SENATE SÉNAT

CANADA

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OFFICIAL REPORT
(HANSARD)

Thursday, May 18, 2023

The Honourable RAYMONDE GAGNÉ,
Speaker

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# THE SENATE

**Thursday, May 18, 2023**

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

Prayers.

## SENATORS' STATEMENTS

### NATIONAL POLICE WEEK
### ROYAL CANADIAN MOUNTED POLICE

**Hon. Bev Busson:** Honourable senators, I rise today to mark three important events. First, and tragically, it is the funeral of yet another Canadian hero — Sergeant Eric Mueller of the Ontario Provincial Police, or OPP, was murdered in the line of duty and is being laid to rest here today. Ironically, this is happening during National Police Week — a week meant to remember the fallen and to remind us all that policing in Canada is a reciprocal activity, calling police and citizens alike to work together to make our communities a safer place to live.

It is also the one hundred and fiftieth anniversary of the Royal Canadian Mounted Police, or RCMP. On May 23, 1873, a bill for the creation of a national police force was passed in response to the encroachment by the Americans on the 49th parallel in Western Canada, which was threatening our sovereignty and the lives of the Indigenous people living there as the First Peoples. This one hundred and fiftieth anniversary celebrates a modern force of over 20,000 members and employees who serve with dedication and courage in communities from coast to coast to coast, as well as lead complicated international investigations and peacekeeping missions in regions of conflict around the world.

As you know, it has been a difficult year for police officers in Canada. Since September of last year, 10 officers have died in the line of duty, setting a record — and it is only May. What all of these people had in common was a strong drive to make a difference, and they had little or no idea that when they went to work on that fateful day, they would not be coming home — ever. What is different is the environment of defund and a general devaluation of all our institutions, including policing. I believe that we all have a role to play in stopping this alarming trend.

As part of the one hundred and fiftieth anniversary, I had the opportunity to celebrate with members of the force at various events in British Columbia, held in Langley, Vernon and other places in my province. The members of the new generation of the force are well educated, well trained and are representative of the diverse communities that now characterize our new Canada. Their energy, their professionalism, their courage and their compassion are reflective of their core values and are inspiring, to say the least. All of these skills will be tested with the challenges of policing today. When I served, if I needed assistance, bystanders would rush to help. Now, sadly, they rush to take a video.

We must remember that — throughout National Police Week, the RCMP's one hundred and fiftieth anniversary year and beyond — police officers, everywhere in Canada, go to work to stand between good and evil. They deserve our support as they risk their lives for all of us.

With this in mind, I say this to all of you who serve in policing: Thank you for your service and your sacrifice.

*Meegwetch*. 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 Tiffany Callender, Gilbert Bandé Obam and Nadia Djadjo. They are the guests of the Honourable Senator Gerba.

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

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

### AFRICA DAY

**Hon. Amina Gerba:** Madam Speaker, congratulations on your appointment as the Forty-sixth Speaker of the Senate.

Honourable colleagues, as we prepare to celebrate Africa Day on May 25, I want to recognize the amazing contribution that members of the African diaspora have made to their mother continent and to their new homelands. The African diaspora includes anyone of African descent living outside the continent. In 20 years, the African diaspora in Canada has more than tripled, going from 300,000 people in 2000 to 1.3 million people in 2021.

Given their strong sense of patriotic identity, members of the African diaspora naturally build socio-economic and cultural bridges with their adopted countries.

Africans around the world have made a name for themselves in many different sectors, such as arts and culture, education, politics, research and especially business, which is where these men and women shine. Canada's history can attest to that.

Since the arrival of Mathieu Da Costa, the first African person to come to Canada in the early 17th century, many people of African descent have helped to shape our nation's heritage. They include Lincoln Alexander, Viola Desmond and Oscar Peterson.

I would note the presence in the gallery of several influential members of the African diaspora in Quebec: Souad Elmallem, Fidèle Toghoua, Henriette Mvondo and Cyrille Ékwalla. There are also other members of the diaspora representing the Groupe Excellence Québec and United Actions for Africa. They will be

mentioned later. They are going to take part in celebrating the Canada-Africa Parliamentary Association's twentieth anniversary.

Colleagues, we can learn from our neighbours to the south, who set up an organization called Prosper Africa to steer the Biden-Harris administration's Africa strategy. To develop such an initiative, our country can and must leverage the engagement and entrepreneurial energy of members of the African diaspora, and that's just the beginning.

Thank you for your attention.

[*English*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Andrew Howe and Jillian Phillips. They are the guests of the Honourable Senator Bernard.

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

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

## UNITED KINGDOM STATE PENSIONS

**Hon. Percy E. Downe:** Colleagues, as you may be aware, the Government of the United Kingdom is not indexing the U.K. State Pension for over 120,000 residents of Canada, notwithstanding the fact that they do index the U.K. State Pension for a host of other countries, including the United States, North Macedonia, Kosovo, Norway, Poland, Denmark and so on; however, for pensioners living in Canada, this is not the case.

The U.K. government policy stands in sharp contrast to Canada where pension payments are always indexed, regardless of where in the world the recipient lives. Not only is this unfair to those who face pensions of steadily declining value as a result of inflation, it also represents an estimated $450 million not entering the Canadian economy, along with all of the benefits that would bring. I have correspondence dating back to a dozen years from the Government of Canada, outlining their efforts to have the U.K. correct this problem. To date, the U.K. government has refused to change its policy.

• (1410)

I urge my Senate colleagues to join in supporting our fellow Canadian residents, as well as to add $450 million to the Canadian economy, by asking the U.K. government to fix this problem.



[*Translation*]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Dorothy Rhau, Jaël Élysée and Paula Caldwell St-Onge. They are the guests of the Honourable Senator Mégie.

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

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

## HAITIAN FLAG

TWO HUNDRED AND TWENTIETH ANNIVERSARY

**Hon. Marie-Françoise Mégie:** Today I rise in honour of the two hundred and twentieth anniversary of the Haitian flag, which was raised in front of Parliament at noon today.

On May 18, 1803, General Jean-Jacques Dessalines ripped out the centre of the French blue, white and red flag. White was seen as symbolic of the White French colonists.

Catherine Flon took the remaining two pieces, one blue, the other red, and sewed them together to represent the union of Black people and people of mixed heritage. Thus was born the Haitian flag.

The centre of the flag features the country's coat of arms, including a palm tree surmounted by the liberty cap and, under the palm, a trophy of arms with the legend, "In union there is strength."

Despite all the upheaval Haiti has been through from its independence to now, the Haitian flag remains a strong symbol of unity and hope for its people and its diaspora.

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

I wish all my Haitian sisters and brothers a happy two hundred and twentieth Haitian Flag Day.

Thank you.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Louise Guérette, Julie Gagné and Yaël About. They are the guests of the Honourable Senator Cormier.

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

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

[*English*]

## CAMBRIDGE SPORTS HALL OF FAME

**Hon. Marty Deacon:** Honourable senators, today I rise to speak to the recent Cambridge Sports Hall of Fame induction ceremony in Cambridge, Ontario, held on May 6. Always the first Saturday in May, this year's ceremony was a special one for two big reasons. First, this was the first time in three years that the Cambridge Sports Hall of Fame was celebrated in person. The excitement was evident among those who attended, including Cambridge Mayor Jan Liggett and Waterloo Regional Chair Karen Redman, along with hundreds of families, athletes, coaches and builders.

Just as important as the ceremony was the opening of the new Cambridge Sports Hall of Fame facility. It was wonderful to stroll through this fabulous celebration and history of so many talented individuals who have competed at the highest levels over the decades.

This year's inductees included Ernie Overland and Marg Oliveira, selected for their incredible work from playground to podium in speed skating over four decades. Between the two, they have coached Olympic medallists, including their own children.

Other inductees included Bryan Little in recognition of his 19 years with the NHL Winnipeg Jets; Ron Campbell for his life commitment to coaching swimming with the Cambridge Aquajets; and Lindsay and Leslie Carson, a mother and daughter duo, who were inducted for their stellar careers in distance running. Lindsay, a five-time national team member, continues her distance running in Whitehorse, and her mother, Leslie, is a repeat marathon champion, as well as a huge contributor to the University of Guelph distance program in the early 2000s. In fact, as a 36-year-old, she returned to graduate school and was a force in Guelph winning the national championship.

Leigh Hobson, competing at the Olympics as a cyclist in the road race in 2008 at the age of 37, was a member of the Canadian National Cycling Team from 1997 to 2000 and from 2007 to 2009. Leigh — with the best smile ever — was a fierce contender in many road races around the world. It was an honour to watch her compete in Beijing.

In the teams category, the Cambridge Cubs Peewees were inducted — a fine group of young men who won the 2019 Baseball Canada Championships — and also inducted was the Jacob Hespeler Hawks football team who, after three big tries, finally won their first-ever provincial championship here in Ottawa in 2018.

Finally, and importantly, I wish to acknowledge each member of the Cambridge Sports Hall of Fame committee — some of whom have supported this community initiative for over 40 years. They are Gary Hedges, Bob Howison, Bruce Bevan, Jim Cox, Bob McIver, John Morton, Al Pederson, Paul Ross, John Rothwell, Ted Wilson and Dave Willock. And, to Doc Schlei, thank you for the photos and for keeping this event active online throughout the year.

Lastly, senators, as a reminder to each one of you, National Health and Fitness Day is right around the corner. It will be here before you know it. I hope you have those running shoes out. I will have more to say on this, but please get out there, get moving and look after your own mental and physical fitness.

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 Aneela and Qamrul Siddiqi, and Mustafa and Abdul Popalzai. They are the guests of the Honourable Senator Ataullahjan.

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

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

## THE HONOURABLE MARGO GREENWOOD, O.C.

**Hon. Mary Coyle:** Honourable senators, I would first like to thank my Conservative colleagues for allowing me to have this statement slot.

I rise today to pay tribute to my seatmate, the Honourable — and remarkable — Senator Margo Greenwood. Earlier today, just across the street in the drawing room of the Château Laurier Hotel, our esteemed colleague Senator Greenwood was celebrated for her 20 years of leadership as the academic leader of the National Collaborating Centre for Indigenous Health at the University of Northern British Columbia.

The room was full of Margo's colleagues from across Canada and also internationally. Dr. Theresa Tam, Chief Public Health Officer of Canada, paid tribute to Senator Greenwood. They had collaborated over the years and, together, made a significant difference in the health outcomes in Indigenous communities during the height of the COVID pandemic. Minister Carolyn Bennett lauded Margo for her leadership, creativity and significant impacts. Natan Obed, the President of Inuit Tapiriit Kanatami, was there to celebrate his colleague and friend Margo. Many of her close friends and admirers from our chamber and beyond were there as Margo symbolically crossed over the bridge from her previous national leadership role to the one we have known her to have here in Canada's upper chamber.

Margo was honoured with words, song and drum, and she was wrapped with love in a beautiful star blanket — the ultimate in honouring. Colleagues, quite frankly, the morning event was a Senator Margo Greenwood love-in, and it was so very well deserved.

Our colleague Senator Greenwood got up and spoke, and if I had a lot more time to prepare for this, I would have asked her for her remarks. But she started off with a beautiful image of a tree that she grew up with, which she called "the dreaming tree."

With every position Margo has held — and she was speaking of her position and her leadership in Indigenous health — she has been one to dream about the possible.

What she told us about in her remarks was how she — and she was very generous in this — and many of those in the room, as well as others who were not in the room, had brought about very important dreams of better health outcomes, dreams of collaboration, dreams of people operating on much better information and evidence — not just the kind of academic evidence that we usually look at, but, yes, academic evidence — and dreams of honouring Indigenous knowledge. It was an honour to be there.

She was generous, and on behalf of my Independent Senators Group colleagues and all of the colleagues here in this Senate Chamber, I want to thank Senator Greenwood for crossing over that bridge and being here with us. I know it wasn't easy, and it can't be easy every day, but we're so fortunate to have you with us. Thank you, and congratulations. *Hiy hiy*.

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

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• (1420)

# ROUTINE PROCEEDINGS

## BUDGET IMPLEMENTATION BILL, 2023, NO. 1

SEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE ON SUBJECT MATTER TABLED

**Hon. Fabian Manning:** Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on Fisheries and Oceans, which deals with the subject matter of those elements contained in Subdivisions A, B and C of Division 21 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.)

## JUDGES ACT

BILL TO AMEND—THIRTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Brent Cotter:** Honourable senators, I have the honour to present, in both official languages, the thirteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with Bill C-9, An Act to amend the Judges Act.

(*For text of report, see today's* Journals of the Senate*, p. 1701.*)

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

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

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# QUESTION PERIOD

## PRIVY COUNCIL OFFICE

INDEPENDENT SPECIAL RAPPORTEUR ON FOREIGN INTERFERENCE

**Hon. Donald Neil Plett (Leader of the Opposition):** Government leader, my question today concerns the Prime Minister's made-up Special Rapporteur.

Leader, your government is solidifying the fact that this appointment is anything but serious. I still cannot find a way for the rapporteur to be contacted by whistleblowers or Canadians who have been intimidated here in our own country by the Chinese Communist Party, or CCP. Three weeks ago, right here in this chamber, Minister Leblanc promised — he guaranteed — to provide an email or a postal address. We have received nothing.

Furthermore, leader, yesterday, the Liberal propaganda arm, CBC News, reported that the Privy Council Office — the Prime Minister's department — is handling media requests for the Special Rapporteur. This is an independent Special Rapporteur, and the Prime Minister's Office is handling media requests.

We are now learning that the rapporteur hasn't even bothered responding to a letter from the Leader of the Opposition, Pierre Poilievre.

Leader, Canadians do see this for what it is. I hope you do. It is a way for the Trudeau government to deflect all difficult questions of foreign interference onto a made-up role. How can your government — how can you — continue to stand by this fake job with a straight face?

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

The Special Rapporteur, the Honourable David Johnston, has been seized with an important task, which is to advise the Prime Minister as to the appropriate and prudent way to continue getting to the bottom of these allegations of foreign interference.

I find it difficult to refrain from —

**Senator Plett:** Answer the question.

**Senator Gold:** The answer to your question is that I stand here quite proudly and in good conscience, representing this government. I also stand proudly and privileged to remind the

senator that to describe, as you and your leader have done, the former Governor General's mandate as a "fake job" is something that is once again disrespectful to the institution.

**Senator Plett:** What is disrespectful, Senator Gold, is that you don't even attempt to answer a question. I asked you this: How do people get in touch? How do people contact the Special Rapporteur, the person you say is independent? How do people contact him?

Instead, you say we're being disrespectful. How is it disrespectful to Canadians for them to know how they can contact this Special Rapporteur? If it's not fake, there should be a way of contacting him.

This is a government that is incapable of making the right decision. Even when the choice is obvious, their lack of leadership and moral compass is shown time and time again as they designate others to make decisions for them. They simply create a new position to avoid the heat and weight of any responsibility.

Here are just a few examples of that: the made-up Special Rapporteur on Foreign Interference; the so-called independent Senate appointment process; consultants, especially their friends at McKinsey; and all the expert advisory groups that cost taxpayers money.

Leader, if this Independent Special Rapporteur weren't fake, don't you think there would be more transparency on how to reach his office and that media requests wouldn't have to be handled through the Prime Minister's Office? Wouldn't the leader of His Majesty's Loyal Opposition have received a response to his letter?

**Senator Gold:** In my tradition, we are accused of answering questions with questions. So I will answer your question, but I will first pose my question.

