



DEBATES OF THE SENATE

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 125

OFFICIAL REPORT
(HANSARD)

Wednesday, May 17, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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(Daily index of proceedings appears at back of this issue).

Publications Centre: Publications@sen.parl.gc.ca

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, May 17, 2023

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

[*Translation*]

Prayers.

INTERNATIONAL DAY AGAINST HOMOPHOBIA, TRANSPHOBIA AND BIPHOBIA

SENATORS' STATEMENTS

PORTAGE ONTARIO

Hon. Robert Black: Honourable senators, today I rise to speak about an incredibly important organization in my home community of Centre Wellington. Portage Ontario is a leader in mental health and addiction rehabilitation. I continue to receive updates about their invaluable work, and am happy to speak again today to commend them on their successes.

In April, I received another update on their work and heard stories from a few of their clients, Reegan and Siv. I stand here today in the Senate to applaud these two young people and their hard work and dedication to their health and well-being, and I will continue to cheer them on.

As the chamber of sober second thought, it is our duty, colleagues, to give independent consideration to not just the bills put before us, but also to the problems ongoing outside this chamber. Mental health and drug addiction concerns are on the rise. There is a considerable lack of access to facilities for mental health and addiction rehabilitation.

According to the Canadian Mental Health Association, 21% of Canadians — 6 million people — will meet the criteria for addiction in their lifetime. Organizations like Portage in Centre Wellington, and elsewhere, work diligently to address this issue.

Now, almost 50 years in, they have supported thousands of Ontarians in their paths to wellness. This non-profit has directly impacted the lives of many young people in a positive way, and I'm proud to have met individuals like Reegan and Siv who have grown to be productive, polite and considerate adults, having gained the tools needed to handle life's challenges during their time at Portage.

I thank Portage for their continued work, and I hope today that all of my honourable colleagues can take the time to consider how they can support Canadians dealing with mental health and addiction issues, and what we as a collective body can continue to do to advocate for improvement of access to these services. Thank you, *meegwetch*.

Hon. René Cormier: Esteemed colleagues, the rise in anti-2SLGBTQI+ hatred in North America and around the world is real and is happening here in Canada. Although we have made significant advances in legal equality in our country, we are still a long way from achieving social equality.

[*English*]

This hatred, fomented by an excessive and unreasonable fear of something that presents no danger, is called a phobia. On this International Day Against Homophobia, Transphobia and Biphobia, it is important to remember that these phobias are irrational; that 2SLGBTQI+ people have always existed and do not represent any danger; and that being a 2SLGBTQI+ person is not a disease nor an ideology — it is a human identity.

[*Translation*]

The stigmatization of 2SLGBTQI+ individuals is caused in part by these irrational fears, but it is also fuelled by discriminatory policies and practices that are unfortunately still prevalent in Canada. Take, for example, the challenges gay men face when it comes to organ and sperm donation, the criminalization of HIV non-disclosure, the purely cosmetic surgeries on intersex people's genitalia, the glaring lack of access to health care for trans people and the HIV pre-exposure prophylaxis, or PrEP. These are intolerable forms of discrimination that we all need to work on.

However, we can celebrate the significant progress that has been made in our country in recent years and proudly say that Canada's Parliament has a record number of parliamentarians who are members of the 2SLGBTQI+ community, as well as many parliamentarians who are allies of the community. I thank them for their support.

It is in that context that the Canadian Pride Caucus was formed a few months ago. It consists of senators and MPs who are part of the 2SLGBTQI+ community. The main objective of this caucus is to work in a non-partisan manner to advance the rights of 2SLGBTQI+ individuals in Canada and elsewhere, while maintaining an active dialogue with civil society organizations.

[*English*]

Colleagues, if Canada is at the forefront in terms of human rights within its borders, it must show generosity and solidarity with communities abroad such as those in Uganda and Nigeria who are facing extreme discrimination and are working hard to advance LGBTQI+ rights, risking their own lives.

[*Translation*]

Our struggle will continue until full equality is achieved in terms of equal rights for all human beings.

I proudly salute all civil society organizations and individuals who are working hard to improve the rights of these communities. Working to support 2SLGBTQI+ rights is working to support all human rights.

Colleagues, let's take a step forward. Let's celebrate our progress, of course, but more importantly, let's commit to ending LGBTQphobia for good.

Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Martin Cauchon, former Minister of Justice and Attorney General of Canada; John Lee; Judy Niu; Richard Zhong; and Nathan Xie. They are the guests of the Honourable Senator Oh.

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

Hon. Senators: Hear, hear!

ASIAN-CANADIAN ENTREPRENEURS

Hon. Victor Oh: I want to congratulate you, Your Honour, on your second day.

Honourable senators, I rise today to highlight the efforts and contributions of the Asian-Canadian community to the prosperity of Canada. As I have mentioned in my previous statements, Asian Heritage Month is the perfect opportunity to acknowledge those of Asian descent who have made a difference in our communities, and today, I would like to focus on the business pioneers who have taken the risk of entrepreneurship.

Recently, I had the privilege to meet with a few Asian-Canadian entrepreneurs, including John Lee, and discuss their turbulent journey to success. They are a true Canadian immigrant success story as their business began in their basement and has grown to be internationally recognized. Such experiences truly highlight Canada's value of multiculturalism.

As we all know, entrepreneurship is the keystone of innovation and progress. It is the force that drives our economy forward and creates new job opportunities.

• (1410)

Being an entrepreneur is not only about starting a new business but also about identifying the needs of society and creating a solution. It's about taking risks, creativity and persistence. It

[Senator Cormier]

takes courage to step out of your comfort zone, start something new and risk failure but still persevere through the journey. It's also about creating jobs and improving people's lives.

Canada's success is founded on hard work and innovative business ideas. Many Asian Canadians have contributed to our economic growth and created numerous jobs through their tenacity and perseverance.

Thankfully, many organizations in our country foster this journey. I believe Export Development Canada is worth mentioning. Through their support, knowledge and guidance, many businessmen and women are guided with tools for success, growth and trade opportunities that may open doors for these businesses and put them on the world stage.

So, this month, ensure that you show your support to our entrepreneurs and local businesses.

Thank you. *Xie xie.*

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague the Honourable Douglas Roche, who is also a former Ambassador for Disarmament. He is accompanied by Cesar Jaramillo, the Executive Director of Project Ploughshares. They are the guests of the Honourable Senator McPhedran.

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

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 Chief Aaron Sock of the Elsipogtog First Nation; Joseph Levi of Metepenagiag First Nation; Tara Levi of Neqotkuk First Nation, Executive Director for MAWIW Council Inc.; and James Lloyd Rockwell. They are the guests of the Honourable Senator Francis.

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

Hon. Senators: Hear, hear!

JOSEPH KENNETH LEVI

CONGRATULATIONS ON RETIREMENT

Hon. Brian Francis: Thank you, Your Honour. I would like to offer my sincere congratulations on your appointment.

Honourable colleagues, I rise today to pay tribute to Mr. Joseph Kenneth Levi from Metepenagiag First Nation, who retired from the Department of Fisheries and Oceans Canada, or DFO, last January after working for more than three decades as a fisheries officer in New Brunswick.

During his long career, Mr. Levi was repeatedly tasked with mediating between the department and local First Nations, including at times of significant tension, harassment and even violence directed at fellow Mi'kmaq who attempted to exercise their constitutionally protected Aboriginal and treaty rights. He highlighted two examples.

During the wild Atlantic salmon crisis in 1995, Mr. Levi worked near Natoaganeg First Nation, which is only a kilometre from his residence and therefore put him in a very difficult position. After weeks of extensive surveillance, there were multiple seizures and arrests until the river was finally closed.

In addition, Mr. Levi was at the front lines during the Burnt Church crisis from 1999 to 2002. He shared that DFO was unprepared and resistant to the ruling of the Supreme Court of Canada in *Marshall*. As a result, Mi'kmaq who tried to catch and sell their lobster for sustenance encountered an aggressive enforcement response from the department, which concluded in violent clashes. There was also significant pushback from non-Indigenous stakeholders. Mr. Levi was caught in the middle of this crisis and feared for his own safety and that of his colleagues and the broader community. On one occasion, he was in a vessel at sea when rocks were thrown, and he had to aid a new recruit who was seriously hurt.

Despite tough times, Mr. Levi is proud of what he accomplished and overcame during his long career at DFO. He pushed for change from within, including by advocating for more Indigenous recruitment to help build deeper understanding and relationships locally. However, Mr. Levi laments that retention remains low because the department has not allocated the necessary time and resources to become more culturally capable and responsive. Nevertheless, he remains hopeful that it will one day work in true partnership with the Mi'kmaq so that current and future generations can enjoy and benefit from their right to fish and trade lobster, salmon and other species which were shared freely by our ancestors after contact.

