . | | |

## NORTHWEST TERRITORIES—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Margaret Dawn Anderson | Northwest Territories | Yellowknife |

## NUNAVUT—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Dennis Glen Patterson | Nunavut | Iqaluit |

## YUKON—1

| | Senator | Designation | Post Office Address |
|---|---|---|---|
| | The Honourable | | |
| 1 | Pat Duncan | Yukon | Whitehorse |

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