We are talking about respect. The Honourable Leader of the Opposition in the other place declined an invitation to meet with the Honourable David Johnston, the Special Rapporteur. He declined to meet with him, notwithstanding the fact that the other leaders of the opposition, who have also called for a public inquiry, did meet with him.

To me, that perhaps answers the question of respect, colleagues.

With regard to the rest of your questions, the actual content of which escapes me, the fact remains that the Prime Minister of Canada eagerly awaits the advice of the Honourable David Johnston, and actions will be taken accordingly.

[*Translation*]

## CROWN-INDIGENOUS RELATIONS

### TOXIC WASTE

**Hon. Claude Carignan:** Leader, for nearly three years now, I have been asking you questions about the landfill and illegal dumping on Oka territory, in Kanesatake.

• (1430)

Yesterday, after three years, you surprised me with your answer. You said, and I quote:

> As this is partially private land, the government's legal means for intervening are limited.

Your minister said basically the same thing in today's edition of *La Presse*, namely, that it is private property.

However, I have before me an email dated May 21, 2020, from the office of Quebec's Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, addressed to the Mayor of Oka, reporting on the situation at the Kanesatake site, which reads as follows:

> Dear Mr. Quevillon:
>
> On May 11, 2020, Indigenous Services Canada confirmed to our ministry that G&R Recycling is located on lands that are federally owned.

The email goes on to confirm that Quebec will not be responsible for the environmental liabilities related to this site.

Leader, why did your minister repeat to *La Presse* that the land is on private property? Why did you tell us that the dump was on private property, but you told the Quebec Minister of the Environment that it is on federally owned land and that he would not have to suffer the potential environmental problems?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. Minister Miller went on the radio at about 8:15 this morning to further explain the issues and the complexity of this situation.

In terms of this unacceptable and intolerable situation, the federal government's means for intervening are not unlimited — quite the contrary. The Province of Quebec has a great deal of responsibility here, particularly regarding law and order. It is a well-known fact that there are governance issues within the community in question, as residents are all too aware.

In addition, all levels of government are working together to find a solution, including the Government of Quebec, the Government of Canada and the Kanesatake band council. This is an intolerable situation, of course, but the solutions are not obvious and an effort is being made. Unfortunately, this is a tragedy for the residents; the solutions are not obvious in the short term.

**Senator Carignan:** Leader, you know that you have the authority to intervene. You have the authority to make orders. You know that this matter falls under federal jurisdiction, from both an environmental and an Indigenous Affairs perspective.

For example, how is it that, in just a few hours, on June 22, 2016, you were able to make an order to suspend activities on private property to protect a frog habitat, but when it comes time to make an order to stop illegal dumping in the drinking water supply for over 500,000 people, you can't do anything at all?

**Senator Gold:** Thank you for the question and for the passionate way in which you asked it.

**Senator Carignan:** It's because I drink that water, my family drinks that water, and my neighbours drink that water.

**The Hon. the Speaker:** Senator Gold has the floor.

**Senator Gold:** With respect, I understand that this is a serious issue.

I appreciate your passion, because this is an important issue. Unfortunately, the facts are the facts. The government's means of intervening are limited. They are not unlimited, even when it comes to the environment. It is a shared jurisdiction. The fact that there is an Indigenous community involved does not in any way diminish the responsibility of the Sûreté du Québec and the Province of Quebec to maintain law and order and to enforce the law, in a general sense, in communities like Kanesatake.

This does not give the federal government unlimited authority to intervene. Furthermore, this is to say nothing of the dangers to public safety in the event of any heavy-handed intervention that is not well planned with the appropriate authorities, including the community's band council.

[*English*]

## FOREIGN AFFAIRS

### UNITED KINGDOM STATE PENSIONS

**Hon. Percy E. Downe:** Senator Gold, more than 120,000 people living in Canada receive a U.K. State Pension. These pensions are indexed to inflation for pensioners in the U.K. as well as those living in many other countries, including the United States. However, for pensioners living in Canada, this is not the case.

The U.K. government policy stands in sharp contrast to Canada, where pension payments are always indexed, regardless of where in the world the recipient lives. Not only is this unfair to those who face pensions of steadily declining value as a result of inflation, but it represents an estimated $450 million not entering the Canadian economy, with all the benefits that would bring.

I'm interested in finding out whether there's currently any effort on the part of the Government of Canada to fix this long-standing problem.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you, Senator Downe, for raising this issue and bringing it to my attention. I will certainly bring this issue to the attention of the relevant minister.

**Senator Downe:** When recipients of the U.K. State Pension retire in Canada, their incomes will be lower than those retiring in other countries, such as the United States, because their pensions are not indexed. If they happen to fall into poverty, the cost of supporting them will be borne by Canadian governments and Canadian taxpayers, whereas if the United Kingdom had treated them fairly, they might have been able to get by on their own.

Given the close historical relations between Canada and the United Kingdom, the recipients of the U.K. State Pension are wondering why if they lived in Iceland, Portugal, Germany, Turkey, Israel or the Philippines, their pensions would be indexed, but not here in Canada.

I'm wondering, Senator Gold, if you could urge the Government of Canada to increase the diplomatic efforts to fix this problem.

**Senator Gold:** Thank you. I will certainly bring that to the attention of the minister.

## PRIVY COUNCIL OFFICE

### SENATE VACANCIES

**Hon. Wanda Thomas Bernard:** My question is for the representative of the government in the Senate.

Senator Gold, a few weeks ago, my colleagues and I asked Minister LeBlanc about the many vacancies in the Senate for senators representing the Atlantic region. The minister reassured us that we will be pleasantly surprised with the coming news, and indeed we were. I welcome our new Atlantic colleagues: Senator Petten, who is here in the chamber today, representing Newfoundland and Labrador; and Senator MacAdam, representing P.E.I., who will be with us shortly.

I would like to follow up about Nova Scotia appointments, since we have the longest vacancy for these seats in the Senate since April 9, 2020. What is happening with the three vacant seats for Nova Scotia?

What is happening with the other vacant seats for the Atlantic region: two in Newfoundland, one more in P.E.I. and three in New Brunswick?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for your question, senator. I think all of us eagerly await the arrival of new colleagues to join us.

The government continues to work to ensure that appointments to the Senate are made through an open, transparent and merit-based process. Indeed, this government has appointed to the Senate 68 eminent Canadians of diverse and distinguished backgrounds.

I have been advised, as we all have been, that more appointments are forthcoming. However, I don't have any more information that I can share at this juncture. We're all crossing our fingers and looking forward to welcoming new colleagues as soon as possible.

**Senator Bernard:** Senator Gold, thank you for your response. Please note that I will continue to ask this question until these vacancies are filled.

Following the retirements of Senator Lovelace Nicholas and Senator Christmas, we now have only one Indigenous senator for the entire Atlantic region: Senator Francis, representing Prince Edward Island. How does the government plan to ensure more Indigenous representation for the Atlantic region in the Senate?

• (1440)

**Senator Gold:** Thank you for the question. I'm not able to answer that question directly, because there is a process that is in place for recommending to the Prime Minister names from which he will recommend to the Governor General appointments to the Senate. The Prime Minister has, since becoming Prime Minister, appointed a significant number of Indigenous senators to our Senate, which has enriched the work that we do together. I have every confidence that it will continue to be an important element in the decision making that is applied to the appointment of new senators.

## TRANSPORT

### CANADIAN AIRLINE CREW DETAINED ABROAD

**Hon. David M. Wells:** My question is for the Leader of the Government in the Senate. Senator Gold, this question is about the Pivot Airlines crew detained in the Dominican Republic for seven months last year. In November 2022, Minister Alghabra's office committed to a full investigation of the incident. The crew was released in December of last year. On February 7, I asked you about the government's progress in the commitment to this investigation, and I received a short while ago a delayed answer that they can't do an investigation on foreign soil. Of course, the question wasn't about things outside the Department of Transport's jurisdiction; it was about things within their jurisdiction, and that was their commitment.

Senator Gold, we know most of the failings happened within Canada. My question is when this investigation will occur. It's a very simple question.

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question, senator. It's my understanding that there is an investigation under way. I'm not able to comment on the details of the investigation, nor do I know its progress, but I have been advised that Transport Canada has undertaken an investigation of this matter and I will certainly follow up with the minister to bring these concerns to him.

**Senator Wells:** Thank you for that. It is obviously not a public investigation because nobody knows about it. Their response in the delayed answer was that they cannot undertake an investigation because it's a foreign jurisdiction. If you can find out whatever information you can and report back either to me directly or to the Senate, that would be appreciated.

**Senator Gold:** I will do my best. Thank you.

## CANADA MORTGAGE AND HOUSING CORPORATION

### AFFORDABLE HOUSING

**Hon. Yonah Martin (Deputy Leader of the Opposition):** This question is for the Leader of the Government in the Senate. In a report last June, the Canada Mortgage and Housing Corporation, or CMHC, said that to restore housing affordability by 2030, we need an additional 3.5 million housing units beyond the current projections. That's a total of 5.8 million units needed just to make housing affordable in Canada. CMHC also says that two thirds of this gap is in British Columbia and Ontario.

Leader, this information can't be dismissed as being from a partisan source. It's from a Crown corporation. The Trudeau government's Housing Accelerator Fund has a goal of creating 100,000 new homes between when it opens for applications in June and when it ends in 2027. Leader, how will the Trudeau government address the massive shortfall between the amount of housing needed and the amount your plan is offering?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question and for underlining the ongoing challenges that Canadians are facing to secure affordable housing in the areas where they want to live.

The Government of Canada is doing its part. I won't repeat what I've said many times in this chamber, but there have been serious investments and programs put in place on the federal side to assist and create incentives — top-ups to the Canada Housing Benefit, the Housing Accelerator Fund and so on. But, colleagues, as we know, the supply of housing is not exclusively a federal matter. It engages not only the provinces and territories but municipalities and their zoning and the private sector, of course, to say nothing of capital markets and the market more generally. The Government of Canada is doing its part, as many provinces, territories and municipalities are doing, in the hope and expectation that the housing crisis will abate and Canadians can find housing fit for their purposes.

**Senator Martin:** The average mortgage and rent payments have almost doubled since the Trudeau government took office. For example, in its 2022 review, CMHC said the average rent for a two-bedroom apartment reached an all-time high last year. At the same time, the number of housing units being built is not

nearly enough to meet demand. A forecast released in April by CMHC says they expect new housing construction to decrease this year and remain well below recent levels.

Leader, the Trudeau government has already pushed back its target for building 100,000 homes from 2025 to 2027. What assurances do Canadians have that this target won't be pushed back even further?

**Senator Gold:** The government continues to work seriously to attain these targets. It does so in a responsible way and it has been transparent with Canadians. Market circumstances have changed. Happily and fortunately, inflation has stabilized and has come down from many months. There was a slight uptick, as we know, 0.1%, I believe. Let's hope that the trend nonetheless continues so that we can return to a proper target level of inflation, and that's in no small measure due to responsible management of the economy.

In that regard, as interest rates come down and the cost of money comes down, mortgage rates, we hope, will come down as well. The government is doing its part and will continue to do its part.

## FINANCE

### INTEREST COSTS ON FEDERAL DEBT

**Hon. Leo Housakos:** My question is for the government leader in the Senate. It's always comical to hear him lecture the Leader of the Opposition about respecting this institution. The truth of the matter is that your government has been continuously disrespectful of Parliament. Just in the last few days, we had the Minister of Finance not answer the questions of a member of the House of Commons and call him a "party hack." That same minister goes to a committee in the House of Commons that we were filibustering for weeks to get the Minister of Finance to show up to answer basic questions, and when she does, she says she's tired of Conservative "fiscal fearmongering." Well, we're tired of Liberal fiscal incompetence, government leader.

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

**Senator Housakos:** At the end of the day, we ask respectful questions on behalf of taxpayers and we're obligated answers.

I'll ask you in the same words and polite fashion the question that the parliamentarian asked the Minister of Finance. Can you tell Canadians how much we're spending or are projected to spend on interest on the debt this upcoming fiscal year?

**Hon. Marc Gold (Government Representative in the Senate):** Thank you for the question. I'm afraid I don't have the answer to the question, but I appreciate you raising it and I appreciate, at least, the tone with which you asked the question, if not the preamble.

**Senator Housakos:** Government leader, we're asked to vote on budget bills in this place. We approve budget bills. You're the Leader of the Government and you don't know that particular amount of money is $43.9 billion? I find that unbelievable. It has been unbelievable for days now, both in the House and in this chamber. We're asking the government a basic question, and it leads to a problem where Canadians have a lack of confidence in this government. The fact is that you're spending more on debt interest management than you are on health care transfers in this country. That's probably why the government doesn't even want to acknowledge the amount of $43.9 billion. It's embarrassing and shameful.

Is it just that the minister and your government have utter contempt for Parliament and for the requirement to have to submit to our questions? Because the truth is, government leader, for weeks we've seen that in response to the attempts on the part of the opposition to get basic answers. When it was all over, the minister went on to accuse the member of Parliament of bullying her. Imagine, every time the opposition asks questions, we're bullying and being partisan and so on. We're just doing the job that Canadians have sent us here to do.

You do it too, government leader. Every member of the Trudeau government does. You denigrate our parliamentary institution and the job of the opposition on a regular basis. You put Parliament in such a negative light every time you get up and criticize us for criticizing the government, because that is our fundamental role.

• (1450)

My question to you and every member of the Trudeau government, for that matter — and I'd love to get an answer — is: Who do you think you are in this chamber and where do you think you are? It's a simple question. Who are you in this chamber, what is your title and where are you?

**Senator Gold:** I'm in the Senate of Canada. I am the Government Representative in the Senate. And that was your question.

Your commentary about respect for this institution, or all of your allegations, fundamentally misrepresents the comments that I have made time and time again. When you show disrespect, whether for the former Governor General, when you attribute motives to the Prime Minister or otherwise in the form of your questions, it simply does not do justice to the seriousness of the issues which you raise. I've said this time and time again, and I'll say it again, colleagues. I respect the role of the opposition. I respect the legitimacy of the questions that you ask, but the way in which you ask the questions, the disrespect you show for the 68 senators who were named under a transparent, merit-based process, which you called a fake process and a fake rapporteur — that is what I find objectionable, and I believe that Canadians find it objectionable as well.

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

## PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY

**Hon. Donald Neil Plett (Leader of the Opposition):** Leader, if you would one time answer our questions properly — Senator Housakos asked you a question.

**Hon. Marc Gold (Government Representative in the Senate):** I answered it.

**Senator Plett:** No, you did not answer it. You did not answer his question about how much the government is spending. You did not answer my question about how Canadians can contact the Special Rapporteur. That wasn't a degradation of the previous Governor General. It is the Prime Minister who is showing contempt to a wonderful individual, as the Governor General, Mr. Johnston. It's the Prime Minister who appointed him and said, "This is my good family friend. A member of the Trudeau Foundation, a good family friend, and I'm appointing him as a Special Rapporteur. By the way, if you want to get ahold of him, contact my office." But he's independent.

And then you say we have disrespect. You are sitting there and laughing at Canadians, and the Prime Minister is laughing at Canadians. His dad had the famous Western Canadian salute. This Prime Minister is using both hands.

My question now concerns the ArriveCAN app. Let's see if you can just once answer a question without all of your diatribe about how evil we are. Answer a question.

This app, leader, was never necessary, but if the Trudeau government was so intent on going ahead with it, it could have asked some of the thousands of IT professionals who work for the Government of Canada to develop it. It could even have contracted out the work that this government so loves to do. Instead, this incompetent government chose to pay over $8 million to a two-person company.

**An Hon. Senator:** Wow.

**Senator Plett:** I wonder what last name they had. Were they also friends of the Prime Minister? A two-person company to subcontract out this work to major multinationals.