To Mr. Levi and all other Indigenous public servants who are committed to helping improve the experiences and outcomes of other Indigenous people from within, I say *we'lalin* — thank you — for your contributions and sacrifices. Having walked alongside you earlier in my career, I know how challenging it can be to balance your personal and professional responsibilities, especially when you experience prejudice, discrimination and other barriers in the workplace and when you are directed to administer laws, policies and programs which may adversely impact your families, communities and nations.

We'lalin. Thank you.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Régine, Jean-François and Alexis Diard. They are the guests of the Honourable Senator Audette.

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

Hon. Senators: Hear, hear!

[*English*]

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Wendy Wood, Diane Paquette and Monique Renaud. They are the guests of the Honourable Senator Cardozo.

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

Hon. Senators: Hear, hear!

THE LATE SERGEANT ERIC MUELLER

Hon. Gwen Boniface: Honourable senators, it is with a heavy heart that I rise today, once again. The grief in the Ontario Provincial Police is unbearable. There are simply no words to describe how this tragedy affects everyone in the service, in the little community of Bourget and across eastern Ontario.

Last Thursday, three officers were shot following a call to a residence in the rural community of Bourget, just 50 kilometres from here. Sergeant Eric Mueller was killed. The two other officers were hospitalized, one of them with critical injuries.

Sergeant Eric Mueller was a 21-year veteran of the OPP, having served with the Offender Transport Unit for four years before becoming a provincial constable in 2006. I had the privilege of swearing in Eric in my final year as commissioner. Eric served in the Leeds County detachment before transferring to Russell County. He became a sergeant in 2018.

Let me tell you who he was. He was a fine young man and a deeply dedicated police officer. Seriously injured on duty in 2008, he fought hard to fulfill his desire to return to work as a police officer. Eric was a leader amongst the finest to his shift mates; to his community, he was seen as a gentleman; to his friends and colleagues, he was described as one of the finest, kindest and smartest officers they've had the chance to work with.

He was a brother, a husband, a son and a father. He did his job to the best of his ability — a natural in the service to others. In 2015, Sergeant Mueller received the Commissioner's Citation for Lifesaving after he helped rescue an injured suspect who was trapped under a burning vehicle.

Tomorrow, officers and first responders will gather to honour him and his family here in Ottawa at 11 a.m.

• (1420)

Colleagues, please take a moment to think of the many mourners who will gather here in Ottawa, but especially of his family, his colleagues and his friends. Please join me in wishing the injured officers a full and speedy recovery. To the officers of Russell County, I want them to know we are with them.

This tragedy is impossible to make sense of. We have lost a talented police officer. A wife has lost her husband. Two young children have lost their father. May we forever remember the sacrifice he has made.

Thank you, *meegwetch*.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Margot Kontak-Forsyth and Morley Forsyth. They are the guests of the Honourable Senator Coyle.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

EMPLOYMENT INSURANCE ACT EMPLOYMENT INSURANCE REGULATIONS

BILL TO AMEND—TENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

Hon. Robert Black: Honourable senators, I have the honour to present, in both official languages, the tenth report of the Standing Senate Committee on Agriculture and Forestry, which deals with Bill S-236, An Act to amend the Employment Insurance Act and the Employment Insurance Regulations (Prince Edward Island).

(*For text of report, see today's Journals of the Senate, p. 1695.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Black, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

BUDGET IMPLEMENTATION BILL, 2023, NO. 1

FOURTH REPORT OF NATIONAL SECURITY, DEFENCE AND VETERANS AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED

Hon. Tony Dean: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, which deals with the subject matter of those elements

contained in Division 24 of Part 4 of Bill C-47, An Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023.

(Pursuant to the order adopted April 27, 2023, the report was deemed referred to the Standing Senate Committee on National Finance and placed on the Orders of the Day for consideration at the next sitting of the Senate.)

ADJOURNMENT

NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 30, 2023, at 2 p.m.

[*Translation*]

FEDERAL OMBUDSPERSON FOR VICTIMS OF CRIME BILL

BILL TO AMEND—FIRST READING

Hon. Pierre-Hugues Boisvenu introduced Bill S-265, An Act to enact the Federal Ombudsperson for Victims of Crime Act, to amend the Canadian Victims Bill of Rights and to establish a framework for implementing the rights of victims of crime.

(Bill read first time.)

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

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

[*English*]

QUESTION PERIOD

PUBLIC SAFETY

FOREIGN INTERFERENCE

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, according to a recent report of *The Globe and Mail*, the activities of the People's Republic of China agent expelled from Canada last week were known to the Canadian Security Intelligence Service, or CSIS, since he arrived here in 2018.

The Globe and Mail reported that while he was in Canada, this diplomat:

. . . took pictures of dissidents, monitored events held by them, documented their identities and sent the information back to China's secret police

According to *The Globe and Mail*, CSIS began sharing sensitive information about this diplomat with Global Affairs Canada in 2020, leader, including his meetings with staff of Liberal MPs. The Trudeau government knew this diplomat was spying on Canadians and did absolutely nothing to stop it for three years. Not one week, leader, for three years. How is that in the best interests of Canadians?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. I'm not in a position to comment on what *The Globe and Mail* is reporting, nor am I in a position to comment on what information or the nature of the information that may have been provided to Global Affairs. What I can say is that with regard to the particular allegations that were made public in *The Globe and Mail* about the actions in relation to MP Chong, the government was made aware of those through *The Globe and Mail* and took action appropriately and expeditiously to declare that person persona non grata.

Senator Plett: This is what you would call sucking and blowing at the same time, leader. One minute you're not able to comment on what *The Globe and Mail* says, and then when you act, you say you acted because of what *The Globe and Mail* said. Which is it, leader? As you often say, leader — these are your words — to be clear, Canadians can see exactly what is going on here. And they can. The Prime Minister and his government did nothing about Beijing's interference because they benefited from it. The paltry actions they've taken recently are because of leaks to the media. It's as simple as that.

• (1430)

I've repeatedly asked how many other parliamentarians were targeted by Beijing's interference. Now we have learned over the weekend that former Conservative Party leader Erin O'Toole and NDP MP Jenny Kwan have been contacted by CSIS. Two national security sources told *The Globe and Mail* that the Trudeau government has been provided with a list of other diplomats that could be considered for expulsion.

Let me ask you these questions, leader: Have any other parliamentarians been targeted? Are there other agents of the Beijing government that should be expelled for foreign interference? What would it take for your government to remove them now — not years from now?

Senator Gold: Thank you for the questions.

First of all, honourable colleagues, the assertion and attribution of motivations to any government, or member of the government, that they didn't take action because it benefited them is unfounded in fact and is inappropriate, as we have been reminded by the previous Speaker in his rulings.

With regard to your question, again, this is Question Period. You can ask questions about classified information that might be available from security and intelligence forces, but it is not — and will never be — appropriate for the representative of the government, or the government leader, or however you want to style me or my successor, to reveal intelligence information in this place.

CANADA BORDER SERVICES AGENCY

Hon. Leo Housakos: My question is for the government leader in the Senate. I'd like to take us back, unfortunately, to COVID-19 which was a terrible time for all Canadians, and directly and indirectly touched us all.

Government leader, I have to rise today to ask questions about Canadians who were intimidated, persecuted and victimized by the incompetence of this Trudeau government, particularly with regard to your tool — which was, on many occasions, brought into question here — called ArriveCAN or, as I called it during COVID, "ArriveCAN'T." Will your government apologize and pay reparations to those Canadians who, despite using the app, were forced into quarantine because of glitches in the app, as well as those who presented their paper copy proof of vaccination upon re-entry to Canada but were fined for not using the app itself, including Canadians like Joanne Walsh?

What does your government intend to do? Does your government have any plans to compensate these Canadians whose right to enter this country unimpeded was breached because the Trudeau government just couldn't admit that they messed up and their ArriveCAN "ArriveCOULDN'T"?

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

The efforts of the federal government, as well as all the provinces, territories and municipalities, to protect Canadians in the face of an unprecedented worldwide pandemic are well known. In very large measure, they were successful in terms of protecting Canadians from the physical and medical ravages of COVID. Far too many became sick and far too many died, to be sure. Canadians and their families paid a terrible price, but it would have been much worse had the government not acted as it did in collaboration with the provincial, territorial and municipal governments, as well as the not-for-profit sector.

With regard to your specific question, I will certainly bring your preoccupation — the issue that you raised — to the attention of the appropriate minister.