**Senator Housakos:** You're being disrespectful.

**Senator Plett:** When this came to light in January, leader, all the Prime Minister could say is that he asked questions of the public service about this deal. It's his government, leader. It's been almost four months since the Prime Minister has asked these questions of the public service. What did he find out, leader? Why did this happen, leader, and how much was spent in total to subcontract the work of the ArriveCAN app?

Now, if you have respect for us, answer those questions.

**An Hon. Senator:** Hear, hear.

**Senator Gold:** The ArriveCAN app was put in place to protect Canadians and to protect our health and our communities, and that is why it was done, and that's my answer.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I have the honour to table the answers to the following oral questions:

Response to the oral question asked in the Senate on June 1, 2022, by the Honourable Senator Moodie, concerning the National Housing Strategy — Canada Mortgage and Housing Corporation.

Response to the oral question asked in the Senate on June 1, 2022, by the Honourable Senator Moodie, concerning the National Housing Strategy — Employment and Social Development Canada.

Response to the oral question asked in the Senate on June 1, 2022, by the Honourable Senator Moodie, concerning the National Housing Strategy — Innovation, Science and Economic Development Canada.

Response to the oral question asked in the Senate on February 8, 2023, by the Honourable Senator Omidvar, concerning the earthquake in Turkey and Syria.

## CANADA MORTGAGE AND HOUSING CORPORATION

NATIONAL HOUSING STRATEGY

(*Response to question raised by the Honourable Rosemary Moodie on June 1, 2022*)

**Canada Mortgage and Housing Corporation (CMHC):**

In Canada, eviction and rent control regulations fall under provincial and territorial jurisdiction, and therefore the National Housing Strategy (NHS) does not have specific eviction targets.

A foundational principle of the NHS is to address the housing needs of the most vulnerable, including those experiencing or at risk of homelessness. The NHS commits to reducing chronic homelessness by 50% by 2027-28, a target that is supported by Reaching Home: Canada's Homelessness Strategy. Furthermore, a minimum 25% of NHS investments will support the unique needs of women and their children. As of December 31, 2021, an estimated $7.1 billion has been committed toward meeting the housing needs of this group. This represents over 28% of all NHS funding committed.

The complementary initiatives of the NHS address needs across the housing continuum, including for the most vulnerable Canadians. This includes direct affordability support to low-income households through the Canada Housing Benefit (CHB) and rental assistance for low-income households living in community housing. The NHS also includes programs to increase the supply of affordable housing such as the Rapid Housing Initiative (RHI) which quickly builds permanent affordable housing units to address the urgent housing needs of vulnerable Canadians.

(*Response to question raised by the Honourable Rosemary Moodie on June 1, 2022*)

The Youth Employment and Skills Strategy (YESS), a horizontal Government of Canada initiative led by ESDC in collaboration with 11 other federal departments, agencies and Crown corporations, helps young people (ages 15-30) develop their skills and transition into the labour market.

The Housing Internship Initiative for Indigenous Youth, a YESS program delivered by the Canada Mortgage and Housing Corporation, served over 330 Indigenous youth in 2021, providing housing-related internships, work experiences and on-the-job training.

Currently, one of the performance indicators for the YESS is the percentage of youth served from each of the following groups who are facing barriers to employment: Indigenous youth, youth with disabilities, and visible minority youth. Starting in 2023-24, YESS programs will begin to improve data disaggregation of under-represented youth being served and the socio-economic barriers they may face.

(*Response to question raised by the Honourable Rosemary Moodie on June 1, 2022*)

Statistics Canada produces the Market Basket Measure (MBM), which establishes poverty thresholds that can be used to report on progress against some of the federal government's social policy objectives. The MBM provides contextual information by shedding light on the characteristics of economically challenged populations who may be at risk of evictions and homelessness. Poverty reduction targets are set by Employment and Social Development Canada.

The MBM thresholds are based on the cost of a basket of goods and services, which represents a modest, basic standard of living for a reference family. Those with incomes less than their applicable thresholds, given family size and region of residence, are deemed to be in poverty. To account for potential regional differences in the cost of living, Statistics Canada publishes MBM thresholds for 53 regions across Canada (https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1110006601).

The thresholds are updated yearly to take into account inflation. To account for changes regarding what represents a modest, basic standard of living over time, the *Poverty Reduction Act* mandates that Statistics Canada undertake a review of the MBM basket and methods every five years.

Statistics Canada completed the most recent adjustments to poverty measurement in 2020 and will be launching the next review in 2023.

## FOREIGN AFFAIRS

EARTHQUAKE IN TURKEY AND SYRIA

(*Response to question raised by the Honourable Ratna Omidvar on February 8, 2023*)

**Global Affairs Canada (GAC)**

Canada allocated $50 million in response to the earthquake in Türkiye and Syria of which $20 million was allocated to two matching funds. Matching funds are useful public engagement tools following disasters. The choice of partner is dependent on a number of factors, including local capacity and operational footprint in affected areas.

As the immediate needs of communities affected by the earthquakes in Türkiye and Syria became clear, the Government of Canada committed to match donations made to both the Canadian Red Cross and the Humanitarian Coalition.

On February 7, 2023, a matching fund of $10 million with the Canadian Red Cross was announced. This funding supports efforts of the Turkish Red Crescent.

On February 24, 2023, the Government of Canada announced it would also match $10 million in donations raised by the Humanitarian Coalition and its members to support efforts in Syria. The Humanitarian Coalition brings together twelve trusted Canadian humanitarian organizations.

An additional $30 million is supporting expanded operations largely by United Nations partners selected based on proven ability to rapidly scale-up and adapt operations to meet emergency needs.

# ORDERS OF THE DAY

## CANADA DISABILITY BENEFIT BILL

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cotter, seconded by the Honourable Senator Dasko, for the 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.

**Hon. Kim Pate:** Colleagues, as I mentioned yesterday, consulting with disability communities is not the same as guaranteeing, in legislation, the protections they advocate. During her testimony at the Social Affairs Committee, Margaret Eaton, National Chief Executive Officer of the Canadian Mental Health Association, clearly articulated that while the CMHA applauds the creation of Bill C-22:

> . . . we also have some real concerns with the legislation because many crucial aspects of the benefit will be implemented by regulations and not by legislation. Regulations can be vulnerable to shifting political priorities, and if it's not legislated, it means that future governments can make unilateral changes without requiring parliamentary oversight.

Precisely to avoid leaving the substance of this bill to be determined by the regulatory process, the CMHA emphasized that key recommendations made by the disability community should be ". . . baked into the legislation. . . ."

The pressure to pass Bill C-22 quickly was pitted against the importance of ensuring it was fit for purpose. This irreconcilable framing reflects a very real and urgent need to address and redress the disproportionate and shameful poverty rates for people with disabilities in this country. Shouldering this tension, many of the groups urging us to work quickly have also acknowledged the urgent need for amendments and regulation design to Bill C-22. Too many people with disabilities are in desperate straits.

As I said in committee and as I've discussed with disability advocates directly, as someone whose life's work has been in collaboration and coalition with many of these individuals and groups, I recognize the pressure and responsibility they experienced. When I was in their position, I frequently heard, "This is the best we can get. If you push for more, you'll likely get nothing. We're running out of time. We have to get re-elected, and then we can do more."

And best of all: "Trust us."

Today, however, I'm no longer in the challenging position of a non-governmental advocate offering only one option. Here, with all of you, honourable colleagues, we share the responsibility of scrutinizing the adequacy of the measures Bill C-22 offers and the opportunity to propose a more fulsome response. That's the spirit in which I fully support the amendments adopted at committee; I'm so pleased that so many of you have also indicated your support, and I urge us to follow the implementation of the legislation and continue to push for further necessary improvements.

In particular, as the Social Affairs Committee, or SOCI, heard from Linda Bartram, First Vice-President, Alliance for Equality of Blind Canadians, this bill:

> . . . leaves out a complete sector of a community of persons with disabilities in that it is restricted to working-age persons with disabilities and excludes, presumably, seniors.

The alliance emphasized that the unemployment rate for blind persons is 75%. They are forced to subsist on Old Age Security and the Guaranteed Income Supplement alone once they turn 65. Their impact analysis showed that these individuals are subsisting well below the poverty line.

In Ontario, for example, a single person who qualifies for the Ontario Disability Support Program receives a maximum of $1,228 per month. This is well below the official poverty line, and from 2002 to 2021, the supports of an unattached single person with a disability decreased, plunging those with disabilities 18 percentage points deeper below the poverty line.

Friends, in most provinces, the majority of people in receipt of social assistance are persons with disabilities. This bill, now with amendments, has the potential to change that and take a huge step toward the elimination of poverty in Canada.

• (1500)

Minister Qualtrough heralded Bill C-22 as a once-in-a-generation legislation. I agree with her. If we only get one chance in our careers to do this, we must get it right. All the more so given our roles and responsibilities as senators.

As committee discussions here and in the other place underscored, adequacy must be enshrined as a fundamental principle of Bill C-22 in order to ensure that the Canada disability benefit provides the necessary supports for all people with disabilities to live with dignity. If the government is planning to fulfill this promise, then why not provide for adequacy upfront? Why ignore this deficit?

Together, we can fulfill our mandate to represent the interests of and address the issues faced by the most dispossessed, the most economically disadvantaged, individually marginalized and historically ignored.

Human rights and equality litigation experts have identified that, as it was introduced as originally written, Bill C-22 would assist middle-class folks with disabilities. It could also be a windfall to provinces that, as many did with pandemic benefits, may feed their coffers by clawing back provincial benefits in response while leaving those with the least to languish. Without national guidelines with respect to adequacy, the poorest will likely not just continue to be neglected but, worse yet, be plunged ever deeper into poverty.

As evidence mounts that increasing numbers of those without adequate economic, social and health resources to live in the community are considering end-of-life options preferable to the desperation and despair of deep poverty, this issue is made even more urgent.

Disability groups have demonstrated that they are ready and eager to play their part in the meaningful co-creation of regulations to realize the Canada disability benefit.

It is now time for us to ensure the framework proposed by Bill C-22 is strong enough to support its ambitions and that the burdens of any flaw in the legislation will not be borne by disability communities.

Our colleagues have done impressive work at committee. I hope we soon see unanimous concurrence from the other place so those who need this benefit the most finally have access to supports that allow them to live with dignity and choice. We can and we must do this. The time for heartfelt intentions that deliberately ignore the needs and interests of the most marginalized has passed.

It is time to do our job and make the Canada disability benefit just that.

*Meegwetch*, thank you.

**Hon. Marilou McPhedran:** I rise to speak briefly in support of every amendment to this bill. I have been asked to bring you a brief message from disability rights experts and some of the community leaders who testified at the Social Affairs, Science and Technology Committee. They ask you to support Bill C-22, as amended, and in so doing stand up for ensuring that no private insurance company can claw back the Canada disability benefit from impoverished people with disabilities.

Let me offer a different perspective than that of Senator Cotter on this amendment, sharing with you the fact that the Supreme Court of Canada upheld a provision in the Genetic Non-Discrimination Act that prohibited private insurance companies as a term of their contracts from certain actions. This amendment to this bill is a similar limitation.

Please also bear in mind that private insurance companies in their contracts and plans state that they can set off any government benefit, and that regulations to this act could not change that. The protection of Canada disability benefits reaching intended recipients must be in the statute. This is key to the amendment made to this bill by a majority of the members of the Social Affairs Committee.

Allow me to offer another reassuring example.

Enacted more than 40 years ago, the Merchant Seamen Compensation Act has a section very similar to what our committee added to Bill C-22. This provision in the Merchant Seamen Compensation Act has protected recipients of the compensation from private insurance set-offs or clawbacks for decades without legal challenge.

It may also be helpful to share with you this clear interpretation of federal authority from Canada's dean of constitutional law, the late Professor Peter Hogg:

> . . . the federal Parliament may spend or lend its funds to any government or institution or individual it chooses, for any purpose it chooses; and that it may attach to any grant or loan any conditions it chooses, including conditions it could not directly legislate.

Disability rights experts are asking you to adopt Bill C-22 as amended and, in doing so, stand up for cabinet having a reasonable timeline set for passing the regulations that are needed to get the Canada disability benefit to impoverished people with disabilities.

Stand up for the right to appeal that is now in this bill, and take note of the fact that the amendment secures appeal options in the two most crucial areas of decision making: eligibility and amount.

While also noting that Senator Cotter's concern is addressed by the fact that this amendment in no way constrains development of regulations in consultation with disability rights advocates that could expand the appeal categories.

Stand up for ensuring that cabinet must take into account the additional costs of living with a disability and the intersectional needs of disadvantaged groups when setting the amount of the Canada disability benefit.

Honourable colleagues, senators have demonstrated they know the significance of the Canada disability benefit and have worked hard to be thorough and efficient. It was promised by the government in 2020, but introduced in the other place almost two years later, and then not called again for debate for more than three months. Consideration in committee was more focused and timely. The bill passed third reading on February 2 of this year.

In all, Bill C-22 spent eight months in the other place. In contrast, the Senate has conducted its own comprehensive study, including more days of second reading debate and almost double the amount of committee study time in little more than three months. The Senate has clearly responded to the pleas for urgent action. Today, we can ensure that this bill is returned to the other place, made stronger and clearer with amendments.

Honourable senators, please vote today to approve Bill C-22 with the high impact, least intrusive amendments in the report to you from the Social Affairs Committee based on substantial supporting evidence from experts in the field of disability rights.

I wish to close with appreciation to Minister Qualtrough for her dedication and skill as a disability rights expert and parliamentarian; to Senator Cotter for his dedicated sponsorship; to Senator Seidman for her thoughtful contributions as the official critic of this bill; to Senator Ratna Omidvar, Chair of the Social Affairs Committee, for her deft navigational guidance; to expert assistance from Senate and Library of Parliament staff; and, of course, to members of the Social Affairs Committee but, most of all, to every witness and individual who communicated with senators on this crucial legislative initiative that we are now given the honour and responsibility of returning as a strengthened bill to the other place, where all parties have expressed their support for the urgent need for Bill C-22 to proceed.

Thank you. *Meegwetch*.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

• (1510)

[*Translation*]

## SUBSTANTIVE EQUALITY OF CANADA'S OFFICIAL LANGUAGES BILL

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. René Cormier** moved second reading of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

He said: Honourable senators, I would first like to point out that the lands on which we are gathered and where I am speaking to you today are part of the unceded traditional territory of the Anishinaabe Algonquin people.

Esteemed colleagues, we live in a Canada that is proud of its cultural diversity and enriched by its linguistic diversity, and it is a real privilege for me to speak today in my capacity as sponsor of Bill C-13, An Act to amend the Official Languages Act, to enact the Use of French in Federally Regulated Private Businesses Act and to make related amendments to other Acts.

In 1988, the Supreme Court of Canada stated the following in *Ford v. Quebec*:

> Language is not merely a means or medium of expression; it colours the content and meaning of expression. . . . It is also the means by which one expresses one's personal identity and sense of individuality.

It is with those words in mind that I rise today to speak to this important bill for the future of language rights in our country.

[*English*]

Colleagues, we have before us a pivotal piece of legislation. Bill C-13 modernizes Canada's official languages regime. As a member of an official language minority community, I am particularly honoured to sponsor this bill and see to the final stages of its study and its eventual adoption into law.

[*Translation*]

The fact of the matter is that the Official Languages Act has had many positive effects on our lives and the lives of our families and our francophone, francophile and anglophone communities. This legislation helped turn Canada into the country it is today, and it is a pillar of our parliamentary democracy.

Its positive effects are still being felt by francophone families coast to coast to coast, whether they live in Acadia, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Northwest Territories, Yukon or Nunavut, and by English- and French-speaking families in Quebec.

As minorities, Canadian official language communities are shaped by the dynamics of resilience, resistance, alliance and inclusion. We all win, honourable colleagues, when we have equal access to both official languages. Having two official common languages in Canada enhances the vitality of our communities and strengthens relations between all Canadians. The Official Languages Act holds an important place in Canada's political, social and constitutional landscape.

Many of us have witnessed the evolution of official language rights since the passage of the first act in 1969. Our two official languages have been an integral part of Canada's history since its founding, but they were strengthened by the adoption of the first Official Languages Act.

You will recall that all this began in 1963, when the Government of Canada created the Royal Commission on Bilingualism and Biculturalism. This commission conducted a review of the state of bilingualism in Canada to address the concerns expressed by francophones, particularly about the inequality they experienced within the federal government.

[*English*]

It was further to the recommendations of the Laurendeau-Dunton commission that the first Official Languages Act was adopted in 1969, making English and French the two official languages of Canada. This was a watershed moment in the history of our country. The resulting linguistic duality would now shape important parts of the country's image and culture, one that is integral to how most Canadians recognize themselves today.

As a result of the act, the federal government now had an obligation to better communicate with Canadians and provide them services in both official languages. In addition, the act put in place obligations that promoted access to justice in both official languages and formalized the use of the two official languages in parliamentary proceedings.

[*Translation*]

Since then, Canada's linguistic landscape has continued to evolve, particularly as provincial and territorial governments have taken part in the evolution of these language rights. For example, in 1969, New Brunswick officially declared itself a bilingual province. In fact, it is still the only province that proudly holds that status, though it hasn't come without challenges, I have to admit.

In the Northwest Territories and Nunavut, not only are English and French recognized as official languages, but Indigenous languages are as well.

In 1977, the Government of Quebec passed the Charter of the French Language. In 1985, Manitoba took the necessary steps to meet its constitutional obligation with respect to legislative bilingualism, and in 1986, Ontario passed the French Language Services Act, which recognizes the right to use French in the legislature, requires that laws be passed in both languages and guarantees the right to receive provincial services in French in certain regions.

[*English*]

Indeed, since the Official Languages Act was first adopted, the three territories and all provinces have adopted statutes, policies and programs that guarantee services in French or that recognize the contribution of their official language minority communities.

Significantly, there was also the 1982 adoption of the Canadian Charter of Rights and Freedoms, which, among other gains, guaranteed the right to minority language education, a right that is crucial for the vitality and flourishing of English and French minority communities.

In 1988, an amended Official Languages Act was adopted. In addition to preserving the achievements of 1969, this version guaranteed the right to work in the official language of one's choice in federal institutions under certain conditions. In addition, the act now contained a new part, Part VII, which featured a new commitment by the Government of Canada to advance English and French in Canadian society.

The act also contained a new commitment to support the vitality of official language minority communities — that is, francophone communities outside Quebec and English-speaking communities in Quebec.

[*Translation*]

The Official Languages Act was amended again in 2005 on the initiative of Senator Jean-Robert Gauthier, whose memory I salute. The objective was to strengthen Part VII of the act by adding the obligation for federal institutions to take positive measures to implement the government's commitment and to make Part VII justiciable if the commitment to take positive measures was not fulfilled.

That being said, the Official Languages Act has not been reviewed or amended since 2005. Canadians agree that a review is needed. What's more, over the years, the jurisprudence on language rights has become clearer. All of these legislative components represent the foundation of our language regime.

It is also through the implementation of administrative measures, regulations and programs that the Government of Canada ensures that its national vision is put into action.

Honourable senators, as we look back on the evolution of Canada's language regime, let's recognize today that Canada's official languages are at the heart of our history, our culture, our values, our identity and our social contract, and that the time has come to modernize this regime for the benefit of all Canadians, both today and for generations to come.

[*English*]

Why is it so important to modernize our Official Languages Act now? Because we should never lose sight of the fact that the act is among the reasons why our two official languages are spoken and celebrated across Canada today. We can take pride in our official languages; in our language regime, which includes Indigenous languages; and in the resilience, the endurance and the strength of conviction our two official language minority communities have shown over the years.

The act has ushered in significant changes in Canadian society. Indeed, the rate of bilingualism in Canada has increased by 50% since the adoption of the original Official Languages Act.

Now, 30-plus years since the last major update, the Official Languages Act is overdue for modernization, and such modernization is necessary to ensure that the act keeps pace with a society in evolution, one marked by technological, social and demographic realities that did not exist in 1988.

[*Translation*]

The bill before us is the reflection of a comprehensive consultation process. The bill introduced by the Minister of Official Languages and Minister responsible for the Atlantic Canada Opportunities Agency is part of a progressive history that evolved in step with Canadians' expectations.

• (1520)

Despite the progress made since 1969 at the federal, provincial and territorial levels, the fact remains that we need to act swiftly in modernizing Canada's official languages regime, because the recent census caused a state of emergency by highlighting the significant decline in the number of bilingual Canadians who are able to express themselves, live and work in both official languages.

[*English*]

The bill is the result of consultations with stakeholders across the country, a process that began in 2019. Numerous stakeholders have engaged in this national conversation. Parliamentary committees, the Commissioner of Official Languages, community organizations, researchers, professional associations and unions have all submitted briefs and research reports. Let us not forget the provinces and territories that have shared their respective visions, positions and aspirations when consulted.

We should also remember that our Standing Senate Committee on Official Languages had already proposed changes to the act in 2019 in its final report, entitled *Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations*, and provided important guidance during its pre-study of Bill C-13, which was effectively considered in the version before us. Colleagues, we should take pride in this important contribution to the national conversation from our committee and the Senate.

I wholeheartedly recognize and appreciate the vital work our newly appointed Speaker of the Senate has contributed to our studies on this important matter.

[*Translation*]

I'll set aside my text for a moment, colleagues, to congratulate and thank our new Speaker, the Honourable Raymonde Gagné. Thoroughness, commitment, collaboration, goodwill and determination are all words that come to mind when I think of her contribution to the study of this bill and to official languages in general. Thank you, Madam Speaker. Thank you, Senator Gagné, for your valuable contribution. The Franco-Manitoban community, the Canadian francophonie and all of Canada can be proud of you. Thank you.

[*English*]

No one can deny our country has undergone a considerable transformation in the last 30 years, an even greater one since the first Official Languages Act was passed over 50 years ago. Modernization, therefore, not only addresses today's challenges but anticipates the challenges we will face in official languages tomorrow.

[*Translation*]

The bill reflects the vision set out in the reform document released by the Government of Canada in February 2021. This vision was articulated around six guiding principles, and I think it is important to present them clearly, since they form the basis of the new version of Bill C-13.

The first guiding principle is the recognition of linguistic dynamics in the provinces and territories and existing rights regarding Indigenous languages.

This guiding principle stems from the fact that linguistic realities vary considerably from one region of the country to another. This is also true for provincial and territorial language regimes. All provinces and the three territories have adopted legislation, policies or programs to guarantee that they offer services in French or to recognize the contribution of their official language minority communities.

There are a variety of provincial and territorial language regimes that the Government of Canada takes into account in the framework of its support for official languages. There are also key areas of intervention where powers are exclusive or shared between the different levels of government, such as education, health, culture, immigration and justice.

Pursuant to this guiding principle, the government says it wants to work with Indigenous peoples to protect, promote and enhance Indigenous languages. This bill does mention that. It includes a clause clarifying that nothing in the Official Languages Act abrogates or derogates from any rights or the maintenance and enhancement of other languages, and it explicitly mentions the reclamation, revitalization and strengthening of Indigenous languages.

[*English*]

The second guiding principle of the Official Languages Act reform calls for providing opportunities to learn both official languages.

Canadians have a positive view on bilingualism, and most of them recognize its benefits. However, despite the efforts and expressions of interest of families who want to see their children enrolled in immersion programs, the 2021 census has sounded the alarm. The bilingualism rate among English speakers outside of Quebec is stagnant.

The current government has supported second language learning for years through agreements with the provinces and territories. That said, it wants to go further and has explicitly recognized its commitment to encouraging access to official language learning in this bill.

[*Translation*]

The third guiding principle of the reform is support for the institutions of official language minority communities.

Without minority language institutions and services, there are no public spaces in which official language minority communities can live in their language and achieve their full potential. The Government of Canada proposes that the modernized act promote the development of the full potential of these communities by supporting the vitality of institutions in key sectors.

The government must also provide essential tools for the defence of language rights, in particular by protecting access to the Court Challenges Program, explicitly recognizing that programs aimed at early childhood development form an integral part of the educational continuum, and establishing a strengthened immigration policy that contributes to achieving official languages objectives.

The fourth guiding principle is the protection and promotion of French throughout Canada, including in Quebec.

This bill recognizes the predominant use of the English language in Canada and North America and the fact that this makes it imperative to protect and promote the French language. The purpose of the act, as proposed in this version, is clear: to promote the advancement of the substantive equality of status and use of English and French and to protect official language minority communities.

Bear in mind that, with respect to language rights, the courts have confirmed that substantive equality, as opposed to formal equality, is the correct norm to apply in Canadian law. This norm essentially means that we must consider the needs of the minority community to ensure equal access to services of equal quality for members of both official language communities. In the preeminent case *R. v. Beaulac*, former Supreme Court of Canada Justice Michel Bastarache wrote that the purpose of the act, and I quote:

> . . . affirms the substantive equality of those constitutional language rights that are in existence at a given time.

Bill C-13 explicitly sets out that substantive equality is the norm for the interpretation of the act.

Bill C-13 also enshrines in law that language rights are to be given a large, liberal and purposive interpretation and are to be interpreted in light of their "remedial character." For example, section 23 of the Canadian Charter of Rights and Freedoms is remedial in nature because, according to the courts, it is designed, and I quote:

> . . . to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the "equal partnership" of the two official language groups in the context of education. . . .

This principle will guide the interpretation of the act in order to ensure better protection for official language minority communities.

The bill also recognizes that the private sector has a role to play in promoting and protecting French. With the modernization of the Official Languages Act, Bill C-13 ensures that federally regulated private businesses do their part to protect and promote French in Quebec and in regions with a strong francophone presence outside Quebec. To that end, it provides for rights and duties that will ensure that consumers can communicate with certain federally regulated private businesses in French. It also provides for language-of-work rights so that employees can carry out their work and be supervised in French.

[*English*]

The fifth guiding principle of the reform calls for the Government of Canada to lead by example by strengthening the compliance of federal institutions. The Government of Canada and its institutions must be exemplary in their implementation of the act. This bill contains concrete measures to ensure access to the justice system in the official language of one's choice.

• (1530)

The bill also contains measures to strengthen the role of the Treasury Board in monitoring the compliance of federal institutions with their official languages obligations and holding them accountable, while building on the role played by the Minister of Canadian Heritage and the minister's expertise in determining the needs of official language minority communities.

This bill also calls for brand-new powers for the Commissioner of Official Languages — who currently plays an ombudsman role — in enforcing the act. The commissioner now would no longer be limited to making recommendations but would enjoy a range of more compulsory powers, including an order-making power.

[*Translation*]

Lastly, the sixth guiding principle of the reform of the official languages regime calls for us to look beyond the immediate official languages needs.

Clearly, the linguistic landscape is changing, and Canadian society is changing rapidly too. This bill includes a whole new act that will ensure that the legislation remains relevant for generations to come. The bill also includes a requirement to conduct a periodic review of the provisions and implementation of the legislation.

It is a reflection of a desire to carry out an ambitious reform.

To be clear, the bill sets out new areas of intervention, such as post-secondary education in a minority context, francophone immigration, bilingualism on the Supreme Court, the right to work and receive services in French in federally regulated private sector businesses, as well as a new governance framework for implementation.

Bill C-13 represents significant progress towards ensuring the viability of both of our official languages and the vitality of our official language minority communities across the country.

I would now like to focus on some of the key provisions in this bill.

[*English*]

The bill provides for important adjustments that include measures to strengthen the oversight of the act by the Treasury Board Secretariat, which, for its part, has a mandate to monitor and report on federal institutions. An amendment in the other place further establishes the ministerial role for coordinating the Official Languages Act with the President of the Treasury Board.

The Minister of Canadian Heritage will continue to have a government-wide coordination role in terms of the preparation and delivery of the government's five-year strategies, also known as "action plans."

The bill seeks to balance the various roles and responsibilities while ensuring that the federal government remains above reproach and free from any perception of conflict of interest. This issue was raised by former commissioner of official languages Graham Fraser in his 2008 report, in which he stated that:

> Central agencies should also avoid being judge and jury to their own proposals, and that is why they should avoid taking on program responsibilities.

Professor and Distinguished Fellow at the Macdonald-Laurier Institute Donald Savoie echoed this concern in his speech at the closing summit of the Cross-Canada Official Languages Consultations on the next Action Plan for Official Languages, stating that ". . . central agencies cannot be both judge and jury with respect to their efforts."

Thus, the bill provides for a combination of responsibilities that builds on the respective strengths of these two institutions, a formula that has the advantage of having several ministers work together to raise awareness of official languages issues and to find solutions.

[*Translation*]

Bill C-13 also includes measures that considerably strengthen Part VII of the act, which concerns the advancement of French and English. By significantly consolidating this part and specifying the nature and scope of the positive measures that all federal institutions must take to support the development of our francophone and anglophone minorities and promote French and English in Canadian society, this bill takes into account the demands that were clearly expressed during consultations.

Bill C-13 states that the positive measures must be concrete and taken with the intention of having a beneficial effect on the implementation of some of the government's commitments, especially the commitment to protect and promote French.

[*English*]

In fact, Bill C-13 will add to the act a list of concrete examples of positive measures, for the benefit of federal institutions. Thanks to the bill, the Treasury Board will also be better equipped to monitor the compliance of federal institutions with their duty to take positive measures.

More concretely, the bill will ensure that the Treasury Board, in consultation with Canadian Heritage, establishes new policies and regulations to support federal institutions in taking positive measures, while holding them accountable for fulfilling their obligations. It is important to note that an amendment made in the other place will further ensure that the government considers the addition of linguistic clauses in bilateral agreements with provinces and territories. This was a significant request from communities that many senators, I think, have heard.

[*Translation*]

From now on, when taking positive measures, federal institutions will have to consult the communities in a "meaningful" way by doing the following activities:

**(a)** gather relevant information;

**(b)** seek the opinions of English and French linguistic minority communities and other stakeholders about the positive measures that are the subject of the consultations;

**(c)** provide the participants with relevant information on which those positive measures are based;

**(d)** openly and meaningfully consider their opinions; and

**(e)** be prepared to alter those positive measures.

[*English*]

An important principle of the Canadian Charter of Rights and Freedoms, embodied in the Official Languages Act, is the advancement of substantive equality of English and French in Canada.

One of our two official languages faces an inescapable reality — and here, of course, I am referring to French, which is a minority language and quite vulnerable, I might add. Demographic realities on the North American continent have long been an important challenge for the defence of the French language in Canada. In recent years, the French language in this country has experienced a significant decline. Despite efforts undertaken over the past few decades, the latest census data confirms that the demographic weight of francophones continues to shrink. We must therefore ensure that any modernization of the act considers the fragile reality of the French language in Canada and includes concrete steps to counteract its decline.

The bill contains concrete measures to protect and promote French, including a requirement to adopt a francophone immigration policy, complete with objectives, targets and indicators to guide government actions.