Senator Housakos: Government leader, on a number of occasions, I brought my preoccupation to you on this very floor while this injustice was happening to Canadians. This has nothing to do with protecting Canadians from COVID; this was just a messed up, inappropriate process — that the government put into place — that unfairly persecuted Canadians. Canadians who were exercising their legitimate right to return home were slapped with fines of as much as \$8,500, despite showing proof of vaccination. They were then threatened with more fines of as much as \$750,000 if caught breaking quarantine — quarantine was used as a punitive measure rather than a medical one.

Was it to pay for your government's total failure on that ill-conceived, terrible and costly app? You saw the bill going up and up. I asked you about that in the middle of COVID on this very floor.

Is this just another revenue grab? Is that why innocent, law-abiding citizens were wrongfully ordered to quarantine: to pay for this government's failure in regard to this app? Why this injustice?

Senator Gold: The measures to insist that people without proof of vaccination be quarantined were measures put in place to protect Canadians.

It is not the case, honourable colleague, that this was a revenue grab, and the implications of that are not grounded in fact.

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

ARTIFICIAL INTELLIGENCE AND DATA

Hon. Mary Coyle: Senator Gold, in a few days, our Prime Minister will join the other world leaders for the G7 summit in Hiroshima, Japan. Hiroshima was chosen as the host location to symbolize Japan's commitment to peace. On August 6, 1945, 140,000 people lost their lives when the first atomic bomb was dropped by the U.S. on Hiroshima, destroying the city and forever changing our world.

Recently, Russia threatened to deploy its nuclear weapons in Ukraine. The scientific discovery of nuclear fission led some to create weapons to destroy life, and led others to create medical technologies to save lives.

Senator Gold, on Monday, Sam Altman, the CEO of OpenAI, gave a talk at the Design Exchange in Toronto, and, yesterday, he spoke at the U.S. Senate Judiciary Committee hearing on artificial intelligence, or AI, oversight. He began his testimony by saying that OpenAI was founded upon the belief that AI could improve nearly every aspect of our lives, but that it also creates risks; therefore, we have to work together to manage those risks. He went on to say that regulatory intervention by government would be critical.

Senator Gold, you've spoken in this chamber about Bill C-27 — it is currently in committee in the House — which includes the artificial intelligence and data act. For other technologies such as nuclear, which have both pitfalls and promise, we have strong global regimes in place to regulate them.

Senator Gold, could you tell us if a global regulatory framework to establish safeguards against the potential harms of AI will be discussed at the G7 summit in Hiroshima, or at other international fora in the near future?

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

Colleagues, I cannot comment on the specifics of the discussions that might be or are taking place at the G7 summit in Hiroshima, but I have been advised that the government is engaged with its G7 partners to ensure that the proper regulation

of the risk posed by AI is taken seriously and moves forward at the international level. I have been advised further that the government is in discussions with the Organisation for Economic Co-operation and Development, or OECD, and the Global Partnership on Artificial Intelligence, or GPAI, on discussions regarding AI. Also, Minister Champagne is meeting directly with international partners to coordinate on the responsible international regulation of AI.

Senator Coyle: Senator Gold, I now have a question about the upside of AI.

The growth of AI start-ups has been nothing short of remarkable, accelerating fourteenfold since 2000 and showing no signs of slowing down. The global AI market is booming and is projected to reach a value of \$190 billion by 2025, with a compound annual growth rate of 36.62%. By 2030, the impact of AI on the world's GDP is expected to be substantial, adding a remarkable \$15.7 trillion and boosting the global economy by 14%.

Senator Gold, while I believe it's crucial that federal legislation be in place to govern the development, deployment and ethical use of AI, given our country's established presence in the global technology sector, Canada has an opportunity to position itself as a leader in the field of AI technology.

• (1440)

Senator Gold, we know competition in the field is accelerating. Could you tell us what steps are being taken by the federal government to firmly and quickly position Canada to be a global leader in artificial intelligence, or AI?

Senator Gold: Thank you for your question and for underlining the exponential — if that word isn't already outdated — growth of AI research development and interest, and its transformative impact on our society.

Canada is already well positioned. Canada has a robust network of researchers, research centres and talented personnel who are doing cutting-edge work in research. It's very much the case in my hometown of Montreal and elsewhere, as we all know. This was made possible by government support and investment in research, the research networks and fundamental research, along with our universities, provinces and territories.

Honourable senators, the government remains committed to ensure that Canada is well positioned in this area — as in other areas — to be a leading player for the benefit of Canadians as we continue our passage through this remarkable, transformational information epoch in which we live. The government will be there and continues to be there in that respect.

NATURAL RESOURCES

CANADIAN WILDLAND FIRE STRATEGY

Hon. Paula Simons: I have a question for the Government Representative. As of this afternoon, there were 91 active wildfires in Alberta, including 15 wildfires of note, which were so deemed by the province because they pose a threat to public safety, communities or critical infrastructure.

First, I want to thank the government and the people of Canada for providing military support to Alberta in this time of emergency, and I want to say that I, for one, am proud that we live in a united confederation where Canadians support one another when there is a regional crisis.

But Government Representative, in 2005, the Canadian Wildland Fire Strategy predicted many of the drought conditions and types of fires we're seeing now. Edmonton journalist and author Ed Struzik, who is one of Canada's leading writers on wildfire, has called that strategy "dead in the water," which he blames in part on a lack of funding and a lack of buy-in from premiers and provinces.

Can you tell us, in the face of the mounting economic, environmental and human costs, is it time to renew the Canadian Wildland Fire Strategy and put it into action?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. First and foremost, I know that I speak for all of us in sending support and encouragement to those families and communities that have been displaced or who are living in fear that they will be displaced because of the ravages of these fires. This government, along with others and provincial governments, is also pleased and proud to provide whatever assistance it can in the short term.

With regard to your question, I will certainly bring this to the attention of the relevant minister.

Senator Simons: I have a follow-up question. There are national parks in Alberta that are particularly vulnerable to the potential of wildfire — Banff, Jasper and Wood Buffalo. I would be pleased if, at a future date and maybe by way of a written answer, you could provide to us what the federal government's plans are for fire mitigation and suppression in our national parks in Western Canada.

Senator Gold: Thank you for the question. I certainly will bring this question as well to the relevant authorities.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

BUSINESS OF THE COMMITTEE

Hon. Scott Tannas: My question is for Senator Moncion, Chair of the Standing Committee on Internal Economy, Budgets and Administration.

Senator Moncion, some months ago, the Senate agreed to conditionally support a return to what is sometimes called the "one-clerk model," where the Prime Minister would appoint the Clerk of the Senate through a hiring process under his or her control — as has been the tradition for more than 100 years — and that concurrent with the appointment, the Clerk of the Senate would have ultimate executive leadership and responsibility for both the legislative and the administrative operations of the Senate. The condition expressed by the Senate was that we retain the right in the future to remove the administration chief executive function from the Clerk and place that responsibility with someone else of our choosing if we so desire.

I'm wondering if you've been consulted or been given an opportunity to review the proposed job description for the new Clerk of the Senate and Clerk of the Parliaments. If so, are you satisfied that the Senate's right to unilaterally remove the role of administration leadership is sufficiently clear to all participants in the recruiting and hiring process?

Hon. Lucie Moncion: Thank you, Senator Tannas, for the question. The second part of your question is a little bit more difficult to answer because of the rules and the act which that particular position is under the purview of.

The recruitment and hiring process is not under the purview of the Standing Committee on Internal Economy, Budgets and Administration. Under subsection 130(b) of the Public Service Employment Act, the Clerk is appointed by the Governor-in-Council. Therefore, I cannot comment on the second part where we don't yet have the powers that you are enumerating about with respect to removing that person from office.

As to the first part regarding the job description of the new Clerk, I am confident in the process that is under way to ensure proper functioning of our institution. As you know, much of the Clerk's job description is statutory in nature and described in our Rules. I will refer you to the *Rules of the Senate*, under the Clerk position. So far, we have received the proposed job description, which is aligned with its counterpart in the House of Commons. This review took place a few months ago and also comprised salary scales, which were part of the review.

The other portion that I worked on was asking our former Speaker, before he left the Senate, to communicate with the Privy Council Office on a few pending matters, one of which is the appointment of the Clerk of the Senate. The Speaker did put in the request and informed me that the process would be enacted in due course. We still have to define "due course."

Senator Tannas: I want to be clear. Are you suggesting that in addition to the motion that was passed here in the Senate, that made it clear that the Senate controlled the administrative leadership in the Senate and that we were delegating it as part of tradition to the Clerk, but that we held the option to withdraw it? Are you saying that has not been clear in this process or that we need to change some more rules? Is that what you're saying? That the motion we made is not valid and that we need to go somewhere further or speak a little louder to make sure we do not find ourselves in a misunderstanding with the person who will be hiring the Clerk of the Senate?