The bill also supports sectors essential to the vitality of official language minority communities and protects and promotes strong institutions serving those communities.

[*Translation*]

The Government of Canada also recognized that the private sector has a role to play in protecting French and, for that reason, the bill provides for the creation of a new law, the Use of French in Federally Regulated Private Businesses Act, which seeks to create a new regime for federally regulated private businesses.

Right off the bat, I want to emphasize that the bill contains amendments that were unanimously adopted in the other place. These amendments reflect an agreement in principle with Quebec and serve as an important testament to co-operative federalism. The goal is to harmonize our language regimes to advance the protection and development of the French language while fully maintaining the rights of English-speaking communities in Quebec.

All of these proposals seek to make official language minority communities places where people can live fully in the official language of their choice.

It is expected that the new regime will provide greater protection for French, benefiting francophones across the country, and will enhance the vitality of Canada's official language minority communities.

Honourable senators, Canadian society is changing rapidly, and yet the Official Languages Act has not been thoroughly reviewed since the late 1980s. The bill therefore provides for a mechanism to review the act every 10 years, to make sure it remains current and has a positive impact from generation to generation.

Bill C-13 represents only one part of the reform of the official languages regime. The bill contains only the legislative measures that were shared by the Minister of Official Languages in February 2021 with the release of the public reform document, which also set out regulatory and administrative measures.

• (1540)

According to the information I have received, the regulatory process could be launched once the bill receives Royal Assent. These regulations are vital to fulfilling the vision that inspired this bill and the implementation of certain key measures.

In concrete terms, the reform begins with Royal Assent, but it will not fully take shape until regulations are made and the subsequent implementation of certain measures and new systems takes place as a result of orders-in-council.

Three regulations will be created. One will clarify the terms and conditions for the positive measures to be taken by federal institutions. Another will establish the framework for the new regime for federally regulated private businesses. The third will

establish the scope of the new administrative monetary penalty system. This is one of the new powers granted to the Commissioner of Official Languages.

This new vision also provides for a set of administrative measures, which will be part of the pan-Canadian official languages strategy, better known as the Action Plan for Official Languages 2023-28.

Although this flagship official languages strategy is independent and self-contained, it is implicitly linked to Bill C-13 in that it is one of the main vehicles for implementing the administrative and legislative measures of the reform.

Colleagues, I believe I can say that the Parliament of Canada is committed to the modernization of the Official Languages Act, as are many Canadians who are proud of their official languages.

[*English*]

I'm delighted that we can now study this bill. Like you, I'm eager to see a modernized act that will protect the French language and slow its decline in Canada, one that will promote and enhance the vitality of official language minority communities and one that will advance the substantive equality of English and French in Canada. The protection of minorities is a foundational principle of our Constitution, and our chamber serves as a forum to our linguistic groups.

[*Translation*]

I also want to acknowledge the invaluable work done by the parliamentarians at the other place and the members of the Standing Senate Committee on Official Languages, who have been studying the issues associated with modernizing this quasi-constitutional legislation since 2017. Thanks to your unwavering commitment, we can now proceed with the study of this important bill for Canada.

In closing, honourable colleagues, allow me to say, on a more personal note, that our official languages, our Indigenous languages and all the other languages spoken in this vast land that is Canada deserve to be cherished, to be spoken, to be protected, to be celebrated and to be kept alive. Maintaining, using, promoting and developing both of our official languages needs to be done with a keen awareness of the importance of ensuring the survival and development of Indigenous languages in Canada.

Like all languages, our two official languages are dynamic and are influenced by other languages. The words that make them up are coloured by a variety of tonalities. That is what makes them so strong and rich. As an Acadian writer of French origin, Newfoundlander Françoise Enguehard, wrote:

> A language . . . is to be celebrated year-round, to be polished, to be learned and mastered, to be defended when called for, to be celebrated when possible, and above all, to be used.

Thank you for listening. Thank you. *Meegwetch*.

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

[ Senator Cormier ]

[*English*]

**Hon. Lucie Moncion:** Honourable senators, I rise today to speak on the unceded territory of the Anishinaabe Algonquin Nation at the second reading of Bill C-13, an act for the substantive equality of Canada's official languages. In speaking to this bill, I must above all acknowledge that the official languages are also a symbol of colonialism for Indigenous peoples in Canada. Besides the issue of territory, the predominant use of English and French has been at the expense of Indigenous languages and much more.

Having grown up in a minority community as a francophone, I acutely understand the role of language in identity construction and in understanding and preserving a people's collective memory. It is important to remember that Indigenous languages are also part of the rich linguistic, cultural and identity tapestry of our beautiful and great country. We must recognize this facet of our history and take an interest in these languages and their vitality.

[*Translation*]

Of course, English dominance has also come at the expense of the francophone community in Canada. Let's face it, the reform of the Official Languages Act is necessary and urgent. The demographic weight of the francophone minority has been steadily declining for decades, based on the criteria of mother tongue, language used at home and first official language spoken. We must act now to reverse this trend that threatens the vitality and development of our communities.

From the outset, I want everyone to know that I support Bill C-13 and want it to be passed as soon as possible. However, I believe it is important to point out the elements that are missing from this bill. My speech will take a critical look at this bill, given the importance of the language rights of francophones in minority situations and the fact that we have been waiting for a substantial reform of the Official Languages Act for over 50 years.

Confederation in 1867 marked the first time that the Constitution Act recognized the use of both English and French in Parliament as well as before the federal courts. In 1969, the first federal Official Languages Act was passed. The breakthrough at the time was section 9 of the act, which required every federal government department and agency to ensure that "the public can obtain available services from and can communicate with it in both official languages."

The language rights of Canadians were further strengthened when the Canadian Charter of Rights and Freedoms was entrenched in the Constitution in 1982. The Official Languages Act was then revised in 1988, affirming the government's commitment to enhancing the vitality of official language minority communities and supporting and assisting their development. This brings us to today, May 2023, and the arrival of Bill C-13 in the Senate.

As the Italian poet and philosopher Giacomo Leopardi said, "Patience is the most heroic of the virtues precisely because it has not the least appearance of heroism."

With the finish line so close, this quote highlights the heroes who have been working behind the scenes on this reform for several years in order to present the Government of Canada with a thoughtful and restorative reform proposal. I am thinking in particular of all the individuals and organizations working to defend francophones in minority situations, many of which have been working hard on this file for nearly 10 years and served as the catalysts for the modernization of the legislation.

[*English*]

It is also worth mentioning the patience of Canadians who aspire to become bilingual or to have their children do so. As an officially bilingual country, Canada should establish a legislative framework that allows for substantive equality of rights holders, but also for equal access to language immersion and learning of the other official language. Canada must provide itself with the means to achieve its ambitions.

Despite all these legislative developments, juxtaposed with developments in the courts, from the *Société des Acadiens* case to the *Beaulac* case, the demographic weight of francophones has declined over the years, as has the use of French in Canada. The proportion of people outside of Quebec whose first spoken language is French has decreased from 6.6% in 1971 to 3.9% in 2011.

In its current form, Bill C-13 is the result of hard work by French language minority communities and could possibly reverse this trend. However, this bill also has significant shortcomings.

[*Translation*]

Based on the pre-study conducted by the Standing Senate Committee on Official Languages and the testimony of several witnesses, I have identified what I believe to be the most important elements that are not in the version of Bill C-13 that we just received from the other place. By the way, I congratulate Senator Cormier on his excellent presentation of Bill C-13.

• (1550)

If you participated in any of the discussions about the Official Languages Act reform, then you surely heard that the stakeholders' main request is for the Treasury Board to be responsible for coordinating and ensuring the implementation of the Official Languages Act. That was also one of the recommendations that the Standing Senate Committee on Official Languages made in its report entitled *Modernizing the Official Languages Act: The Views of Federal Institutions and Recommendations*.

Minister Joly's white paper, which gave rise to Bill C-13, explains that, when it comes to official languages, and I quote:

> Accountability measures are fragmented into multiple processes and reports, and they are not always conducted in a timely manner.

It also states, and I quote:

> The Treasury Board already has considerable powers . . . but the use of these powers has declined over time . . . .

The government then commits to, and I quote:

> Strengthen and expand the Treasury Board's powers, notably the power to monitor compliance with Part VII of the Act . . . .

The government also commits to, and I quote, "[a]ssign the strategic role of horizontal coordination to a single minister. . . ."

The bill does not make the Treasury Board responsible for implementing the entire Official Languages Act, but only Parts IV, V and VI and certain sections of Part VII, specifically subsection 41(5), which deals with positive measures, and paragraph 41(7)(a.1), which deals with bilateral agreements.

Clearly, Bill C-13 is inconsistent given that it requires the Treasury Board to exercise this role only for certain sections of Part VII, contrary to the intention expressed by the government in the white paper. When the time comes to review the act, I would like to see if it would be better to extend these duties to all of Part VII.

It does not make sense to me that the government, the House of Commons and the official languages committees of both chambers agree on this point, but that Bill C-13 restricts the scope of the Treasury Board's powers in this manner.

Nevertheless, this bill and the amendments concerning the central agency partially address the concerns of organizations representing the interests of official language minority communities by expanding the Treasury Board's powers and replacing its discretionary powers with duties.

For years, the act has been applied in a haphazard and incomplete manner, and this change will strengthen official languages oversight and accountability throughout the Government of Canada.

Bill C-13 was inconsistent in another way, in that it gave a leading implementation role to Canadian Heritage. The Official Languages Committee at the other place set matters straight by giving the Treasury Board the responsibility of assuming this leading role within the federal government as regards the implementation of the act. I am pleased with this correction that was made by the other place.

Although the Commons committee adopted an amendment to promote the inclusion of language clauses in agreements with the provinces and territories, the provisions on bilateral agreements are not binding and the minimum content of the language clauses was not defined.

The wording is so weak that I doubt if incorporating this provision will actually produce a result.

However, the federal government's legal duties in relation to official languages do not stop at the moment it transfers money to the provinces and territories. Far too often, official language minority communities do not have access to the funding they are entitled to in order to grow and thrive. This systemic problem is seen at every level in our communities, from early childhood to the post-secondary level, and in community services.

Given that Bill C-13 lacks provisions to make the language clauses binding, we will have to monitor the implementation of those provisions vigilantly as a chamber of sober second thought. The federal spending power must respect its duties toward official languages. It may even be a constitutional rights issue, if it involves rights holders under section 23 of the Canadian Charter of Rights and Freedoms.

That is the segue to my third point.

Access to comprehensive data on primary and secondary school attendance is essential, since access to these schools is subject to a numerical criterion. "Where numbers warrant" means parents and school boards must be able to justify their demand for minority language educational facilities by proving to the provincial and territorial authorities that there are a sufficient number of children who have that right under section 23 of the Charter.

The provisions of Bill C-13 concerning the enumeration of rights holders are neither binding nor broad enough. For example, the Fédération nationale des conseils scolaires francophones, or FNCSF, asked that the bill provide that the federal government commit to periodically enumerating children under section 23 of the Charter.

An amendment was presented at committee in the other place to require the enumeration, not the estimation, of the number of children of rights holders under the proposed subsection 41(4) of the Official Languages Act. However, an amendment to the amendment modified the text as follows, and I quote: "The Government of Canada periodically estimates, using the necessary tools, the number of children . . . ." That weakens the proposed amendment severely.

The public servant who appeared before the committee explained the alternatives as follows, and I quote:

> In short, enumerating means counting. If we really want to count rights-holders, then we need to be able to use other tools that fall under the jurisdiction of the provinces and territories. . . .
>
> If we are talking about coming up with an estimate, then only the federal government can do that. We would be using a snapshot. If we choose the term "enumerate", then we really need to go through the provinces to get the exact numbers on an ad hoc basis . . . .

I am having a hard time understanding how shared jurisdictions present an obstacle to creating an obligation to enumerate children who have the right to minority language education. The promotion and respect of official language minority rights are a federal government responsibility. The government has a duty to advance the equality of status and use of the official languages under section 16(3) of the Charter. I hope that we will carefully study the matter of enumeration at the Standing Senate Committee on Official Languages.

The FNCSF also asked that the Official Languages Act require federal institutions to take into account the needs of the rights holders' school system when disposing of federal real property.

An amendment adopted by the House of Commons provides that federal departments and institutions must consult with minority communities and take their needs and priorities into account when developing a disposal strategy.

The Standing Senate Committee on Official Languages will have to examine the details of that amendment.

In *Conseil scolaire francophone de la Colombie-Britannique v. British Columbia*, the Supreme Court of Canada found that rights holders are entitled to an educational experience that is substantively equivalent to the experience at nearby majority language schools.

Including provisions in Bill C-13 regarding the disposal of federal lands could prevent similar cases, with a view to achieving substantive equality between majority and minority communities in a given province or territory.

This situation is repeated too often in our communities.

I would be remiss if I didn't also point out some positive things about Bill C-13.

Francophone immigration is a determining factor in the demographic weight of francophones in Canada. Immigration is also one area of jurisdiction where the federal government can act and exert a significant influence on the make-up of new arrivals to Canada.

Even though there has been a 4.4% francophone immigration target for nearly 20 years, it is outdated, since it does not help maintain the demographic weight of francophones in Canada. The government recently reached that target, but that was a first.

Clearly, we need much more than a simple francophone immigration policy. The elected members at the other place really understood this issue and its importance for the vitality of our communities and the French fact in Canada.

As a first step in the right direction, the bill sets out Canada's duty to adopt a policy on francophone immigration that includes objectives, targets and indicators to increase immigration to francophone minority communities.

In order to improve this provision, the Official Languages Committee in the other place unanimously adopted an amendment that provides that the federal government must recognize the importance of francophone immigration by restoring and increasing their demographic weight, which suggests an obligation of result.

As far as francophone immigration is concerned, Immigration, Refugees and Citizenship Canada in Bill C-13 finally gets a clear, precise, binding mandate. The public service must operationalize a cultural shift that is promising for the future of our communities.

**The Hon. the Speaker:** Senator, your time has expired. Are you asking for five more minutes? Honourable senators, is five more minutes granted?

**Hon. Senators:** Agreed.

**Senator Moncion:** Thank you, colleagues.

[*English*]

Bill C-13 is very important for official language minority communities because the Official Languages Act in some way counterbalances a decentralized federal system for implementing language rights in a minority context. As a proud Franco-Ontarian who grew up in a province that has long and often trampled on the language rights of its French-speaking minority from Regulation 17 to the threat of abolishing the Université de l'Ontario français and the Hôpital Montfort, to name but a few linguistic crises, I'm aware of the importance of the federal language rights regime in representing the interests of people from an official language minority community in Canada.

• (1600)

In most provinces and territories other than Quebec, there is no legal protection for French. New Brunswick is the exception, being the only officially bilingual province, and, in some way, the Province of Ontario as well, with its French Language Services Act. Consequently, official federal bilingualism has long been a guarantor of the rights of French-speaking minorities in Canada. The implementation of the Official Languages Act directly affects respect for the language rights of francophones in minority communities.

[*Translation*]

Bill C-13 is a breakthrough because it recognizes French as a minority language in Canada and North America due to the predominant use of English, expands and strengthens the Treasury Board's powers as the central agency responsible for implementing much of the law, clarifies the positive measures, and requires IRCC to adopt a francophone immigration policy.

Several of the amendments that were adopted at the Standing Committee on Official Languages in the other place strengthened the proposed legislative framework.

The Standing Senate Committee on Official Languages released a report on the modernization of the act that inspired various proposals for reforming the Official Languages Act. Colleagues, in order to enable us to start our review as soon as possible, please send Bill C-13 to the Standing Senate Committee on Official Languages as soon as possible.

Thank you.

[*English*]

**Hon. Percy E. Downe:** Honourable senators, we have before us today Bill C-13, the first major change to the Official Languages Act since 1988, and it reflects a series of recommendations to update the legislation. The Official Languages Act was originally introduced in 1968 and passed in 1969 — almost 55 years ago — and 54 years ago, this was groundbreaking and important legislation that has served our country well over the years. Colleagues, times have changed, and the bill before us today is a missed opportunity to include Indigenous languages in our Official Languages Act.

The Official Languages Act of 54 years ago was the right thing to do in 1969, and now, in 2023, we have the opportunity to also do the right thing and give Indigenous languages equal status and the same legal protection as our two official founding languages.

Colleagues, we have to step back and ask ourselves if the policy of our two founding languages — French and English — is a carryover from our colonial past. Prior to francophones or anglophones arriving in this part of North America, there were many Indigenous languages already spoken here. Those are the true founding languages of the land on which we now live.

Colleagues, is it not better to reflect on the true history of Canada and recognize that we may have many Indigenous languages as founding languages? Can the Senate play a major role and also seize this historic opportunity to send Bill C-13 back to the House of Commons and tell them to do better, tell them to include protection of Indigenous languages in this bill and tell them to provide the same legally enforced protection to Indigenous languages that we provide to English and French in this country? Colleagues, let us embrace the new Canada. Let us embrace the future rather than resisting change and fighting for the status quo.

The beginnings of Bill C-13 that is before us lay in the 1963 Royal Commission on Bilingualism and Biculturalism, which provided the push for the legislation which followed. Speaking in support of the Official Languages Act in the House of Commons in 1968, then-prime minister Pierre Trudeau said:

> In all parts of the country, within both language groups, there are those who call for uniformity. It will be simpler and cheaper, they argue. In the case of the French minority, isolation is prescribed as necessary for survival. We must never underestimate the strength or the durability of these appeals to profound human emotions.
>
> Surely these arguments are based on fear, on a narrow view of human nature, on a defeatist appraisal of our capacity to adapt our society and its institutions to the demands of its citizens. Those who argue for separation, in whatever form, are prisoners of past injustice, blind to the possibilities of the future.
>
> We have rejected this view of our country. . . .

That is what then-prime minister Pierre Trudeau concluded. These powerful words from 1968 would also apply to Canada today when we discuss Indigenous languages. But they were spoken over half a century ago, before there was a more complete understanding of the Indigenous culture of Canada.

But make no mistake: As early as 1963, the Royal Commission on Bilingualism and Biculturalism was explicit about the importance of language to culture, stating:

> Language is also the key to cultural development. Language and culture are not synonymous, but the vitality of the language is a necessary condition for the complete preservation of a culture.

That same argument can — given our heightened awareness of Indigenous culture and history — be extended today to Indigenous languages.

More recently, in its June 2015 final report, the Truth and Reconciliation Commission called upon the federal government to ". . . acknowledge that Aboriginal rights include Aboriginal language rights."

Colleagues, today the governments of Nunavut, the Northwest Territories and British Columbia are the only areas in Canada that have passed legislation aimed at protecting and promoting Indigenous languages. When the Truth and Reconciliation Commission reported, the government of Prime Minister Justin Trudeau committed itself to implementing all its recommendations. In addition, Canada supports the United Nations Declaration on the Rights of Indigenous Peoples, in which culture and language rights are central to 17 of the declaration's 46 articles and its protection and promotion of Indigenous culture.

For example, Article 13 of the UN Declaration states that:

> Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 8 specifically mentions that:

> Indigenous peoples and individuals have the right not to be subjected to forced assimilation or the destruction of their culture.

To that end, and in response to the recommendations of the Truth and Reconciliation Commission, the Government of Canada introduced Bill C-91, An Act respecting Indigenous Languages, which received Royal Assent on June 21, 2019.

Unfortunately, the Indigenous Languages Act, unlike the Official Languages Act, does not provide legal protections for Indigenous languages in the same way that the Official Languages Act protects both official languages. The Indigenous Languages Act promotes Indigenous languages through positive measures, but the Commissioner of Indigenous Languages does not have the same enforcement powers as the Commissioner of Official Languages, powers which are being strengthened in Bill C-13 before us. More importantly, those who believe their Indigenous language rights are being violated have no recourse to courts for those perceived violations under the act, unlike Part X of the Official Languages Act, which allows for complaints to be remedied by a federal court.

Why are there no similar court remedies in Bill C-91, the Indigenous Languages Act? Colleagues, it is an act of good intentions, an act of reassuring words and a paternalistic pat on the head, but no enforcement.

In the past, the Senate has shown leadership on language issues. Bill S-3 was introduced in 2005 by the late senator Jean-Robert Gauthier, and was intended to give some teeth to the Official Languages Act by stressing the binding nature of the commitment set out in Part VII of the act. Second, it imposed obligations on federal institutions regarding the implementation of this commitment.

• (1610)

Third, the bill included a remedial power that allows the courts to monitor the implementation of the act by governments. This bill was passed by both houses of Parliament and received Royal Assent in November 2005.

Colleagues, we owe it to the Indigenous community to embrace the new Canada we are building together. The old Canada thinking in this bill is partly the result of the distorted history we all studied when we were in school and the massive gaps in our knowledge of the Indigenous community, their customs and their society.

This absence of knowledge in Canadian society about our Indigenous history is slowly ending, and this bill should give legal protection to Indigenous language rights, thereby moving past the outdated view of only two official languages.

Once again, colleagues, the Senate, if it has the will — as it has done in the past — can improve language legislation and change the status quo.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

## BILL TO AMEND CERTAIN ACTS AND TO MAKE CERTAIN CONSEQUENTIAL AMENDMENTS (FIREARMS)

FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms).

(Bill read first time.)

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

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

[*English*]

## THE SENATE

MOTION ADOPTED

**Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate),** pursuant to notice of May 17, 2023, moved:

> 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.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## CANADIAN POSTAL SAFETY BILL

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Cordy, for the second reading of Bill S-256, An Act to amend the Canada Post Corporation Act (seizure) and to make related amendments to other Acts.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I move that this bill be adjourned in my name for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

## NATIONAL STRATEGY RESPECTING ENVIRONMENTAL RACISM AND ENVIRONMENTAL JUSTICE BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCallum, seconded by the Honourable Senator Boisvenu, for the second reading of Bill C-226, An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice.

**Hon. Marilou McPhedran:** Honourable senators, hello, *bonjour*, *tansi*.

As a senator for Manitoba, I acknowledge that I live on Treaty 1 territory, the traditional lands of the Anishinaabe, Cree, Oji-Cree, Dakota and Dene peoples, and the homeland of the Métis Nation.

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

[*English*]

I rise today to speak in support of Bill C-226, introduced in the other place by Member of Parliament Elizabeth May, Co-leader of the Green Party of Canada, and sponsored here by my esteemed Manitoba colleague Senator M.J. McCallum.

Honourable senators, it is heartening to note that this is one of the rare private member's bills that received government support, as you heard when Senator Gold spoke in favour earlier this week.

It is my hope that I can best voice my support for this bill — which asks the Minister of Environment and Climate Change to develop a national strategy to counter environmental racism — by noting the ways in which passage of this bill will bring Canada more into alignment with existing international obligations including the UN Declaration on the Rights of Indigenous Peoples. Let us recall that apologies have been issued by Canada to Indigenous peoples, and now we must see actions to match. Bill C-226 could well galvanize such actions.

Having reviewed other contributions to this debate, the international context has certainly been mentioned, but I hope it will be helpful if I add some more detail to this aspect of why Bill C-226 is so deserving of our support.

Allow me to begin to observe why alignment with and implementation of our international human rights obligations is important and relevant to this bill on countering environmental racism.

To quote the Institute for Research on Public Policy just yesterday:

> While Canada has long had a stellar reputation internationally for protecting human rights, our domestic track record is more dismal than that reputation would suggest. Time and again, decision-makers have failed to implement United Nations human rights treaties and recommendations at home on issues including the rights of Indigenous peoples, racism, gender equality, refugees and migrants, disability, housing, law enforcement and corporate accountability.

• (1620)

At the core of Canada ratifying any international rights treaty is our constitutionally entrenched commitment to equality rights, as well as the practical outcome that people in Canada can not only know and claim their rights, but — through implementation — they can also live their rights.

In the international context, Canada has recognized various human rights implicated by hazardous substances and wastes through its ratification or accession of seven United Nations

human rights treaties. Under these treaties, Canada has specific obligations. These obligations, assumed voluntarily by Canada in signing and ratifying such treaties, clearly set out commitments to protect, respect and fulfill universal human rights, including the right to life and dignity; health; security of the person and bodily integrity; safe food and water; adequate housing; and safe and healthy working conditions.

Canada has specific obligations regarding the human rights of all people in Canada — all underpinned by protection from discrimination. These rights and obligations combine to create a duty for Canada to counter environmental racism.

In Bill C-226, we see a practical, measured way for Canada to take some big steps forward in bringing Canada more into alignment with existing international human rights obligations.

With the bill's short title, national strategy respecting environmental racism and environmental justice act, it is set out in this bill that the national strategy must include measures to examine the link between race, socio-economic status and environmental risk; collect information and statistics relating to the location of environmental hazards; collect information and statistics relating to negative health outcomes in communities that have been affected by environmental racism; and assess the administration and enforcement of environmental laws in each province. It must also include measures to address environmental racism in relation to possible amendments to federal laws, policies and programs; the involvement of community groups in environmental policy-making; compensation for individuals or communities; ongoing funding for affected communities; and the access of affected communities to clean air and water.

In his 2020 report on Canada, the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes — after visiting a number of racialized communities, and meeting with government representatives in British Columbia, Alberta, Ontario and Quebec — noted:

> Canada has obligations regarding the rights to information, participation, access to justice and remedies, and specific obligations regarding the rights of Indigenous peoples, children, different genders, workers, minorities, migrants, and persons with disabilities, among other vulnerable groups . . . .
>
> Together, these rights and obligations create a duty for Canada to prevent exposure to toxic and otherwise hazardous substances. The only way to protect against violations of the above human rights is to prevent exposure. . . . However, businesses have critical responsibilities to prevent exposure as well.

To respect my time boundaries today, I'll limit references to former UN special rapporteur Baskut Tuncak in his report on Canada, but I do want to note that he acknowledged that Canada has ratified all international chemicals and wastes treaties, and is in the process of moving toward adhering to the Basel Ban Amendment to the Basel Convention, which Canada adopted in 1992, with the primary objective of protecting human health and environments from the adverse effects of waste. If Canada respects and implements the Basel Ban Amendment, hazardous waste can no longer be exported to other countries from Canada.

The UN special rapporteur also noted numerous concerns; for example, he noted the "jurisdictional quagmire" faced by Indigenous peoples — where reserves often fall between the cracks of federal and provincial jurisdiction, posing a risk for unregulated exposures. For example, throughout Canada, provincial drinking water quality standards are not applicable on reserves, and federal standards are not legally binding, as they have yet to be set. As stated by the UN special rapporteur, "Jurisdictional separation is not an excuse for shortcomings by the Government in taking prompt action to address toxic exposures."

He also noted:

> . . . marginalized groups, and Indigenous peoples in particular, find themselves on the wrong side of a toxic divide, subject to conditions that would not be acceptable elsewhere in Canada.

Honourable colleagues, environmental racism has two main components: distributive spatial injustice and procedural injustice. The first is concerned primarily with the inequitable location of industrial polluters and other environmentally hazardous projects, and the second focuses on institutional mechanisms and policies that perpetuate inequitable distribution of those activities.

Close to home for me, year after year, Indigenous leaders in Manitoba present well-documented actions of Manitoba Hydro that — as they have noted — show how these two components of injustice operate in systemic ways to the detriment and, far too often, the destruction of First Nations communities.

According to Wa Ni Ska Tan, an alliance of Manitoba First Nations:

> Manitoba Hydro has profited for over a hundred years at the expense of its First Nation partners. It pushes for the development of devastating hydroelectric mega projects to make millions of dollars exporting power to the United States, and Indigenous communities pay the price a thousand times over. New partnerships . . . are more of the same, with communities being saddled with millions of dollars in debt — on top of cultural and environmental costs — for a generating station that provides little or no economic benefit.

Colleagues, there is a cruel irony in the fact that many First Nations families report high electricity bills — often upward of $500 per month. This seems particularly unfair, as the power is generated from their now-destroyed ancestral lands.

In short, in Manitoba, Indigenous traditional livelihoods and ways of being are often undermined or destroyed by environmental racism. For example, Senator McCallum has spoken here about the negative impact of "man camps" — how the influx of external workers for hydroelectric developments can lead to increased sexual exploitation, substance abuse and social disruption, exacerbated by incidents marked by racism and sexism that have led to violence and loss.

In concluding his report on Canada, the UN special rapporteur made a number of recommendations that are addressed positively in Bill C-226. I will note one that relates directly to the adoption of this bill: "Establish a sound environmental justice framework based on the principles of procedural justice, geographic justice, and social justice . . . ."

Colleagues, given the importance of the issues discussed, and being conscious of how time will become more limited for non-government bills as we navigate the precious — and pressured — final weeks before we rise in June, I now invite your active support for this bill. Let's send it to committee for continued study as soon as we possibly can.

Thank you. *Meegwetch*.

(On motion of Senator Martin, debate adjourned.)

• (1630)

[*Translation*]

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTH REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eighth report of the Standing Committee on Internal Economy, Budgets and Administration, entitled *Amendments to the Senate Administrative Rules*, presented in the Senate on May 16, 2023.

**Hon. Lucie Moncion** moved the adoption of the report.

She said: Honourable senators, this report contains a recommendation of the Standing Committee on Internal Economy, Budgets and Administration to amend a section of the *Senate Administrative Rules*.

The provision in question, section 11 of Chapter 3:03, currently states that the consent of the Internal Economy steering committee is required for any commercial use of the Senate's intellectual property, except by way of fair dealing, an exception set out in the Copyright Act.

The committee recommends that this provision be amended such that the steering committee's consent is no longer required when the commercial use is insignificant in nature or when a statutory exception other than fair dealing applies.

[*English*]

The Senate of Canada creates and owns a variety of intellectual property, from the recordings of debates in the chamber or in committee to the material we make available on our website to communicate our work to Canadians. Per the *Senate Administrative Rules*, requests from members of the public to use this intellectual property are addressed by the Administration, specifically by the Communications Directorate, with the support of the Office of the Law Clerk and Parliamentary Counsel. As is currently required by the section at issue in this report, whenever a request has a commercial element to it, no matter how incidental, insignificant or improbable, the Administration will bring it to the steering committee for direction.

By adopting this report, the Senate will simplify the process by which requests from the public are addressed, as it will reduce the number of requests that must be considered by the steering committee while preserving its role in approving or rejecting significant commercial uses of intellectual property.

I would add here that the Administration will provide quarterly reports on the requests it receives and how they have been handled.

Finally, this report will also add reference to statutory exceptions to intellectual property generally and confirm the Administration's current practice, which is to comply with Canadian law and any exceptions that might apply.

Thank you. With this, if there are no questions or debate, I move the adoption of the report.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON THE PROVISIONS AND OPERATION OF THE SERGEI MAGNITSKY LAW AND THE SPECIAL ECONOMIC MEASURES ACT

TENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Strengthening Canada's Autonomous Sanctions Architecture: Five-Year Legislative Review of the Sergei Magnitsky Law and the Special Economic Measures Act*, tabled in the Senate on May 16, 2023.