Senator Moncion: Thank you again for the question. There are a lot of things that are within the rules of the Parliament of Canada Act, and that motion, I don't think, brings changes to the Parliament of Canada Act on this hiring process.

[Translation]

INNOVATION, SCIENCE AND ECONOMIC DEVELOPMENT

ARTIFICIAL INTELLIGENCE AND DATA

Hon. Andrew Cardozo: Madam Speaker, first of all, I must say that I'm very honoured to be asking a question in your first week as Speaker of the Senate. Congratulations.

My question is for the Government Representative in the Senate.

[English]

I want to ask about artificial intelligence, or AI, in a sense picking up from my colleague who asked a question on this subject earlier. Indeed, it has been growing over many years, but I think 2023 will go down in history as the year when AI crossed a Rubicon and perhaps became more intelligent than human beings. First with the beginning of ChatGPT and the soon to follow GPT-4, and the unthinkable letters from the leaders on March 29 written by the owners and inventors of AI calling on the world to slow it down. Even Geoffrey Hinton, often referred to as the godfather of AI, spoke on CBC Radio this weekend and called on governments to take action to put controls on AI. It's worth repeating: Inventors of AI are asking the government to intervene in the evolution of their invention, which seems to be going out of control. This week, I'll be issuing an article by software technology specialist Shawn Brayman on this and how AI relates to polarization.

• (1450)

What is the government willing to do to respond to getting things under control in this world of AI, which seems to be running out of control?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Colleagues, as you know, and as Senator Coyle referred to in her question, the government has tabled Bill C-27, which is the digital charter implementation act, part of which includes the artificial intelligence and data act. This will create a framework to regulate the risks associated with AI here in Canada and to ensure that potential harms are appropriately mitigated and the risks are managed for those high-impact AI systems.

Furthermore, I'm advised that Minister Champagne recently convened an emergency meeting of Canada's Advisory Council on Artificial Intelligence specifically on the issue of generative AI to gather experts' opinions to chart a path forward for Canada to ensure the responsible use of AI.

Senator Cardozo: Let me ask my supplementary question. I will drill down further on one of the issues raised in the paper I mentioned by Shawn Brayman. He points to the estimates that

between 400 million and 800 million jobs will be lost across the world in the next short period due to AI. How should we all be preparing for this major change in society? Are you concerned that a massive economic change of this sort can lead to instability and polarization?

Senator Gold: It's a big question. As I mentioned in my answer to Senator Coyle, there's no question that if the Industrial Revolution transformed society in past centuries, the Information Revolution — which began many decades ago — is now proving to potentially be an even more dramatic and fast-paced transformation. With transformations, there are dislocations and changes, and we are seeing that not only in this area but in our economy as the world is beginning a shift from heavy reliance on fossil fuels to other forms of energy.

The government is actively engaged in this issue around the question of risk, and I have every confidence that the government will also respond to the economic implications of transformations that will surely follow from the expansion of AI into all aspects of our lives.

[Translation]

ENVIRONMENT AND CLIMATE CHANGE

TOXIC WASTE

Hon. Claude Carignan: Leader, yesterday, I asked you some questions about the dumping of toxic substances into Lake of Two Mountains, which supplies water to hundreds of thousands of people. You said, among other things, and I quote, “. . . the government is not dragging its feet. The government recognizes that this is a very serious situation.” One of the *La Presse* articles I quoted also states the following:

The discharges that *La Presse* observed on two occasions this spring are not one-time events. On August 1, 2020, a breach at the same location, in the middle of the hot summer, released thousands of litres of putrid water that was “black as tar” into the same streams, all the way to Lake of Two Mountains.

In Ottawa, this triggered a notification from the National Environmental Emergencies Centre. An email exchange obtained through an access to information request indicates that some 225 Environment Canada officials were notified of the event. A federal inspector's handwritten notes state that this matter must be brought “to the attention of the Office of the PM,” Prime Minister Justin Trudeau.

Leader, I have this note with me. The question is simple. Was the PMO notified following these alarming discharges at Kanesatake? If yes, what measures did the PMO order? If no, why not?

Hon. Marc Gold (Government Representative in the Senate): I also followed the issue with interest, concerning that same article. I was told that the government is working with Grand Chief Bonspille and the Mohawk Council of Kanesatake to find ways to mitigate the potential environmental impact of the problems associated with the site, such as water leaks and toxic fumes, and ultimately to rehabilitate the site.

The Government of Canada agrees that a solution is needed. It is also concerned about how this situation affects the community, which also has challenges within its governance. I was also informed that Minister Hajdu met with Grand Chief Bonspille about this and that officials have continued to work with the community on finding a solution.

Of course, honourable colleagues, the situation is complex and worrisome. As this is partially private land, the government's legal means for intervening are limited. The government continues to work with the grand chief on proposing solutions to the community and it continues to work in close collaboration with Environment and Climate Change Canada, with the Province of Quebec and also with the grand chief and his council to find a permanent solution.

Senator Carignan: Leader, let me clarify something. It's not just water leaking; it's also leachate. Do you know the difference between the two? I would not drink a glass of it, that's for sure. The government has failed to take any action on this environmental disaster for three years now. The Prime Minister's Office was apparently informed, 225 government officials were informed. *La Presse* ran a headline this morning that reads, "Radio silence in Ottawa." Based on what you're saying, your government is still talking rather than taking action. How can I reassure the people of my region so they don't feel abandoned by this government?

Senator Gold: Thank you for the question. As I said, the government is working closely with the leaders in the community and the Province of Quebec to resolve this dangerous, difficult and unacceptable situation.

[English]

ORDERS OF THE DAY

CANADA DISABILITY BENEFIT BILL

BILL TO AMEND—THIRD READING—DEBATE

Hon. Brent Cotter moved third 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, as amended.

He said: Honourable senators, I rise to speak to Bill C-22. Parenthetically, I should say my own congratulations, Madam Speaker, but I want to say that I'm doing more than all our other

colleagues in thanking you. I've started a small campaign among all of us to raise enough money to buy you a slightly smaller pair of gloves.

If I may be more serious in my remarks, I'll touch only briefly on the bill and four or five of the amendments adopted by the Social Affairs Committee. In the interest of commitment to the goals of the bill as well as in the interest of timeliness, I'd encourage you to adopt the bill in its present, amended form.

I have two speeches, and in an effort to commit to my own message about timeliness, I have elected to deliver not the long but the short one. I know you will be grateful.

Once this bill kicks in — by which I mean once regulations are developed and the benefits begin to flow to people with disabilities — we will have achieved a great and meaningful thing, something of which all of us in the Senate can be proud. To get there, we need this bill adopted, and we need it adopted in a timely way.

About the bill and the amendments, let me begin by saying that, as in the other place, I believe we are unanimously committed to the sentiments and objectives articulated in Bill C-22. This was evident in the speeches of senators at second reading of the bill and in each of the interventions at the consideration of the bill before the Standing Senate Committee on Social Affairs, Science and Technology. Indeed, I think it is fair to say that each of the amendments advanced at the committee, including the amendments adopted, was motivated by an intention to strengthen the bill and make a good bill better.

• (1500)

As you will know, the bill is a framework bill empowering the minister and the government to develop a disability benefits regime and system by developing regulations under powers provided to it in clause 11 of the bill and in close collaboration with the disability community. Every detail of this bill and the amendments and every word that has been spoken by us about it have been followed closely by a community of interest that is devoted to its adoption. For many thousands, this bill's implementation is a lifeline to a better life. I think we are all committed to that goal as well.

Nevertheless, various amendments that we are making to the bill do present challenges. I would like to highlight some of them. Some of these challenges, I think, present difficulty for some among us. You may recall that the vote to adopt the report from the committee was a vote on division. Nevertheless, I would urge us all to adopt the bill, as amended, and to get it to the other place as quickly as possible.

Moving to specific provisions, I will first discuss the "coming into force" provision. If you are following, this is clause 14. An amendment was adopted at committee to clean up the "coming into force" provision. It previously called for the bill to come into force at a date that is no later than one year after Royal Assent but did not say who could cause it to come into force earlier. This amendment, introduced by Senator Petitclerc, makes it clear that the day of coming into force is to be fixed by the cabinet no later

than one year after Royal Assent. There's no change to the bill itself, but it identifies the "who" who can implement the coming into force.

Second, and associated with the timing, is an amendment that was adopted by the committee that requires that the regulations be put in place within 12 months of the bill coming into force. This is clause 11, a new subclause (1.2). This is an amendment that is well-meaning but, in my view, problematic. While the minister and the government are committed to timely implementation of Bill C-22, and the minister is aiming for this to occur within 12 months, this amendment actually gives the government — that is, if it were to follow the letter and extent of the law available to it — more rather than less time to implement the bill. This is because the amendment adds 12 months onto the up to 12 months before the bill comes into force. I'm confident we will get to implementation long before this and that the amendment will be rendered essentially irrelevant, but it is, to say the least, an unfortunate message to send.

Third, the bill adds, in clause 11, additional considerations required of the minister respecting the amount of the benefit. These are references, first, to the official poverty line — a hard number that was already in the bill — and four others, namely, additional costs associated with living with a disability, challenges faced in relation to earning a living, intersectional needs of disadvantaged individuals and groups, and international human rights obligations.

Again, these are heartfelt, but the concerns are these: First, the language is problematic, as these days we don't speak about people "living with a disability."

Second, in the section that calls for taking into consideration the requirement for disadvantaged individuals and groups, I think I know what was intended. While the concept of "disability" is understood and defined in the legislation, the word "disadvantaged" is open-ended and undefined, and its literal meaning would, I think, take us well outside the objectives of the bill, which are well articulated in the bill and the preamble.

The other dilemma is a technical challenge for the minister. The clause now requires the minister to take these four factors into account in quantifying the benefit. If we want this to be done seriously, the minister can rely on and make reference to and consider the poverty line, which is a quantified number, but the ability to quantify "additional costs associated with disability" — and when one thinks of the wide range of disabilities — to qualify the challenges associated with earning income, again widely disparate, and to quantify intersectional needs are all complicated issues. They need to be better known, understood and studied than they are today. Realistically, for the minister to honestly and seriously take into account the quantitative aspects of these considerations, and to do that in the urgent time frame we all expect, asks for a great deal, maybe the impossible. In any event, the message in the preamble makes reference to all of these factors, and clearly so, even if they do not carry the clout that this amendment assigns to them.

Fourth, an amendment introduces a new clause 10.1. This is an explicit entitlement to appeal. The bill already contemplates, in clause 11, regulations respecting appeals. The argument advanced was that clause 11 was discretionary. This is true, but

that is the structure of the regulation-making power across government. Indeed, the determination of the amount of the disability benefit would itself be discretionary if we take the view that the language of regulation making provides such a wide range of discretion. One might then say that, theoretically, cabinet could simply decide not to make regulations establishing the benefit at all. With respect, I think that's unrealistic. In any event, for a benefit like this, the law provides an appeal process as a matter of natural justice whether stated or not. Again, in my view, this amendment is heartfelt but not needed.

There is one additional concern. The amendment creates two categories of appeal: ineligibility and the amount of the benefit you get or don't get. I'm advised that there are various other categories of concern that a recipient or applicant may have, and they do not fall neatly into these two categories of "ineligibility" or "disputed amount of benefit." The problem is that by creating these two categories and only these by legislation, that, by implication, locks out other categories of appeal. If locked out by the legislation, they cannot be unlocked by regulation.

My fifth and last observation in relation to the amendments is next, but first a bit of context. As committee members, witnesses and even some senators noted at second reading of Bill C-22 in the chamber, a major risk in relation to the effectiveness of the benefit is that it may be eroded or clawed back by provinces or by other providers of the benefit — insurers was one example identified — with respect to people who already qualify for a separate benefit and now could become entitled to a Canada disability benefit. My recollection is that Senator Duncan grilled me gently on this point in February.

Let me say at the outset that this is a legitimate and serious concern. There are two sources of this concern. First are the potential actions by provincial and territorial governments to modify the levels of support that they provide to recipients as a result of the recipients' receiving the Canada disability benefit. The second possibility — I would even accept the word "probability" — is that private insurers would do the same. The committee heard evidence that wide-ranging clawbacks already exist in insurance contracts associated with disability and that this, if not a common practice, is at least common enough to be a genuine concern for people covered by insurance for disability. Speaking for myself, I accept these as valid and serious concerns. No one wants to see insurers be the beneficiaries, even in small part, of the disability benefit.

In light of this, and urged by some witnesses, an amendment was advanced at committee and adopted so that clause 9 of the act now includes the following:

A benefit under this Act

(c.1) cannot be recovered or retained, in whole or in part, under the terms of any contract, insurance plan or similar instrument

I appreciate entirely the sentiment of this amendment, but there are two concerns. One is that the language is offered. You will recall the language says that the benefit "cannot be recovered or retained." Well, insurance companies will never directly receive the disability benefit or be entitled to it so that there will be nothing for them to have retained or to recover.

• (1510)

Second, with respect to this amendment, as heartfelt as it is — and I agree with the sentiment of it — it is an unconstitutional intrusion into provincial authority.

The arguments advanced by witnesses at clause-by-clause consideration suggested that the amendment is constitutional on the basis of the federal spending power or Canada's commitment under the UN Convention On The Rights Of Persons With Disabilities. These arguments inaccurately presented the scope of federal authority and embed in the bill an unconstitutional and intergovernmentally problematic and divisive component to the bill.

Nevertheless, there is a small window to get this bill across the finish line here and in the other place. I urge you, even if you have reservations about the bill, to give it your blessing.

I would be remiss if I did not extend my own thanks again to the many people with disabilities, leaders of the disability organizations and so many others of goodwill who reached out to me; to our critic, Senator Seidman; to members of the committee, and to each of us, with their advice, concerns and universal support for this bill's objectives, and also an extension of thanks to the committee for its diligent consideration of this bill.

We are doing a meaningful thing today by supporting and advancing this bill. I'm honoured to be part of this great enterprise.

Thank you, *hiy hiy*.

[*Translation*]

Hon. Judith G. Seidman: Congratulations on your appointment, Madam Speaker, and good luck.

[*English*]

Honourable senators, I rise today as opposition critic to speak at third 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.

I want to thank my colleagues on the Standing Senate Committee on Social Affairs, Science and Technology for their careful study of this bill; our chair, Senator Omidvar, for her leadership of the committee; and our sponsor, who was totally devoted to getting this bill done as soon as possible.

I am also so grateful for the impassioned testimony we heard from members of the disability community about the importance of this legislation.

As you have heard already, the Social Affairs, Science and Technology Committee did make six amendments to Bill C-22. I supported two of those amendments: the first, a technical amendment around the coming-into-force date to correct an error introduced during committee clause by clause in the other place; the second, more substantive.

Four years ago, the Social Affairs, Science and Technology Committee and the Senate added timelines to the Accessible Canada Act, and now, this year, we have added timelines to the Canada disability benefit act. In so doing, we amended this bill in clause 11 to require the Governor-in-Council to make the necessary regulations within 12 months to enable the Canada disability benefit to be paid in accordance with this act. This timeline will ensure that the regulations will be made expeditiously, as the advocates from the disability community reminded us.

Among our witnesses, David Lepofsky, from the Accessibility for Ontarians with Disabilities Act Alliance, was perhaps the most emphatic when he said:

Everything depends upon the regulations, but there is no deadline for the regulations to be made. The minister said six months ago that she needs a year, and they don't have to wait until the bill is passed. They're doing policy work now. . . . So set it for a year . . . Set a deadline.

This 12-month timeline is consistent with estimates that Minister Qualtrough has given, both to our committee and to the media.

On March 22, in response to a question from Senator Osler, Minister Qualtrough said:

Based on all the work we've done already — that is, the massive consultations, the surveys, the funding of national organizations to reach out to their members and their communities to get input — we anticipate a 12-month regulatory timeline.

In addition, this amendment allows for accountability and provides a metric to measure progress.

As you have already heard, there are other amendments which were moved in committee, many of them important and championed by members of the disability community. Yet, as I expressed in my second reading speech, perhaps the greatest challenge is that the government has presented us with an enabling act, setting out the framework of a regulatory scheme and delegating the authority to develop the details in regulations. Rather than delineating the particulars of a policy as it translates into law, this legislation leaves the responsibility with the regulators who act in counsel with the cabinet and minister.

Health Canada's website describes the relationship between regulations and legislation thus:

Regulations are a form of law, sometimes referred to as subordinate legislation, which define the application and enforcement of legislation. Regulations are made under the authority of an Act, called an Enabling Act. Regulations are enacted by the body to whom the authority to make regulations has been delegated in the Enabling Act, such as the Governor in Council or a minister . . .

The resulting regulations are referred to as delegated legislation. As Marc Bosc and André Gagnon explain in Chapter 17 of *House of Commons Procedure and Practice, Third Edition*:

Some acts of Parliament delegate to Ministers, departments, agencies, boards or other authorities the power to make and apply subordinate legislation described only in general terms in the acts. Delegated legislation is a term used to describe these regulations, orders, rules, by-laws and other instruments.