**Hon. Peter M. Boehm** moved:

> That the tenth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Strengthening Canada's Autonomous Sanctions Architecture: Five-Year Legislative Review of the Sergei Magnitsky Law and the Special Economic Measures Act*, tabled in the Senate on Tuesday, May 16, 2023, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs being identified as the minister responsible for responding to the report, in consultation with the Minister of Public Safety.

He said: Honourable senators, I rise today to speak to the tenth report of the Standing Committee on Foreign Affairs and International Trade, entitled *Strengthening Canada's*

*Autonomous Sanctions Architecture: Five-Year Legislative Review of the Sergei Magnitsky Law and the Special Economic Measures Act.*

This comprehensive report is the culmination of eight meetings between October 26, 2022, and February 15 of this year. Over the course of the committee's study, it heard from 26 expert witnesses, including officials from Global Affairs Canada, the Canada Border Services Agency and the Royal Canadian Mounted Police, legal and banking experts, renowned academics, sanctions advocates and members of civil society. I will highlight three particularly high-profile witnesses from whom the committee was honoured to hear.

Bill Browder is an author and head of the Global Magnitsky Justice Campaign. His lawyer, Sergei Magnitsky, was, of course, the inspiration for Canada's Justice for Victims of Corrupt Foreign Officials Act, also known as the Sergei Magnitsky Law.

Evgenia Kara-Murza is Advocacy Coordinator of the Free Russia Foundation. Her husband, Russian political activist and opposition leader Vladimir Kara-Murza, is imprisoned in Russia on charges of treason, partly for speaking out against the war in Ukraine. Like her husband, Ms. Kara-Murza is an unwavering and courageous long-time advocate for introducing Magnitsky laws around the world and targeting Russia in particular with Magnitsky-style sanctions.

Finally, we heard from our dear former Senate colleague and my predecessor as chair of the committee, the Honourable Raynell Andreychuk. It was former Senator Andreychuk who spearheaded Canada's Sergei Magnitsky Law by sponsoring then Bill S-226, which received Royal Assent on October 18, 2017.

Senator Andreychuk's bill and the date it became law provided the impetus for the committee's study. The Justice for Victims of Corrupt Foreign Officials Act prescribes a report and review requirement under section 16. Section 16(1) states:

> Within five years after the day on which this section comes into force, a comprehensive review of the provisions and operation of this Act and of the Special Economic Measures Act must be undertaken by the committees of the Senate and of the House of Commons that are designated or established by each House for that purpose.

This is the procedural answer to why the committee undertook this study and when, but it was not thrust upon us either. The committee actively sought authorization from the Senate to conduct this study, which was granted on October 17 of last year. In my completely unbiased opinion, the Senate Foreign Affairs and International Trade Committee was best placed between the two houses of Parliament to take this on, given both the Senate's strong reputation for committee work and the Senate's less partisan nature.

Section 16(2) states:

> The committees referred to in subsection (1) must, within a year after a review is undertaken under that subsection or within any further time that may be authorized by the Senate or the House of Commons, as the case may be, submit a report on the review to Parliament, including a statement of any changes that the committees recommend.

Well in advance of the one-year mark, that is what the committee has done, colleagues, and I'm expanding on that a little bit today.

Part of the reason I as chair was so keen on the committee undertaking the first comprehensive review of the provisions and operation of the Sergei Magnitsky Law and of the Special Economic Measures Act, or SEMA, was because, as we all know, sanctions have been one of the most used diplomatic tools and one of the most debated issues of the past 15 months since Russia invaded Ukraine on February 24, 2022.

• (1640)

Also, these legislative instruments have become increasingly important in the government's tool kit, particularly as the United Nations Act is used less frequently given the gridlock at the United Nations Security Council on sanctions issues — and so many others. In other words, colleagues, both procedurally and topically, this was the right time for this study.

As the report states, over the course of the study, witnesses highlighted various improvements made to the sanctions regime over the past five years, including the creation of the Consolidated Canadian Autonomous Sanctions List. However, witnesses also said that the Government of Canada must improve how it communicates information on autonomous sanctions to the public and called on the government to develop clear guidance on the interpretation of sanctions regulations.

After hearing from the 26 expert witnesses, the committee concluded that Canada must outline the goals it wishes to achieve through the imposition of sanctions and must analyze the results regularly.

It was clear in our deliberations that the committee believes in the usefulness of the Sergei Magnitsky Law and the Special Economic Measures Act. However, as is outlined in the report, the committee is making 19 recommendations to improve the coherence and operation of Canada's sanctions regime. I wish to highlight a few of the more consequential recommendations.

Recommendation 19 calls on the government to:

> . . . amend the *Special Economic Measures Act* and the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)* to require that new regulations made under either Act include a sunset clause that would prescribe a date for the termination of the sanctions regime unless renewed prior to the expiry of the term.

As the committee heard, there is a fair bit of precedent in the use of sunset clauses and sanctions laws around the world, including by the European Union and the United Nations.

Dr. Meredith Lilly, a professor at Carleton University's Norman Paterson School of International Affairs, summarized the need for sunset clauses during the committee's meeting on November 2, 2022. Dr. Lilly said these measures could

". . . ensure that outdated and unnecessary sanctions are removed, and it can also decrease the politicization of the sanctions." She further argued that automatic sunsetting clauses:

> . . . force a discipline on the public service to continuously monitor and stay abreast of the developments to inform any renewal decisions.

Basically, the committee is advocating for sunset clauses to amendments to Canada's sanctions regimes to ensure that the laws always serve their intended purposes and are, without politicization, consistently reviewed by well-informed policy-makers.

In recommendation 18, the committee recommends that committees of the Senate and the House of Commons conduct a comprehensive review of the two acts every 10 years to ensure that Canada's autonomous sanctions regimes remain fit for purpose. This recommendation is deliberately non-prescriptive to give the government of the day flexibility in determining how to amend the Sergei Magnitsky Law in this regard.

What this could look like, in my opinion, is that to ensure ongoing review, the designated committees in the Senate and the House of Commons could alternate five-year periods so that, in effect, the Sergei Magnitsky Law and SEMA would each be reviewed every five years, and by each committee every ten years.

For example, the Senate Foreign Affairs and International Trade Committee reviewed the laws in 2023; the House committee could do so in 2028; then it would be back to the Senate in 2033, et cetera.

Other fundamental recommendations include those on communication; interdepartmental cooperation; administration and enforcement; collaboration with allies, civil society and the academic and research communities; and delisting.

With regard to interdepartmental cooperation, the committee noted the establishment of a sanctions bureau at Global Affairs Canada and the need to ensure that officials engaged in sanctions work — especially in the RCMP, CBSA, FINTRAC, CSIS and CSE — are well versed. Increased cooperation among domestic departments and agencies also requires closer collaboration with similar units in jurisdictions with which Canada is allied.

On communication, I was struck by the extent to which a more effective sanctions regime comes down to better communication with the public regarding the effects and implementation of autonomous sanctions. That is why recommendation 10 calls on the government to:

> . . . provide more detailed identifying information on sanctioned individuals and entities in the regulations made pursuant to the *Special Economic Measures Act* and the *Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law)*.

The committee further recommends:

> The government should also include detailed identifying information in the Consolidated Canadian Autonomous Sanctions List, along with the justifications for listing individuals and entities.

Colleagues, I will not recite every recommendation. I simply wished to highlight a few that I feel are particularly important.

I encourage those of you who are interested to read the report, as it is, I think, an exceptional piece of work, of which I am proud as chair, on a subject that is both crucial and timely, especially given the significant increase in the use, by Canada and our allies, of autonomous sanctions since Russia invaded Ukraine.

I wish to thank committee members and other colleagues who participated in these meetings, the staff — in particular, the committee analysts who drafted the report — and the expert witnesses, without whose time and commentary this study would not have happened and this report would not exist.

Colleagues, there may be other senators who wish to speak on this report. I very much look forward to more debate on this important topic. It is my hope that this motion, and thus the report, will be adopted very soon — as in very, very soon — so that we can maintain momentum and start the clock on the 150 days the government will have to provide a full and detailed response. Thank you very much.

**Hon. Yuen Pau Woo:** Honourable senators, given Senator Boehm's admonition, I've decided to speak now rather than next week. As a result, my comments may be less organized than I would like them to be.

I have no disagreement with the chair's summary and I want to thank him, Deputy Chair Senator Harder and all my colleagues for the excellent work that we did on this report.

Colleagues, the report was very much about the machinery and mechanics of our sanctions regime and how we could make it better. It included questions of administration, clarity of sanctions tools, coordination with allies, reporting, as well as consideration of unintended consequences.

We spent much less time, though, on the question of efficacy, which is to say, "Do sanctions work?" On this, the closest that we came to a conclusion is, "It's difficult to say." That is in the official press statement.

When it comes to the traditional criteria for measuring the success of sanctions — i.e., change of behaviour or deterrence of such bad behaviour in the future — I did not hear a single witness say unequivocally that sanctions have been successful. On the other hand, we did hear that sanctions may be considered successful based on a number of other criteria that are non-traditional. These include the desire to punish, the need to show solidarity with allies and the need to appeal to public sentiment.

Unfortunately, these other criteria are not the ones that we officially cite as reasons to have sanctions in the first place. Perhaps these new criteria are, in fact, the reasons for Canada to have sanctions — but if that is the case, let's be honest in saying so.

The reason I raise this issue is because, of late, we have become the world champions in autonomous sanctions and perhaps have forgotten, as Senator Boehm has rightly pointed out, that sanctions are one among a number of diplomatic tools that we have to address difficult international problems and, indeed, that sanctions may not even be the best tool for a particular problem.

You know the old saying about the tendency to use the tool you have in front of you to deal with a problem. If you have a sledgehammer, that is what you will use; however, it's not clear that a sledgehammer is the best tool, indeed.

Ultimately, sanctions are a form of economic coercion, and we take great umbrage, of course, when economic coercion is directed at us.

• (1650)

The proliferation of the use of sanctions, the widespread use of sanctions, the increasing tendency and preference to use sanctions, the finessing and the extension of different types of sanctions, while possibly necessary, is ultimately a statement on the failure of diplomacy. I'm not sure this is a gold medal situation.

This is a real concern because we're actually going around the world talking about how we are the world champion in autonomous sanctions. When we say this, I don't know which of the new criteria we're using to give ourselves this award. Is it that we get a gold medal because of our solidarity with allies in imposing sanctions? Is it that we get a gold medal because we are the best at punishing people? Is it that we get a gold medal because we are the best at the political appeal of sanctions, the populist instinct for wanting to do something about a difficult situation? I don't know, but I am pretty sure that we do not yet have the evidence that the traditional criteria — change of behaviour and deterrence — have been met in awarding ourselves any top prize.

Honourable senators, this problem is compounded by the issue of inconsistency in the application of autonomous sanctions, which, by the way, is one of the findings in our report but probably one that will not be given very much attention. It is important, though, because inconsistency in the application of autonomous sanctions is not just a trivial case of "whataboutism," but it fundamentally undermines the slender moral authority on which we have to impose sanctions in the first place. It is a recommendation, and I do hope we pay attention to it.

Sanctions have real and long-term consequences for affected countries, even when they are attempts at targeting just the bad guys. They are difficult to unwind once they are applied, which is why I so much agree with one of the recommendations around the sunset clause for autonomous sanctions. This too is an important finding of the report, and I hope it gets serious attention.

To conclude, honourable senators, this report was a very useful exercise in our statutory review of the Sergei Magnitsky Law. I hope the government will take it seriously. When we come around to the next five-year review or — in the case of Senator Boehm's suggestion — the next ten-year review, I hope that we will be able to say with some satisfaction that we've actually reduced our use of sanctions and that we've become smarter in the use of ongoing sanctions, not because we are turning our backs on injustices in the world but because we have found a better way to address them. Thank you.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## FOREIGN AFFAIRS AND INTERNATIONAL TRADE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE SITUATION IN LEBANON—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Smith:
>
> That the Standing Senate Standing Committee on Foreign Affairs and International Trade be authorized to examine and report on the situation in Lebanon and determine whether Canada should appoint a special envoy, when and if the committee is formed; and
>
> That the committee submit its final report no later than February 28, 2022.

**Hon. Yonah Martin (Deputy Leader of the Opposition):** I'd like to adjourn the motion standing in the name of Senator Housakos.

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

**Hon. Senators:** Agreed.

(Debate adjourned.)

## RCMP'S ROLE AND MANDATE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Harder, P.C., calling the attention of the Senate to the role and mandate of the RCMP, the skills and capabilities required for it to fulfill its role and mandate, and how it should be organized and resourced in the 21st century.

**Hon. Donald Neil Plett (Leader of the Opposition):** Honourable senators, I rise to speak today to Inquiry No. 5 proposed by Senator Harder, calling the attention of the Senate to the role and the mandate of the Royal Canadian Mounted Police, or RCMP, the skills and capabilities required for it to fulfill its role and mandate and how it should be organized and resourced in the 21st century. I would like to address Senator Harder's specific proposal and also make some comments about what we are facing today as a country when it comes to policing.

First, with respect to Senator Harder's inquiry, its scope is extremely broad. If one considers all the components of the issues he raises, it includes the RCMP's role, the RCMP's mandate, the skills and capabilities required to fulfill the RCMP's role, the skills and capabilities required to fulfill the RCMP's mandate, how the force should be organized in the 21st century and how the force should be funded in the 21st century. When one looks at the scope, it touches not only on the federal role of the RCMP, but also its role in eight provinces and three territories.

We need to remember that within the domain of federal policing, the RCMP is responsible for all ordinary federal law enforcement; drug enforcement; weapons trafficking enforcement; fugitive apprehension; the protection of the Governor General and the Prime Minister, as well as other at-risk officials and diplomats; for the policing of properties in the National Capital Region; and counter-espionage, counter-subversion and counterterrorism roles that are carried out in conjunction with the Canadian Security Intelligence Service, or CSIS. We then have the separate mandate of RCMP policing in eight of Canada's ten provinces, in many municipalities in those provinces and in Canada's three territories.

When we are examining the role of the RCMP and the mandate of the RCMP, in addition to other issues that Senator Harder raises, this constitutes an extremely broad area. All of these areas touch on multiple complexities in policing. They also involve significant machinery of government issues, ones that would likely take years of work to both understand and address.

I understand that it is tempting to come to quick conclusions, one of which is that the RCMP's mandate is too broad. Indeed, Senator Harder has already come to that conclusion, and in this regard, I refer to Senator Harder's remarks in 2021, when he stated that the RCMP's mandate is:

> . . . simply too large and too heavily oriented to a provincial policing role that is no longer appropriate for a critically important federal organization. It's too big to succeed.

For my friend Senator Harder, a conclusion has already been arrived at. I don't know if this is what his intention was, but in reading his words, one might surmise that he's already come to the conclusion that the RCMP must be broken up. That may be what the senator is advocating, but we should be under no illusions about the complexities of doing that since presumably eight provinces and three territories would have their own views.

I know that some provinces, such as Alberta, are considering the option of creating a provincial police force. Such police forces already exist in Ontario, Quebec and, to a more limited extent, in Newfoundland and Labrador. But what may work in some provinces may not work in others. Senator Harder was quite correct when he said in his remarks that:

> Many Canadians, especially in Western Canada, see the RCMP as a much-loved symbol of a measured and responsible approach to policing in their communities.

• (1700)

I can certainly confirm that from personal experience.

In rural Manitoba, we have all grown up with the RCMP which, in my experience, has always provided exemplary service. I also believe that many provinces themselves would not be in a rush to simply create new provincial police forces out of thin air. There are potentially enormous transition costs associated with creating new provincial police forces. Canada's debt today is unprecedented.