Honourable senators, such enabling legislation fundamentally changes our role as parliamentarians.

The use of delegated legislation in Canada has continued to be a subject of some debate since Confederation. I am indebted to the Social Affairs, Science and Technology Committee's Library of Parliament analyst, Laura Blackmore, who shared resources with our committee so that we could better understand the use of these powers.

Professor Lorne Neudorf, Editor-In-Chief of the *Canadian Journal of Comparative and Contemporary Law* and Deputy Dean of Law at La Trobe University in Melbourne, Australia, is close to completing a comparative, multi-year study on the parliamentary supervision of delegated legislation in Australia, Canada, New Zealand and the United Kingdom funded by the Social Sciences and Humanities Research Council of Canada.

In a 2018 article in the *Dalhousie Law Journal* entitled "Reassessing the Constitutional Foundation of Delegated Legislation in Canada," Professor Neudorf traces the Canadian case law on delegated authority. He writes:

While there are important benefits to Parliament delegating some of its lawmaking powers to others, such as allowing detailed rules to be made quickly in response to new circumstances and saving Parliament's time and resources for key policy debates, there are real concerns about the quality, transparency and accountability of a lawmaking process that is carried out mostly behind closed doors.

Delegation permits important decisions that affect the country as a whole to be made through a process that excludes Parliament and does not embody the qualities of Parliament that are reflected in the Constitution — specifically its democratic, representative and accountable qualities. These qualities explain why Parliament was placed by the framers at the centre of federal lawmaking

Not only has Bill C-22 delegated almost everything to the regulations, but there is significant pressure to pass this bill as quickly as possible.

The Social Affairs, Science and Technology Committee's study of Bill C-22 — eight meetings with witnesses and additional meetings for clause by clause — was considered lengthy by those who wanted to see the bill passed with no questions asked. However, eight meetings' worth of testimony is insufficient to formulate policy. Had the government given us a more appropriate bill — with eligibility criteria, conditions to be met in order to receive the benefit, the amount of the benefit, an appeal process, a timeline, et cetera, all carefully specified — the

Social Affairs Committee would have heard testimony on detailed provisions, and we could have exercised true sober second thought. Instead, we had to review the legislation in the most general of terms.

• (1520)

Where does that leave us?

The courts have upheld delegated legislation as constitutional, but, in their decisions, they have emphasized the importance of parliamentary oversight. As Professor Lorne Neudorf outlines, when considering *Hodge v. The Queen* from 1883, the Judicial Committee of the Privy Council, Canada's highest court at the time, placed "responsibility on Parliament to supervise the executive in making delegated legislation."

Professor Neudorf also notes that in the 1918 *In Re Gray* decision, Chief Justice Fitzpatrick and Justice Duff agreed:

The continuing availability of parliamentary supervision, and to the degree necessary, control of the executive alleviated concern about the executive usurping Parliament

Regarding the 1943 *Chemicals Reference* case, Professor Neudorf writes:

While the Supreme Court upheld the constitutionality of the relevant aspects of the statute, the judges emphasized the role of Parliament in holding the executive to account by supervising and controlling the exercise of delegated authority.

Therefore, according to the courts, delegated legislation is constitutional, yet Parliament must do its job to closely monitor the regulations. If we pass this legislation, then we are charged with such parliamentary supervision. If not, we will have abdicated our responsibility. Thus, if we pass Bill C-22 now, we will extend the first stage of oversight to the disability community.

The government has committed to consulting them in crafting the regulations. I feel confident that the community will be their own best advocates, and offer important insights, guidance and even the pressure necessary to ensure this is done in a timely fashion. But, ultimately, it is our parliamentary responsibility to hold the government to account.

Honourable colleagues, it is important to bring to your attention here that clause 12 of Bill C-22 reads:

As soon as feasible after the first anniversary of the day on which this section comes into force, after the third anniversary of that day and after each subsequent fifth anniversary, a review of this Act and of its administration and operation is to be undertaken by a committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for that purpose.

I would also like to add the following cautionary note on the matter of our own history of parliamentary reviews. Charlie Feldman, whom I am certain we will all remember as the Parliamentary Counsel for the Senate, published an article in the *Journal of Parliamentary and Political Law* in March 2022 entitled “Much Ado about Parliamentary Review.” Mr. Feldman identified provisions in federal statutes that specifically contemplate the review of an enactment, or portions thereof, by a parliamentary committee. In his review of the period of January 2001 to June 2021, he found 51 such provisions requiring a committee to review legislation at a future time. However, he discovered that many reviews never happened, and that many reports on statutory reviews are years behind schedule. At the time of his writing in 2022, only 17 of those 51 reviews had resulted in a report.

Mr. Feldman noted:

... it may be that reviews do not occur in part because there appears to be no meaningful consequence for failure to conduct review.

Honourable colleagues, we should consider ourselves on notice. We must do better to ensure the parliamentary review of this piece of legislation as it is enacted, as well as the review of all legislation that specifies a review process with timelines.

To briefly comment on our observations, in my opinion, it can be a rather futile process to include many observations to a piece of legislation. However, given that this is bare-bones legislation, the committee thought it's important to bring attention to relevant issues presented by witnesses from the disability community. You have already heard those observations, as described in our committee report and discussed by Senator Omidvar, the Chair of the Social Affairs Committee, yesterday.

Honourable colleagues, in closing, although Bill C-22 is an enabling act and empty of all specifics, it is also a landmark opportunity — and strongly supported by the disability community. As Amélie Duranleau, the Executive Director of the Quebec Intellectual Disability Society, told our committee:

This bill could play a key role in lifting persons with disabilities out of poverty across the country. In this sense, this is an opportunity we have not seen in decades.

Let us ensure that Bill C-22, as amended, is passed here now, and hope that the other place will be expeditious in their response. Such quick action would allow the government and the community to move forward with the regulations. But let us not lose sight of our critical role — indeed, our responsibility — to scrutinize those regulations in review, and to hold the minister and cabinet to account.

Thank you.

The Hon. the Speaker: I see that Senator Wallin has a question. Would Senator Seidman take a question?

Senator Seidman: Yes.

Hon. Pamela Wallin: Thank you.

I haven't looked at it in detail. Is there any provision for a timeline regarding the consultation or development of regulations that would allow the committee — and this chamber — to feel that they have a chance to examine the result of that process?

Senator Seidman: Thank you, senator. As you heard from me and Senator Cotter, the committee did pass an amendment for a timeline. The timeline is for the period within which the government has to make the regulations — that is what the timeline establishes.

Senator Wallin: Are you satisfied with that?

Senator Seidman: Yes, I certainly am.

I believe I said in my speech that we heard from a lot of stakeholders, specifically with great emphasis from Mr. David Lepofsky: He was clear that we needed a timeline, as we had done with the Accessible Canada Act; we do have it.

And yes, I am satisfied. Thank you.

Hon. Mary Coyle: Honourable senators, I rise today on the ancestral and unceded territory of the Algonquin Anishinaabe people to speak at third reading of Bill C-22 — a bill I supported at second reading.

Before delving into the substance of my remarks, I would like to join my colleagues in congratulating Speaker Raymonde Gagné on her appointment to this crucial role in our chamber. Your Honour, I have every confidence you will fulfill your duties with the dignity and wisdom you are known for.

Back to the matter at hand — in my second-reading speech, delivered on Valentine's Day, I said:

Bill C-22 was passed unanimously in the House after a detailed study and with amendments. Our job is not to unduly hold up the bill, while at the same time, we need to work efficiently to fulfill our responsibility to ensure that we have legislation that enables the creation of a robust Canada disability benefit which will have the intended outcomes of significantly reducing poverty and supporting the financial security of persons with disabilities — one which clearly responds to what people living with disabilities are asking for.

Colleagues, many people living with a variety of disabilities in Canada are living in poverty today. What every one of them agrees on is the urgency to get this benefit in place and the much-needed money flowing to them as soon as possible.

• (1530)

Honourable colleagues, yesterday we heard the Chair of the Social Affairs Committee, Senator Ratna Omidvar, deliver that committee's report on Bill C-22. She spoke with respect and gratitude for the many helpful witnesses who contributed to the work of the committee in its efforts to study and improve Bill C-22. I join her in thanking all witnesses and, in particular, those with disabilities as well as the broader disability community in Canada who have been so clear and constructive in their guidance on this important bill.

I am not a member of the Social Affairs Committee, also known as SOCI, and I was unable to attend their meetings due to a timing conflict with our Foreign Affairs Committee. But one of my colleagues, Ben Gormley, attended the meetings studying this important bill for me. I have read most of the transcripts and, in particular, the discussion at clause-by-clause consideration of the bill.

Colleagues, I would like to commend all members of the Social Affairs Committee for their hard work, dedication and commitment. I read in the transcripts that many of our colleagues on the committee had experienced sleepless nights as they agonized over getting this bill right for those it is intended to benefit. These colleagues, from all groups in the Senate, fulfilled their senatorial duties with exemplary leadership. They listened and they decided to act.

I would also like to commend the bill's sponsor, Senator Brent Cotter, for taking on the responsibility of introducing it to us and ensuring the bill moves smoothly, appropriately and in a timely manner through this chamber. Thank you to its critic as well for that incredibly thorough and thoughtful speech. You've brought up things, Senator Seidman, that will be important for us to carry forward as we pass this on from our chamber at this time.

Honourable senators, for months we have been receiving correspondence from and meeting with persons with disabilities and organizations advocating for their rights and interests. Earlier this month, I hosted representatives of MS Canada at the Senate. One of their key priorities is ensuring the Canada disability benefit becomes available to people with MS — those who would need it from time to time and those who have come to need it full time.

You also heard me speak at second reading about my brother John, who has been living with a very tough mental health disability since he was 14 years old. He was 55 years old when the Canada disability benefit was promised in the Speech from the Throne in September 2020. He will be 58 next month and my hope is that this important benefit will start to flow before he turns 59. For now, he and others like him in Ontario are expected today live on the \$1,230 per month provided by ODSP, or the Ontario Disability Support Program; people in Nova Scotia receive \$950. As I have said before, this legislated poverty is our national shame.

Colleagues, I think we all know that there are tensions at play between those who are advocating for swift passage of this bill without any changes and those who want amendments to the framework legislation. Our Social Affairs Committee has acutely felt and has worked hard to acknowledge and respond appropriately to the pressure of those tensions.

Minister Carla Qualtrough, another leader worthy of our praise and respect for her leadership on improving accessibility in Canada and for bringing forward this historic legislation, has told me — and also told the committee — that she is open to considering improvements to the legislation.

The balancing act is really about how much needs to be adjusted in the bill at this stage versus what can be left up to the next important stage of co-development of regulations.

Colleagues, as we well know, it very much comes down to the complicated matter of trust: trust in the people charged with the job, trust in the process, trust that there will be true co-development with trusted representatives of the disability community and trust in the government to live up to its stated commitments.

Our colleagues on the SOCI committee did a thorough job of studying, crafting and debating potential amendments meant to improve the bill. As we have heard from Senator Omidvar, there are amendments passed that respond to concerns raised by members of the disability community about matters related to clawbacks; appeals processes; the adequacy of the benefit amount given that persons with disabilities experience higher costs of living than the average Canadian and may face additional barriers because of their gender, racialized or Indigenous status or other intersecting statuses and, very importantly, the timing, with the intention that the money should flow as soon as possible.

Colleagues, I will not speak about all of the amendments but will rather focus on the two amendments which relate to timing. We've already heard earlier today from the bill's sponsor and its critic on this matter of timing.

We heard from Senator Omidvar yesterday that all witnesses before the committee agreed that the Canada disability benefit should begin being paid out as soon as possible. The committee made two amendments with the intention of honouring that wish.

Again, as Senator Omidvar reported yesterday, the committee adopted an amendment to clause 11 requiring that, within 12 months of the coming into force of the bill, the Governor-in-Council must make the necessary regulations to begin paying out the benefit.

The committee also made an amendment clearly outlining the authority of the Governor-in-Council to fix a date for the coming into force no later than one year after Royal Assent.

Colleagues, my fear is that although the committee had every intention of ensuring the shortest possible timeline for the commencement of paying out the benefit — even sooner than 12 months, if possible — I'm concerned that the way the bill has been amended means it could take up to two years until persons with disabilities in Canada start to receive this important benefit.

When this possible consequence was raised at committee, Elisha Ram, Senior Assistant Deputy Minister, Income Security and Social Development Branch, Employment and Social Development Canada said:

The proposal today would give the Governor-in-Council to fix the date within one year, so it could be earlier but no later than one year. Then we have to stack on top of that the amendment that was adopted last week, which indicates the regulations have to come into force within 12 months of the act coming into force. . . . at the limit, that would give up to 24 months for the regulations to be introduced. . . .

We also contacted the Office of the Law Clerk and Parliamentary Counsel to help us interpret the outcomes of these amendments. They confirm that:

Regulations could in theory be made on the day the Act receives Royal Assent until two years after it receives Royal Assent.

So, colleagues, where does that leave us? Might the combination of these amendments referring to the timeline have the unintended consequence of possibly extending rather than contracting the timeline for getting this critical benefit to people living with disabilities? Again, will this come down to a matter of trust?

The government has assured us they want to get this benefit in place as quickly as possible. Those from the community of persons with disabilities at the regulation drafting table with the government will assuredly push for speedy implementation.

Colleagues, in passing these amendments, our committee is trusting that their intent to reinforce the importance that the Canada disability benefit flow in as timely a manner as possible is clear and will be acted upon by the government.

Colleagues, I — like our committee members, every person in this chamber and, I'm sure, the overwhelming majority of Canadians — am in complete solidarity with our disabled brothers, sisters, children and neighbours in wanting Bill C-22 to deliver as soon as is humanly possible on its important promises of financial security, poverty reduction and dignity for all.

Honourable senators, let's continue to push for an urgent delivery on this important promise. *Wela'lioq*, thank you.

Hon. Ratna Omidvar: Would the senator take a question?

Senator Coyle: Absolutely.

Senator Omidvar: Senator Coyle, I feel I have to turn my back to look at you. Thank you for your very well-informed speech and your observations on the proceedings at SOCI.

I would like to clarify what I heard from you. What I think I heard you say is that the maximum amount of time that it would take to flow the benefits to the disability community would be two years, but they could start flowing on the day Royal Assent is given; they could start flowing within six months. Did I hear you say that?

• (1540)

Senator Coyle: Thank you for your question, Senator Omidvar. That is exactly what I said. Although I think the overall intention was to have a 12-month or one-year maximum timeline, we actually have a maximum timeline of 24 months, which was also mentioned by the sponsor of the bill. You are absolutely correct, however. I support this and trust that it will be much sooner than that. In fact, it could be at any moment following Royal Assent.

[*Translation*]

Hon. Chantal Petitclerc: Honourable senators, we're almost there.

[*English*]

Bill C-22 has been awaited by Canadians with disabilities for 966 days, and finally we are close to the finish line.

First, allow me to express gratitude to my colleagues on the Standing Senate Committee on Social Affairs, Science and Technology for the swiftness and thoroughness with which this bill has been studied and improved upon.

[*Translation*]

Senators will recall that, at second reading, I expressed a number of concerns and listed a series of key questions that would help me take a position based on quantifiable facts, not just on trust. I was hoping the answers would confirm that this bill is indeed the best mechanism to reduce poverty for working-age persons with disabilities.

During our study that spanned 10 meetings, we heard from 49 witnesses, received 48 briefs, did seven follow-ups and received two letters. What we learned is that, first, the community's needs are urgent and pressing, and second, this bill will be able to play a crucial role in addressing those needs.

Were the answers I got enough to show me that Bill C-22 will help address the poverty that thousands of people with disabilities are struggling with? The answer is yes.

[*English*]

Witnesses were clear: The situation is urgent. One crucial aspect that the committee study brought to light is the extent of the needs of persons with disabilities. Several witnesses confirmed that living with a disability is, indeed, much more expensive. According to Krista Carr, Executive Vice-President, Inclusion Canada:

. . . people with disabilities have additional costs that even go beyond.

There is not a lot of Canadian data on it, but anything that's out there, we will say 30% to 40% more. It does depend on the nature of the disability and some of the additional equipment or other costs . . .

I realized that the economic vulnerability of many people with disabilities was even more severe, and the inequalities and disparities within the community itself were even greater than I thought. The testimony was shocking. Who could expect, in a country like Canada, to read this:

I don't remember the last time I ate an apple or salad. 15-20 years I haven't bought anything new, and I can't afford it. I'm not mobile, I don't move, only go to doctors' appointments. I'm kind of a prisoner in my own apartment. Can't afford to go anywhere.

This was a testimonial in the Daily Bread Food Bank brief from a recipient of their services, and there were many more.

Representatives of the DisAbleD Women's Network of Canada opened our eyes when they shared with us that, "women with disabilities are the most marginalized," and, "The poorest, lowest-income person in this country is a Black single mother with a disability"

Jheanelle Anderson, Vice-Chair, Ase Community Foundation for Black Canadians with Disabilities agrees when she states that:

We know that disability and poverty are inextricably linked, and also that poverty is heavily racialized. . . . Black people with disabilities have fewer job opportunities, career development opportunities . . . most disparities experienced in poverty are experienced by Black people with disabilities.