Frankly, I would suggest that, today, the additional cost burdens associated with potentially creating new provincial police forces are not ones that we would want to assume. In that regard, I think we need to be careful before we rush to the conclusion that, in all areas and in all provinces, the RCMP, as Senator Harder put it, is too big to succeed. In my view, that puts the cart before the horse because there are multiple areas of policing that we first need to fully understand before we arrive at such a definitive conclusion.

When Canadians consider the broader issue of policing in Canada, there are many issues that they want to see addressed before we jump to the conclusion that it is the RCMP's current organization that is at the root of the problem. I would just like to highlight some of the issues in policing that I believe we should be looking at before we accept such a conclusion.

To start with, we have a very serious problem in Canada today when it comes to the smuggling of guns destined for criminal organizations. It is quite clear that the gun-smuggling problem is really at the root of much of the violence in our urban centres.

We also see a growing problem when it comes to the manufacture of 3D-printed guns. I recently met with police officers who were very alarmed by the growth of the 3D-printed-gun problem.

When it comes to gun smuggling, Toronto Police Chief Myron Demkiw recently testified in the House of Commons that approximately 86% of crime guns seized were ones that had been smuggled into our country. We do not hear a lot about that. What we hear from today's government is that they want to target law-abiding sport shooters and collectors, people who have lawfully and responsibly held their firearms for decades.

Many engage in wishful thinking that, if we go after sport shooters and collectors in Western Canada or rural Ontario and Quebec, somehow the gun crime in Toronto and in other urban centres will be reduced. This is an ideological approach to gun control that is ignoring the fact that gun smuggling by organized crime and criminal gangs and 3D gun-making lie at the root of much of the problem.

It would have been very useful had Senator Harder's inquiry proposal focused on that type of very specific problem, a problem that actually impacts ordinary Canadians. It is a problem that particularly impacts Canadians who live in many of our urban centres. It also disproportionately impacts Canadians who live in vulnerable communities directly impacted by the scourge of gun and gang crime.

When we consider the role of the RCMP in all of this, questions that I think are appropriate include: What resources are available to the RCMP to stop gun smuggling across the Canada-U.S. border? How is the RCMP organized to carry out that task? Would it make sense to devolve such a mandate to a dedicated agency, such as those which exist in the United States when it comes to cross-border smuggling? That sort of investigation is desperately needed and it would address a real and growing problem.

Colleagues, we need to be more aware of the fact that Canadians are being confronted with a major problem related to crime growth in Canada. Too often in this chamber we are in a bubble where ideology prevails and we are willfully blind to what is going on outside this building.

The CBC recently reported Statistics Canada information which reveals that violent crime in Canada is up some 30% since 2015, the year the current government took office. According to Statistics Canada, there were 2 million crime incidents in Canada in 2021. There were 788 homicides in 2021, 29 more than in 2020. Almost half of the nearly 300 firearm homicides in Canada were reported by police as gang-related. My own province of Manitoba had the second-highest homicide rate in our country.

I would wager that more Canadians are concerned about how to make the RCMP as effective as possible in fighting crime on our streets than they are about how we reorganize the RCMP because some senators have prematurely concluded that it is too big to succeed.

If you asked people in Manitoba what their most urgent concern is with respect to the RCMP, I doubt very much that they would answer, "We urgently need to get rid of the RCMP and set up a provincial police force." What Manitobans want is for the problem of crime to be addressed and for all police services to get the resources that they desperately need.

In my recent meeting with Winnipeg police officers, they told me how property crime in Winnipeg has exploded. It has exploded because of the growing drug use and drug dependency.

These days, the Winnipeg Police Service is not able to respond effectively to property crimes because they are too consumed with the rise in drug-driven violent crime; some of that is the product of lax laws and a revolving-door justice system. There are those in this chamber who instinctively reject that, but the evidence is very conclusive.

The *National Post* recently published an investigative report which illustrates how the government's so-called safer supply of drugs is fuelling a new opioid crisis. The study interviewed 20 health-care experts and revealed that a significant portion of the so-called safer supply drugs are being distributed through government-funded programs and then sold at a huge markup on the black market to fund the ongoing purchase of fentanyl.

Fentanyl, as senators know, has killed more than 35,000 people since 2016. This is a staggering number, colleagues, which rivals most war zones anywhere. As much as we would like to pretend otherwise, the problem is not going away. In the past number of years, communities across Canada have been flooded with cheap opioids. One doctor is quoted in the study as saying:

> I meet people in my office that buy large amounts of it and then ship it off to Saskatchewan, Manitoba and the United States, where it's much more valuable.

That drug use on Winnipeg streets has helped fuel the explosion of drug-based crime. There is the additional problem that individuals committing most of the crime often tend to come from the same group of criminals.

Michael Weinrath, a criminologist at the University of Winnipeg, has analyzed the problems and estimates that while high-risk offenders only constitute 10% to 15% of all offenders, they nevertheless account for 50% to 70% of all the crime. As he recently stated, "A smaller proportion of repeat offenders are violent and keep committing violent offences . . . ."

Knowledge that this is happening is widespread.

• (1710)

A CBC story last year reported on this growing problem of prolific offenders in Canada. Prolific offenders are individuals who commit a disproportionate percentage of crimes. Such

individuals may commit dozens, even hundreds, of crimes, and yet they keep getting short sentences as a result of our system. This is a growing problem throughout Canada.

Last year, the BC Urban Mayors' Caucus, which consists of mayors from 13 municipalities representing more than half of the province's population, wrote a letter to provincial ministers demanding action on the matter of prolific offenders.

But provinces can only do so much. What we need are federal laws and a federal government actually willing to address this. We also require courts and judges willing to put the rights of ordinary citizens and communities first when it comes to dealing with high-risk and prolific offenders.

Quite frankly, colleagues, the rights of Canadians to be safe in their homes and in their communities are more important than the so-called rights that these offenders have to be on the street.

I can tell you that what Manitobans want in the face of this is for our laws to be effective so that police can forcefully tackle the growth in crime as well as the criminal gangs who are both driving it and exploiting it.

A 2019 poll conducted by Probe Research found that the number-one community issue for Manitobans was the problem of crime, with 39% of Manitobans ranking that problem as their number-one community issue. The problem of drugs ranked second at 20%. Four years later, those concerns by Manitobans have multiplied.

None of this is to say that the mandate or organization of the RCMP should not be part of a broader policing discussion, but I believe it is vital that, when we consider the issue of policing in Canada, we start by addressing the real on-the-ground problems faced by police services in Canada.

One of those real problems facing the RCMP and many other police forces is the shortage of front-line officers on the street. That is certainly a problem in my province of Manitoba. This is why Manitoba's Minister of Justice, Kelvin Goertzen, recently held an urgent meeting with Minister Mendicino.

That meeting request was to address the specific issue of the job vacancy rate in the RCMP. As Brian Sauvé, President of the National Police Federation, which represents RCMP members, has pointed out, recruitment is becoming a very serious challenge for not only the RCMP but for all police forces.

Policing shortages result in unsustainable workloads and exhausted officers. All of this seriously and negatively impacts community safety.

This problem, colleagues, is not unique to Manitoba. A vacancy rate of 20% was recently reported for the RCMP's authorized strength of about 7,100 in British Columbia. This problem is also not unique to the RCMP. Detachments of the Ontario Provincial Police are also reported as understaffed, and in 2020, more than 1,000 front-line constable positions were vacant, representing 26% of the total front-line constable positions. These are very serious operational shortcomings.

Why is this serious problem with policing not being addressed? Why is the Government of Canada instead so ideologically fixated on repealing minimum sentences even though crime on our streets is growing? Those are issues that the Senate should examine.

In terms of RCMP vacancies, cadets for the force are recruited into training cohorts called troops, each of which typically includes 32 cadets. Between 30 and 50 troops should be trained per year, which would allow for the addition of about 800 to 1,200 new officers every year.

We have statistics that for the RCMP alone in 2018-19 — just as an example — there were more than 8,000 applications to join the force. So in one year alone, there were about eight times as many applicants as there were training positions. If this is the case, why is recruit output apparently not keeping pace with the number of applications? Why is this such a challenge? Are we training a sufficient number of officers to even replace those who are leaving? If not, why not?

These are very specific questions that any Senate inquiry should consider.

We know that the current waiting list to get into the RCMP is long. Some applicants speak about waiting a year, two years or even three years after they apply. Why is the wait so long? What are the main problems with RCMP recruiting? Is it mostly a problem of training capacity at RCMP Depot Division? Why are the bureaucratic hurdles as cumbersome as they appear to be? Has RCMP recruiting drifted too far away from merit and meeting the force's most urgent operational requirements?

There appears to be no shortage of applicants from Canada's many demographic communities. We know, for example, that of more than 8,000 applicants in 2018-19, 1,476 self-identified as visible minority applicants, 357 identified as Indigenous and 1,489 were women. Yet, somehow there are still serious personnel shortages within the RCMP. Why is that?

Canadians would immediately understand the importance of honestly addressing and answering those questions.

Colleagues, we need to remember the immense dangers that our police officers are facing each and every day. When Constable Grzegorz Pierzchala of the Ontario Provincial Police was murdered just after Christmas last year, he was the fifth police officer murdered in Canada in the fall of 2022.

Then we heard the terrible news concerning the deaths of Constables Travis Jordan and Brett Ryan of the Edmonton Police Service. In April, Sergeant Maureen Breau of the Sûreté du Québec was murdered when she responded to a call. And now we have the tragic death of yet another Ontario Provincial Police officer, Sergeant Eric Mueller, in Bourget, just east of Ottawa. Two other officers were wounded.

This is an unprecedented and terrible situation. My condolences go out to the family and friends of Sergeant Eric Mueller, especially as the funeral procession and service were held earlier today. Please know that our thoughts and prayers are

with you, with all of the OPP officers and the entire community of eastern Ontario as you mourn the loss of a dedicated man — a man of service.

In 2021, only two officers were murdered in Canada, but in just the past several months, nine officers have been murdered and another RCMP officer, Constable Harvinder Singh Dhami, died in a collision while responding to a call.

• (1720)

The rise in criminal violence in Canada, the overcrowded conditions that confront our front-line officers and the increasing attacks on our police officers are the issues that should concern us the most.

I'll make no mistake. I applaud Senator Harder for his sentiment and concerns, but in my view it would be more productive if we focused on the very immediate policing problems that Canadians face.

After that, if need be, we can get to questions of organization. But let's start by being honest about the real policing challenges that are confronting Canadians every day of the week.

Thank you.

**Hon. Peter Harder:** Senator Plett, would you take a question?

**Senator Plett:** Certainly.

**Senator Harder:** Thank you very much for your intervention. I wish I had unlimited time as well. Let me first thank you for your contribution. I would like you to expand, though, if you would, on your suggestion that we have a separate entity to police the border with respect to at least the intrusion into our nation of guns or other illegal substances. Are you suggesting that the federal policing role of the RCMP be hived out?

**Senator Plett:** Well, I think I need to read my speech again. I didn't think I said that, Senator Harder.

**Senator Harder:** I think once is entirely adequate, but I just find it a little incongruous to say we shouldn't look at any machinery of government changes, and yet you propose an American-style border patrol, which would, of course, intrude on the existing RCMP mandate. I would suggest that you reflect on what further changes you would see to federal policing.

**Senator Plett:** Well, as you know, Senator Harder, I was speaking today on the inquiry that the RCMP is too large of an organization, in your words. I don't think they are too large of an organization. I relayed a number of ways that I feel that the RCMP could maybe expand their own mandate without us necessarily getting rid of the RCMP.

**Senator Harder:** You're withdrawing your suggestion of a separate border agency?

**Senator Plett:** I will answer with a smile as opposed to what the government leader does when he answers my questions. No, that is not, in fact, what I am doing. I'm not withdrawing anything I said nor am I suggesting that we have a separate police force to do that. I am saying the RCMP is quite capable of doing both of these jobs. They are quite capable of walking and chewing gum at the same time. I think that their mandate could be expanded to do exactly what I just said.

**Senator Harder:** I welcome your smile.

**The Hon. the Speaker:** Was that a question, Senator Harder?

**Hon. Hassan Yussuff:** Will the senator take another question?

**Senator Plett:** Yes.

**Senator Yussuff:** Senator Plett, thank you very much for your remarks. I'm not going to be as harsh as my colleague over there with some of your discrepancies. But it would be fitting to suggest that an institution that was created in 1867 could use a thorough review in how it functions and meets the needs of the nation.

The RCMP, like other institutions in this country, needs to be reviewed to ensure it can meet the modern times we're living in. As we know today, cybersecurity and cybercrimes are probably more heightened than anytime in history. Of course, when the RCMP was created, this was not a priority. It is now. It's a serious priority, and the RCMP is doing its best, of course, to meet that.

In 2023, I would argue that municipal policing and provincial policing have evolved, as we have seen in Ontario and Quebec. Certainly, we could look at other provinces wanting to take on that responsibility, which makes political and economic sense for them to do so. Certainly, I think you would accept that we need to look at this institution. What might come may include some recommendations on how we can modernize it to meet the needs of a nation. I don't think that would be out of step with what the inquiry can achieve. Would you not say so?

**Senator Plett:** Let me first of all say I didn't think Senator Harder had been very mean, as you might have alluded to. As I have said many times, Senator Yussuff, we can choose our friends, so I choose you as a friend. We can't choose our relatives, and Senator Harder is one of those. Nevertheless, I consider him a friend as well as a relative.

You know, Senator Yussuff, I'm not sure where anything in my speech that I made — again, as I already offered to Senator Harder, I could make the speech one more time; I do have unlimited time and we could make sure that I did say some of

those things — but absolutely we need to review that. I think as I said at the end, I applaud Senator Harder for starting an inquiry. There is nothing wrong with us trying to find out.

But when you say it would make political sense to start a provincial policing organization — I'm not sure that's what you said, but I think you at least alluded to that — I'm sorry, but I disagree that in our economic times I would want to take the political route over the economic route. We can't afford to establish new policing organizations, and just because some in this chamber believe that the RCMP has become too large, I don't think the people of Manitoba believe that. I think overall, in Manitoba, we are quite happy with the RCMP. As I said at the start of my speech, in Alberta, they are considering that.

I'm not sure that Ontario or Quebec have better policing than Manitoba does. I don't want to be critical of them because, fortunately — in my last few dozen years at least — I have not had many run-ins with the law enforcement in any province, and I'm thankful for that.

I'm quite content, and I feel quite well served by the RCMP in Manitoba. I feel very well served by the Parliamentary Protective Service here in the Parliamentary Precinct and by the Ottawa Police Service, the Ontario Provincial Police, and, certainly, when I go to Quebec, by the Quebec provincial police.

I'm not suggesting that a provincial police department is inferior. I'm just not sure that they are superior. I think the RCMP has served us very well since the beginning of Confederation. I'm kind of proud of seeing those uniforms, and I am a bit of a traditionalist — I'll admit that. But I kind of wish we still had them here on the Hill some days and be able to see the uniforms here.

(Debate adjourned.)

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE FEDERAL FRAMEWORK FOR SUICIDE PREVENTION WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Jane Cordy,** pursuant to notice of May 11, 2023, moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate, no later than June 30, 2023, a report related to its study on the Federal Framework for Suicide Prevention, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

She said: I move the motion standing in the name of Senator Omidvar.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(*At 5:29 p.m., the Senate was continued until Tuesday, May 30, 2023, at 2 p.m.*)

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**Thursday, May 18, 2023**

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## Thursday, May 18, 2023