Krista Wilcox, Director General, Office for Disability Issues, Employment and Social Development Canada confirmed it:

. . . 40% of Black persons with disabilities are living in poverty, so we know that racialized persons with disabilities are much more likely to be living in deep poverty than other Canadians.

This testimony and many others have demonstrated not only the importance but the urgency of the implementation of this bill.

[*Translation*]

Let us be clear on the following point. Although the community of persons with disabilities is diverse, it is united. I want to point that out because it is not always the case. We have often heard it said in this chamber that this diverse community does not always speak with one voice on any given issue. That was especially evident during the study of the two bills on medical assistance in dying.

In that sense, Bill C-22 is rather unique. Everyone agrees that the benefit must take into account disability-related needs and the fact that the official poverty line is neither sufficient nor a good indicator of the cost of living with a disability. Everyone also agrees that every effort must be made to prevent clawbacks. They are even unanimous about the importance of ensuring that the benefit helps the individual and not the family or household.

[*English*]

Where the community disagrees is how strong the bill should be and how much should be left to regulation. Both sides of the argument mentioned the political uncertainties of governments. Using this fact, some said quite clearly, "We don't know what the future holds, so please pass the bill quickly with no amendments." Others have said, "We don't know what the future holds, so please make the bill stronger now to protect us." I believe this committee has acted responsibly in respect of both of those views, being efficient and quick in studying the bill, and strengthening it when it was essential.

[Senator Petitchlerc]

[*Translation*]

As was the case with the Accessible Canada Act, the Standing Senate Committee on Social Affairs made changes to help the government more effectively achieve its goal of improving the situation and financial security of millions of Canadians.

Let's remember that, in 2019, the amendments we made to Bill C-81 were very positively welcomed at the time, although many had initially hoped that the Senate would pass the bill without any amendments. In fact, the government recognized the quality of our contribution, and Minister Qualtrough recently reiterated her congratulations when she last appeared in committee.

Senator Omidvar very clearly presented the six amendments that we hope the government will keep. Let me go over some of them, which, I'm sure, will make a real difference in terms of strengthening this bill.

In my view, one of the most important is the amendment that guarantees an appeal process to persons with disabilities. The bill provided that cabinet can make regulations respecting appeals. You will agree that that is rather vague. That is what your committee corrected by specifying that the appeal must, at a minimum, address any decision regarding a person's eligibility to the benefit or, still, the amount of benefit received or to be paid.

The appeal could be made by the person concerned or by anyone on their behalf. By voting in favour of this amendment, the committee members agreed that even framework legislation must include measures to ease concerns about potential administrative barriers in order to provide protections.

Several witnesses showed us that intersectionality brings its share of additional vulnerabilities.

• (1550)

It is crucial, as the committee included in the preamble, that intersectionality be taken into consideration in the regulatory process.

[*English*]

Let me give you an example. Bonnie Brayton, Chief Executive Officer of the DisAbleD Women's Network of Canada, told us that:

. . . the most marginalized people with disabilities — Indigenous, Black, gender-diverse people — are at the centre because they are facing the highest rates of poverty and being unhoused

[*Translation*]

There was a palpable feeling of confidence that permeated the meetings of the Social Affairs Committee: the confidence in the government's commitment to significantly involve the people concerned in the development of the rules, where everything will be decided. The minister reassured us about that. In the spirit of "nothing without us," persons with disabilities want to be stakeholders at every stage, as co-designers. I truly hope that persons with disabilities, who are generally and far too often

marginalized, will not be cast aside and that all those who are not usually consulted will be heard, to ensure that things are done properly.

[English]

Again and again, the witnesses told us that this was non-negotiable. For example, here are a few things we heard:

It can't come from the top down; it won't be equitable. Communities know how to define the problem because they experience it. They live it. People on the top don't experience or have the lived experience of poverty.

And further:

This means moving beyond hosting community consultations and moving toward a commitment to engage us as co-designers and subject matter experts.

Many have said they trust the government to make sure consultations and involvement will be done properly. While I have no reason to doubt, my ultimate trust goes to the individuals and the organizations who have been very clear, firm and direct in saying, "Without us is not an option." I believe we can count on them to get back to us if they are not, indeed, part of the whole process.

Of all the testimonies, one that I wish to bring to your attention now is that of Minister Qualtrough when she said, "What I have been saying consistently is the benefit will be delivered in 2024." This commitment is important. It gives clarity, a timeline and hope to the 21% of Canadians living with a disability. They certainly deserve it.

[Translation]

During study of Bill C-81, when we were at the same stage, our colleague Senator Munson said the following:

[English]

Committee members gave the bill and its adopted amendments a deserved thorough study and consideration despite time constraints. I know that many of these amendments came right from the community, witnesses, and organizations; I think we should pass the bill with these changes and let the other place do its job and reflect on our amendments. This is the process of our democracy and of our Parliament. We all need to move swiftly.

[Translation]

I agreed with him at the time. Today, I have the same conviction when I look at the bill we are studying.

[English]

In closing, I want to go beyond Bill C-22. With all that we have learned in committee about the level of distress and the urgency to act, I call on the government, in its next budget, while it works to make this benefit a reality, to explore all possible avenues to help people living with a disability who are most in need. Whether it is for access to housing and transportation or

support to buy groceries, we must not limit ourselves to one initiative like this one. It will not be enough, and we know it. So we must act.

For now, colleagues, we too must act by voting on Bill C-22 with no delay. The truth is when we lift persons out of poverty — with or without a disability — everyone wins.

Meegwetch. Thank you.

Hon. Kim Pate: Honourable senators, I rise guided by the wisdom and sage counsel of our former colleague Senator Baker, who often implored us to ensure that when we consider legislation, we consider it in as fulsome a manner as possible and ensure that our record is as complete as possible for those who come after and look to our debates.

Those who know what it is like to have very little economic, gender or racial capital as well as those who know what it is like to be judged incapable or unworthy know far too intimately the corresponding levels of disrespect, disregard and disdain heaped onto such substantive and systemically inequitable starting points. This is the state of play for far too many people with disabilities and for Bill C-22. If the government is serious about challenging and redressing this unacceptable status quo lived by too many people with disabilities, they must, and they will, support the amendments made by our Senate colleagues at the Standing Senate Committee on Social Affairs, Science and Technology during their study of Bill C-22, and they will continue to work together for further improvements during its implementation.

The amendments and important observations breathe life into our constitutional responsibilities, including, as underscored by the Supreme Court of Canada, the protection of minorities, the ability to take the long view of legislation in policy development and the willingness to study in advance issues that may be too controversial for an elected body. Kudos to our colleagues who have carried out these duties and, as the minister invited them to do when she testified before the committee, have made amendments that assist the minister, the government and, ultimately, those most likely to be affected by the bill, by strengthening it in ways you were asked to do by the witnesses who came before you.

Prior to these amendments, many of us spoke to the concerns raised by disability groups regarding the inability of the second-reading version of Bill C-22 to meet its purported goal of reducing poverty for Canadians with disabilities or, to use the minister's words, lifting Canadians with disabilities out of poverty.

Without the amendments made at committee, Bill C-22 is an empty shell lacking in concrete commitments to adequacy and dependent on the whims of future regulators. Although we were urged to pass this framework bill and trust the regulatory process, we thank colleagues for recognizing the inadequacy of such an approach and, worse yet, the resulting burden it would place on people with disabilities to convince prospective governments to act appropriately. It is heartbreaking that we seem increasingly ready to ask the most vulnerable, dispossessed and marginalized communities to put their faith in processes that rarely work to their advantage.

This is the anachronistic charitable approach of the 19th century, where those living in poverty were expected to be content with whatever the government of the moment felt was “good enough.” As senators, we have a particular and specific obligation to ensure this legislation meets its poverty elimination purpose by ensuring the framework it proposes is sound and that it enshrines in law the necessary protections and principles through which regulations should then be developed — not the initially proposed other way around.

Our courts have emphasized that Parliament must consider the effects of a statute in all circumstances to which it will likely apply and to do so in light of the reports, studies and fact situations discussed and raised during the parliamentary process as well as the applicable law, including principles set out in judicial decisions. Among these is also the constitutional principle that includes a commitment to provide essential public services of reasonable quality.

Colleagues, let us be very clear that consulting with disability communities is not the same as guaranteeing in legislation the protections they advocate for, nor does it ensure that consultations will be reflected in decision making or that any resulting decisions will even comply with fundamental human rights.

(At 4 p.m., pursuant to the order adopted by the Senate on September 21, 2022, the Senate adjourned until 2 p.m., tomorrow.)

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